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# ARTICLE 27

## RELATING TO LEGAL NOTICES

SECTION 1. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

### CHAPTER 11.4

#### MODERNIZATION OF LEGAL NOTICES AND ADVERTISEMENTS

**42-11.4-1. Legislative Findings.** -- It is hereby found and declared as follows: (a) Throughout the Rhode Island General Laws, there are over two hundred and fifty (250) discrete requirements for legal notices or advertisements to be published in newspapers. While the responsible parties, geographies (e.g., statewide or local), and frequencies of notice vary widely among these hundreds of different requirements, their common goal is to notify the public about informational requirements under law and to give the public a meaningful opportunity to participate in its government. However, modes of communication change over time, and along with these changes there is an obligation to openness for technological innovation.

(b) The United States Census Bureau reports that computer possession and household internet usage have consistently risen over time. For example, in 1997, there was a computer in thirty six and six-tenths percent (36.6%) of U.S. households, with eighteen percent (18%) of U.S. households reporting internet usage. By 2011, there was a computer in seventy five and six-tenths percent (75.6%) of U.S. households, with seventy one and seven-tenths percent (71.7%) of U.S. households reporting internet usage. The Bureau reported similar rates of household internet connection of Rhode Islanders in 2011 [seventy two and two-tenths percent (72.2%)]. These increases are inclusive, cutting across age, education attainment, income, and racial and ethnic boundaries.

(c) Using the internet to conduct civic transactions is a common practice according to a 2010 Pew Research Center’s Internet & American Life Project survey, which reported that eighty two percent (82%) of U.S. internet users looked for information or completed a transaction on a government website in the preceding twelve (12) months. This data is consistent with the experience in Rhode Island, where executive agencies have rolled out several new initiatives over the past few years that illustrate this trend: the expansion of online services at the division of motor vehicles; the introduction of a transparency portal (one of the first in the country) to

1 provide more information regarding the operation and management of government; the creation  
2 of a new division of veterans' affairs website; and the launch of an e-Licensing initiative by the  
3 department of business regulation, working with the office of digital excellence and the division  
4 of information technology.

5 (d) Further, Rhode Island is particularly well poised to harness the power of  
6 communicating digitally because of its depth of digital infrastructure. The New York Times  
7 reported in 2011 that Rhode Island had the fastest internet speed for residential customers in the  
8 country; and "broadband service," which describes high-speed internet, digital cable and digital  
9 phone services traveling through a single pipeline, is available to ninety seven percent (97%) of  
10 Rhode Islanders, with eighty three percent (83%) of Rhode Islanders having the choice of at least  
11 two (2) broadband providers, according to the Broadband Rhode Island initiative.

12 (e) While the use of the internet has grown nationally and in Rhode Island over time, with  
13 investments in expansion of online services and digital infrastructure, readership of daily  
14 newspapers has shown a steady slide in paid circulation. For example, the Pew Research Center's  
15 Project for Excellence in Journalism reported in 2011 that daily newspaper circulation, which  
16 stood at sixty two million three hundred thousand (62,300,000) in 1990, had fallen to forty three  
17 million four hundred thousand (43,400,000) in 2010, a decline of thirty percent (30%). In 1990,  
18 evening papers, which began to decline in the 1970s, made up about a third of daily circulation.  
19 In 2009, this ratio had dropped to just over ten percent (10%).

20 (f) Moreover, a national survey by the Pew Research Center for the People and the Press  
21 in 2010 found that "more people continue to cite the internet than newspapers as their main  
22 source of news, reflecting both the growth of the internet, and the gradual decline in newspaper  
23 readership [from thirty four percent (34%) in 2007 to thirty one percent (31%) now]."

24 (g) Given historical and current trends, offering an electronic means of publishing notices  
25 and advertisements is a common-sense, efficient way to disseminate vital information to the  
26 public for several reasons:

27 i. Publication of legal notices and advertisements by electronic means is more likely to  
28 reach citizens, providing them with crucial information about information required to be  
29 disclosed under law and a better opportunity to participate in government;

30 ii. Expanding the amount of information available electronically will allow for new forms  
31 of connection between citizens and government, through e-mail alerts and enhanced search  
32 opportunities; and

33 iii. Posting legal notices and advertisements electronically may ease the regulatory  
34 burden of compliance for businesses, especially small businesses, and governmental agencies by

1 offering a cost-effective alternative to newspaper publication that capitalizes on the state's  
2 existing technological assets and investments.

3 **42-11.4-2. Definitions.** -- As used within this chapter:

4 (a) “Department” shall mean the department of administration; and

5 (b) “Person” shall mean any individual, corporation, partnership, association,  
6 municipality, other public body, legal entity, employee or agent of the person.

7 **42-11.4-3. Authorized website transitional notice.** – (a) Notwithstanding any provision  
8 of the general or public laws to the contrary, any notice or other written matter required to be  
9 published by any law of this state in a newspaper shall be deemed to satisfy such requirement if  
10 posted on an “authorized website,” as defined in the rules and regulations promulgated in  
11 accordance with section 42-11.4-7.

12 (b) Before any person may post a notice or advertisement on an authorized website, such  
13 person must announce its intention to do so in the following ways and for the following periods  
14 of time:

15 (i) by publishing an announcement at least three (3) times a week for three (3)  
16 consecutive weeks in the newspaper or newspapers - where notice or advertisement is currently  
17 required to be published;

18 (ii) by publishing an announcement on the secretary of state’s website for at least three  
19 (3) consecutive weeks; and

20 (iii) by publishing an announcement on the Rhode Island transparency portal  
21 (<http://www.transparency.ri.gov/>) for at least three (3) consecutive weeks.

22 **42-11.4-4. Required posting.** -- Posting a notice or advertisement on the secretary of  
23 state’s website pursuant to section 42-46-6 shall not be sufficient to meet the requirements for  
24 posting on an authorized website pursuant to section 42-11.4-7.

25 **42-11.4-5. Costs.** -- Any costs associated with posting the notice or advertisement on the  
26 authorized website shall be borne by the party required to post the notice or advertisement as set  
27 forth in the rules and regulations promulgated in accordance with section 42-11.4-7.

28 **42-11.4-6. Burden of proof.** – In all actions brought under this chapter, the burden shall  
29 be on the party required to provide notice or advertisement to demonstrate notice or  
30 advertisement was sufficient pursuant to the rules and regulations set forth in accordance with  
31 section 42-11.4-7.

32 **42-11.4-7. Rules and regulations.** -- (a) No later than one hundred and twenty (120)  
33 days after the passage of this act, the department shall promulgate rules and regulations, after  
34 review and recommendation by the office of digital excellence, to implement the provisions of

1 this chapter.

2 (b) Such rules and regulations shall include:

3 (i) a mechanism by which the authorized website can send a subscribing person e-mail  
4 alerts (as specified by such subscribing person), including a choice of how often to receive such  
5 alerts and the option to terminate such alerts;

6 (ii) the ability to search the authorized website by statutory cite, keyword, or date of  
7 posting; and

8 (iii) the particular specifications, if any, required for mobile electronic devices to access  
9 the authorized website and utilize its functionalities.

10 **42-11.4-8. Penalties. -- Any person aggrieved as a result of violations of the provisions**  
11 **of this chapter may file a complaint with the department of attorney general. The attorney general**  
12 **shall investigate the complaint and, if the department of attorney general determines that the**  
13 **allegations of the complaint are meritorious, such person may file a complaint on behalf of the**  
14 **complainant in the superior court against the entities alleged to have violated the requirements of**  
15 **this chapter.**

16 SECTION 2. This article shall take effect upon passage.