

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4735

BY DELEGATES KESSINGER, HARDY, AND STEELE

[Introduced February 15, 2022; Referred to the
Committee on Finance]

1 A BILL to amend and reenact §59-3-3 of the Code of West Virginia, 1931, as amended, relating
 2 to reducing rates for legal advertising.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. NEWSPAPERS AND LEGAL ADVERTISEMENTS.

§59-3-3. Rates for legal advertisements; computation; filing affidavits with Secretary of State.

1 (a) ~~The rates which a A publisher or proprietor of a qualified newspaper in West Virginia~~
 2 may charge and receive four cents per word for a single or first publication of any legal
 3 advertisement set solid. ~~depends on the bona fide circulation of the newspaper, as follows:~~

4 ~~(1) Four cents per word if the qualified newspaper has a bona fide circulation of less than~~
 5 ~~one thousand, except as provided in subdivision (1), subsection (a) of this section;~~

6 ~~(2) Eight and one-half cents per word if the qualified newspaper has a bona fide circulation~~
 7 ~~of one thousand to five thousand;~~

8 ~~(3) Nine cents per word if the qualified newspaper has a bona fide circulation of more than~~
 9 ~~five thousand but less than ten thousand;~~

10 ~~(4) Ten cents per word if the qualified newspaper has a bona fide circulation of more than~~
 11 ~~ten thousand and less than thirty thousand; or~~

12 ~~(5) Eleven cents per word if the qualified newspaper has a bona fide circulation of thirty~~
 13 ~~thousand or more: *Provided*, That on July 1, 2003 and on July 1, 2004 and on July 1, 2005 the~~
 14 ~~allowable rate per word in each of the classifications of qualified newspapers with reference to~~
 15 ~~circulation as set forth in this subsection shall, for each classification, increase 1¢ per word over~~
 16 ~~the prior year's rate~~

17 (b) In computing the number of words in a legal advertisement, not set solid, the basis is
 18 the size of type in which legal advertising is set by the qualified newspaper making the publication
 19 and shall be computed at the legal rate as though the matter were solid type, that is to say, on
 20 the basis of eighty-four words to the single column inch in six point type and 54 words to the single

21 column inch in eight point type and any other size type in proportion.

22 (c) In determining the cost of a legal advertisement which is to appear more than once in
23 the same qualified newspaper, the cost for the first publication shall be computed as specified in
24 subsections (a) and (b) of this section and the cost of the second and each subsequent publication
25 shall be 75 percent of the cost of the first publication computed as specified in subsections (a)
26 and (b) of this section.

27 (d) The average bona fide circulation stated by each qualified newspaper in the statement
28 filed by the newspaper with the United States post office department in October of each year shall
29 control the rate of circulation classification of the qualified newspaper for the period commencing
30 July 1, of each year until the last day of June of the following year. On or before November 1, of
31 each year, the publisher or proprietor of each newspaper desiring to publish any legal
32 advertisement during the ensuing one year time period commencing July 1, shall file with the
33 Secretary of State an affidavit stating the average bona fide circulation of the newspaper during
34 the preceding twelve month time period ending September 30, of each year and shall set forth
35 sufficient facts in the affidavit to show whether the newspaper is a qualified newspaper. The
36 average bona fide circulation stated in the affidavit by each qualified newspaper shall control the
37 rate circulation classification for the ensuing twelve-month period commencing July 1,. Any
38 qualified newspaper for which the required affidavit is not filed on or before March 1 of any
39 calendar year shall be conclusively presumed to have for the ensuing twelve-month period
40 commencing July 1, of such year a bona fide circulation of less than one thousand. At the time a
41 publisher or proprietor of a qualified newspaper files an affidavit with the Secretary of State, as
42 required by this subsection, the publisher or proprietor shall notify the clerk of the county
43 commission and the board of education of the county in which the qualified newspaper is
44 published of the circulation classification of the qualified newspaper and of the applicable rate for
45 publishing legal advertisements in the qualified newspaper during the ensuing twelve-month
46 period commencing July 1,. If the qualified newspaper is published in a municipality, the publisher

47 or proprietor shall at the same time also furnish the same notification to the clerk or recorder of
48 the municipality.

49 (e) The rate charged for political advertising appearing in a newspaper at any time or times
50 during the time period commencing thirty days prior to any primary or general election and ending
51 the day following the election may not exceed one hundred five percent of the lowest commercial
52 rate charged by the newspaper in which the political advertising appears.

53 (f) Nothing contained in this section prohibits qualified newspapers from charging less than
54 the specified rates for any legal advertisement or from charging usual and customary rates for
55 notarizing and producing additional copies of the affidavits and statements required in section
56 four of this article.

NOTE: The purpose of this bill is to reduce the rates for legal advertisement.

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