

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 891

By Senators Helton, Barrett, and Roberts

[Introduced on March 24, 2025; referred
to the Committee on Finance]

1 A BILL to amend and reenact §59-3-2 of the Code of West Virginia, 1931, as amended; and to
2 amend the code by adding a new article, designated §6-15-1, §6-15-2, and §6-15-3,
3 relating to legal advertisements; creating the State Central Legal Advertising website;
4 establishing the State Auditor as the administrator and creator of the website; permitting
5 alternate publication timelines if also publishing on the State Central Legal Advertisement
6 website; providing for rule-making authority; and setting an effective date.

Be it enacted by the Legislature of West Virginia:

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 15. STATE CENTRAL LEGAL ADVERTISING WEBSITE.

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

1 (a) No later than January 1, 2026, the State Auditor shall establish and shall thereafter
2 maintain a State Central Legal Advertising website which may be accessed freely by the public. All
3 persons or entities required by the state law or court to post legal advertisements may use the
4 website free of charge.

5 (b) The State Auditor may report annually on the use of the website to the Joint Committee
6 on Government and Finance and, in the event a report is made to the Legislative Librarian in
7 accordance with §4-1-23 of this code. The report may include information similar to the information
8 included in §59-3-2 of this code on the extent of the use of the website, financial impact resulting
9 from the website's use, and any recommendations suggested for additional enabling legislation.

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

1 (a) If a Class II or a Class III legal advertisement is published on the State Central Legal
2 Advertising Website, then such Class II or Class III legal advertisement will have amended
3 publication requirements as follows:

4 (1) Class II legal advertising shall be published once for one week, and

5 (2) Class III legal advertising shall be published once for one week.

6 (b) If the Class II or Class III legal advertisement is not published on the State Central Legal
7 Advertising Website then the advertising requirements in §59-3-2 of this code will control.

§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.

**CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS;
LEGAL ADVERTISEMENTS.**

ARTICLE 3. NEWSPAPERS AND LEGAL ADVERTISEMENTS.

**§59-3-2. Classification of legal advertisements; designation of newspapers; frequency of
publication; posting; manner of publishing; publication of notices for the state and
its agencies.**

1 (a) A Class I legal advertisement shall be published one time, a Class II legal
2 advertisement shall be published once a week for two successive weeks, unless the Class II legal
3 advertisement is published on the State Central Legal Advertisement Website then publication will
4 be in accordance with §6-15-2 of this code, and a Class III legal advertisement shall be published
5 once a week for three successive weeks, unless the Class III legal advertisement is published on
6 the State Central Legal Advertisement Website then publication will be in accordance with §6-15-2
7 of this code in a qualified newspaper published in the publication area; or if there is no qualified

8 newspaper published in the publication area or if no qualified newspaper published in the
9 publication area will publish the legal advertisement at the rates specified in §59-3-3 of this code,
10 the legal advertisement shall be published in a qualified newspaper published outside the
11 publication area; or if no qualified newspaper is published outside the publication area or if no
12 qualified newspaper published outside the publication area will publish the legal advertisement at
13 the rates specified in §59-3-3 of this code, the legal advertisement shall be posted in at least three
14 public places in the publication area, one of which postings shall be in the county courthouse, at or
15 near the front door of the county courthouse, if a county courthouse is located in the publication
16 area and one of which postings shall be in the municipal office building or municipal office or
17 offices, at or near the front door thereof, if the publication area is a municipality.

18 (b) A Class I-0 legal advertisement shall be published one time, a Class II-0 legal
19 advertisement shall be published once a week for two successive weeks, and a Class III-0 legal
20 advertisement shall be published once a week for three successive weeks, in two qualified
21 newspapers of opposite politics published in the publication area; or if two qualified newspapers of
22 opposite politics are not published in the publication area or if two qualified newspapers of
23 opposite politics published in the publication area will not publish the legal advertisement at the
24 rates specified in §59-3-3 of this code, the legal advertisement shall be published in one qualified
25 newspaper published in the publication area; or if there is no qualified newspaper published in the
26 publication area or if no qualified newspaper published in the publication area will publish the legal
27 advertisement at the rates specified in §59-3-3 of this code, the legal advertisement shall be
28 published in one qualified newspaper published outside the publication area; or if no qualified
29 newspaper is published outside the publication area or if no qualified newspaper published
30 outside the publication area will publish the legal advertisement at the rates specified in §59-3-3 of
31 this code, the legal advertisement shall be posted in at least three public places in the publication
32 area, one of which postings shall be in the county courthouse, at or near the front door thereof, if a
33 county courthouse is located in the publication area and one of which postings shall be in the

34 municipal office building or municipal office or offices, at or near the front door thereof, if the
35 publication area is a municipality.

36 (c) A legal advertisement may be published in a qualified newspaper published on any day
37 of the week except Sunday.

38 (d) All legal advertisements shall be published together in continuous columns on one
39 page of the newspaper publishing them under a general heading styled "Legal Advertisements",
40 unless the number or size of the legal advertisements requires the use of more than one page, in
41 which event the legal advertisements shall be published as near as practicable in continuous
42 columns on as many pages as necessary under the same heading as above required.

43 (e) Beginning July 1, 2022, any and all legal notices, advertisements, publications,
44 statements, or whatever kind or character required to be published by the State of West Virginia, or
45 its agencies, shall be made at the frequency and in the manner prescribed by subsection (a) or (b)
46 of this section, and shall also be published on a public notice database to be created and
47 maintained by the State Auditor.

48 (f) Pursuant to subsection (e) of this section, the State Auditor shall propose rules and
49 emergency rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of
50 this code relating to the creation and maintenance of a public notice database available on the
51 State Auditor's website, the establishment of forms and procedures for submission of information
52 to the State Auditor by the State of West Virginia and its agencies, providing a method of verifying
53 publication of the notice, and for other procedures and policies consistent with this section.

54 (g) The State Auditor shall report annually to the Joint Committee on Government and
55 Finance regarding the public notice database established by this section, which report shall
56 include information on the extent of the use of the public notice database on the State Auditor's
57 website, the financial impact resulting from the use of the public notice database, and any
58 recommendations for additional enabling legislation relating to the public notice database.

NOTE: The purpose of this bill is to create a state central legal advertising website.

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