

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4025

FISCAL
NOTE

BY DELEGATES STEELE, PAYNTER AND FOSTER

[Introduced January 08, 2020; Referred to the Committee
on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §6-15-1, §6-15-2, and §6-15-3, all relating to requiring the State Auditor to
 3 establish a website centralizing access to all postings of legal advertisements required by
 4 law.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. STATE CENTRAL LEGAL ADVERTISING WEBSITE

§6-15-1. The State Auditor shall create and maintain a State Central Legal Advertising Website.

1 No later than January 1, 2021, the State Auditor shall establish and shall thereafter
 2 maintain a State Central Legal Advertising website which may be accessed freely by the public.
 3 All persons or entities required by the state law or court to post legal advertisements may use the
 4 website free of charge.

5 The State Auditor shall report annually on the use of the website to the President of the
 6 Senate, the Speaker of the House of Delegates, and the Legislative Librarian, in accordance with
 7 §4-1-23 of this code. The report shall include information on the extent of the use of the website,
 8 financial impact resulting from the website’s use, and any recommendations suggested for
 9 additional enabling legislation.

§6-15-2. Use of State Central Legal Advertising Website amends length of publication requirements.

1 Any requirement in West Virginia law concerning a Class II or Class III legal advertisement
 2 is hereby amended to state that the requirements that Class II legal advertising shall be published
 3 once a week for two successive weeks, and that Class III legal advertising shall be published
 4 once a week for three successive weeks, as provided in §59-3-2 in this code, shall require one
 5 publication for one week if the advertisement is also placed on the State Central Legal Advertising
 6 Website for the time period otherwise required by law.

§6-15-3. Service by publication to be certified by electronic affidavit.

1 (a) The State Auditor shall create a form electronic affidavit to provide to legal advertisers
2 certifying that specific advertisements were placed on the State Central Legal Advertising Website
3 for the applicable time period and shall provide the electronic affidavit to the legal advertiser. The
4 electronic affidavit shall be accepted by the courts of this state as evidence of service by
5 publication.

6 (b) The State Auditor shall propose rules for legislative approval in accordance with the
7 provisions of §29A-3-1 et seq. of this code to implement the provisions of this section.

NOTE: The purpose of this bill is to require the State Auditor to establish and maintain a State Central Legal Advertising Website to facilitate required legal advertising.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.