

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 772

Short Title: Huntersville/Newspaper Advertising. (Local)

Sponsors: Representative Tillis.

Referred to: Local Government I, if favorable, Judiciary III.

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO REDEFINE THE NEWSPAPERS ELIGIBLE TO ACCEPT LEGAL  
ADVERTISING IN THE TOWN OF HUNTERSVILLE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 1-597 reads as rewritten:

"§ 1-597. **Regulations for newspaper publication of legal notices, advertisements, etc.**

Whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper with a general circulation to actual paid subscribers which newspaper at the time of such publication, advertisement or notice, shall have been admitted to the United States mails in the Periodicals class in the county or political subdivision where such publication, advertisement or notice is required to be published, and which shall have been regularly and continuously issued in the county in which the publication, advertisement or notice is authorized or required to be published, at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the first publication of such advertisement, publication or notice; provided that in the event that a newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to publish one or more of its issues such newspaper shall nevertheless be deemed to have complied with the requirements of regularity and continuity of publication prescribed herein. Provided further, that in the event the newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599 is admitted to the United States mails as Standard matter rather than Periodicals matter, the newspaper shall qualify if it maintains a known office in the county or political subdivision where the publication, advertisement, or notice is required to be published, is originated and published for the purpose of disseminating information of a public character, is not primarily designed for advertising purposes, and does not contain more than seventy-five percent (75%) advertising in more than one-fourth of the issues published during the preceding six-month period. Provided further, that where any city or town is located in two or more adjoining counties, any newspaper published in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the mails, issued and published in all such counties in which such town or city of publication is located, and every publication, advertisement or notice required to be published in any such city or town or in any of the counties where such city or town is located shall be valid if published in a newspaper published, issued and admitted to the mails anywhere within any such city or town, regardless of whether the newspaper's plant or known office or the post office



1 where the newspaper is admitted to the mails is in such county or not, if the newspaper  
2 otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. This provision  
3 shall be retroactive to May 1, 1940, and all publications, advertisements and notices published  
4 in accordance with this provision since May 1, 1940, are hereby validated.

5 Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper,  
6 document or legal advertisement of any kind or description shall be authorized or required by  
7 any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order  
8 or judgment of any court of this State to be published or advertised in a newspaper qualified for  
9 legal advertising in a county and there is no newspaper qualified for legal advertising as  
10 defined in this section in such county, then it shall be deemed sufficient compliance with such  
11 laws, order or judgment by publication of such notice or any other such paper, document or  
12 legal advertisement of any kind or description in a newspaper published in an adjoining county  
13 or in a county within the same district court district as defined in G.S. 7A-133 or superior court  
14 district or set of districts as defined in G.S. 7A-41.1, as the case may be; provided, if the clerk  
15 of the superior court finds as a fact that such newspaper otherwise meets the requirements of  
16 this section and has a general circulation in such county where no newspaper is published  
17 meeting the requirements of this section."

18 **SECTION 2.** This act applies to the Town of Huntersville only and only applies to  
19 notices or legal advertisements of that Town.

20 **SECTION 3.** This act is effective when it becomes law.