**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3183**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. M.A. Pitts

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Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Public notice

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑81

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑81

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3183_20081216.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑29‑110 SO AS TO AUTHORIZE PUBLICATION OF A CERTAIN PUBLIC NOTICE, LEGAL NOTICE, OR ADVERTISEMENT THROUGH A PUBLIC NOTICE WEBSITE, AND TO ESTABLISH CERTAIN REQUIREMENTS AND PROCEDURES FOR A PUBLIC NOTICE WEBSITE PROVIDER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 29, Title 15 of the 1976 Code is amended by adding:

“Section 15‑29‑110. (A) Notwithstanding another provision of law, when a public notice, legal notice, or advertisement is required by law, except for a notice requiring personal service and service by registered or certified mail, then the notice or advertisement may be made through an Internet website regularly maintained by a county government in this State. The form of a notice or advertisement made under this section substantially must conform to the display and print requirements to which these postings or advertisements are statutorily subjected when published in a newspaper

(B) The submission of a public notice or legal notice must be made at the courthouse in the county where the notice or advertisement is required. The clerk of court shall place the notice or advertisement on the county website within twenty‑four hours of submission and payment of a fee required in this item. A reasonable fee, not to exceed ten dollars, may be charged by the clerk of court for this service and the maintenance of the public notice website. The State is not responsible for funding the operation or maintenance of a public notice website.

(C) In addition to other requirements contained in this section, a clerk of court shall:

(1) maintain the public notice website without interruption twenty‑four hours a day, seven days a week, every day of the year; and all features of the public notice website must be fully publicly accessible at all times, including all features;

(2) maintain adequate systemic protection, back‑up, and contingency planning in the event of a power outage, systemic failure, or other unforeseen difficulty;

(3) not raise the fee for providing the website without prior reasonable consultation with the director of the Division of Court Administration and shall not raise the fee for posting a notice for the first two years of operation;

(4) ensure that an individual notice must include at least the same information and must be displayed on the public notice website using substantially similar display and print standards as established for newspaper postings made pursuant to other related public notice statutory requirements;

(5) ensure that an individual notice is displayed for not less than the length of time requested by the posting entity. At the end of the posting time, the public notice website provider, with prior approval of the person or entity that arranged for the posting, may send, for a reasonable fee, a reminder to the posting entity that the notice is due to expire;

(6) include an archives feature, accessible at all times and free of charge, that includes a function to allow the public to determine which notices are posted in the county;

(7) provide that legal notices, both current and archived, are publicly searchable by keyword, parties to the lawsuit, courthouse file number, and publication area;

(8) not charge a fee to a person accessing, searching, or using a public notice website function, except for the posting of a notice as allowed by this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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