



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3620

Introduced 1/19/2022, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

715 ILCS 5/2.2 new	
715 ILCS 5/3.1	from Ch. 100, par. 3.1
715 ILCS 5/5	from Ch. 100, par. 5
715 ILCS 5/2.1 rep.	
715 ILCS 10/1	from Ch. 100, par. 10
715 ILCS 10/2	from Ch. 100, par. 10.1

Amends the Notice By Publication Act. Provides that whenever a municipality with a population of 1,000,000 or less is required to provide notice by publication in a newspaper by law, order of court, or contract, the municipality may publish the notice on an official municipal website instead of in a newspaper if the notice published on the official municipal website is also published electronically on a searchable online database website and that website provides independent certification of the publication. Provides conditions concerning the availability and format of the searchable online database website. Repeals a Section concerning the placement of published notices on a statewide website and makes corresponding changes throughout the Act and in the Newspaper Legal Notice Act. Effective immediately.

LRB102 24775 LNS 34018 b

1 AN ACT concerning notices.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Notice By Publication Act is amended by
5 changing Sections 3.1 and 5 and by adding Section 2.2 as
6 follows:

7 (715 ILCS 5/2.2 new)

8 Sec. 2.2. Municipal electronic publication.

9 (a) Whenever a municipality is required to provide notice
10 by publication in a newspaper by law, order of court, or
11 contract, the municipality may publish the notice on an
12 official municipal website instead of in a newspaper if the
13 notice published on the official municipal website is also
14 published electronically on a searchable online database
15 website and that website provides independent certification of
16 the publication.

17 (b) The municipality or the host of the website may enter
18 into a service-level agreement with an Internet service
19 provider that guarantees the site is accessible to the public
20 over the Internet at least 98% of the time, 24 hours a day, 365
21 days a year.

22 (c) The official municipal website shall display a link to
23 the searchable online database website, which shall contain a

1 list of all current legal notices of the municipality, with
2 links to or the full text of those notices. The website shall
3 contain a search function or other features that improve
4 public accessibility to the notices.

5 (d) Whenever an individual is unable to access an
6 electronic publication of a notice, the issuing municipality
7 shall provide a copy of the notice to the individual free of
8 charge at the principal office of the municipality.

9 (e) Notices shall remain available on the website at least
10 until the last posting date required by law has expired or
11 until the event described in a notice has taken place,
12 whichever is later.

13 (f) Independent certification of the electronic
14 publication shall include a certificate stating the title of
15 the notice, the exact day, date, and time of the notice's
16 publication, the website address of the searchable online
17 database where the notice and archived notices may be accessed
18 by the public, and other information as may be available.

19 (g) For purposes of this Section, a searchable online
20 database website may be operated or managed by a statewide
21 organization of municipalities as authorized by Section 1-8-1
22 of the Illinois Municipal Code at no additional cost to the
23 municipality to publish notices thereon.

24 (h) This Section does not apply to a municipality with a
25 population greater than 1,000,000.

1 (715 ILCS 5/3.1) (from Ch. 100, par. 3.1)

2 Sec. 3.1. When any notice is required by law, or order of
3 court, to be published in any newspaper, publication of such
4 notice shall include the printing of such notice in the total
5 circulation of each edition on the date of publication of the
6 newspaper in which the notice is published, ~~and the newspaper~~
7 ~~publishing the notice shall, at no additional cost to~~
8 ~~government, cause the notice to be placed on the statewide~~
9 ~~website established and maintained as a joint venture of the~~
10 ~~majority of Illinois newspapers as a repository for such~~
11 ~~notices. All notices required for publication by this Act~~
12 ~~shall remain legal and valid for all purposes when any error~~
13 ~~that occurs pursuant to the requirements of this Section for~~
14 ~~placement of the notice on the statewide website is the fault~~
15 ~~of the printer.~~

16 (Source: P.A. 100-72, eff. 1-1-18.)

17 (715 ILCS 5/5) (from Ch. 100, par. 5)

18 Sec. 5. When any notice is required by law or contract to
19 be published only in a newspaper (unless otherwise expressly
20 provided in the contract), it shall be intended to be in a
21 secular newspaper of general circulation, published in the
22 city, town or county, or some newspaper specially authorized
23 by law to publish legal notices, in the city, town, or county.
24 If there is no newspaper published in the county in which the
25 city or town is located, notice shall be given in a secular

1 newspaper, as defined in this Act, that is published in an
2 adjoining county having general circulation within the city or
3 town. Unless otherwise expressly provided in the contract, the
4 term "newspaper" means a newspaper

5 (a) which consists of not less than 4 pages of printed
6 matter and contains at least 100 square inches of printed
7 matter per page; and

8 (b) which is printed through the use of one of the
9 conventional and generally recognized printing processes such
10 as letterpress, lithography or gravure; and

11 (c) which annually averages at least 25% news content per
12 issue; or which annually averages at least 1,000 column inches
13 of news content per issue, the term "news content" meaning for
14 the purposes of this Act any printed matter other than
15 advertising; and

16 (d) which publishes miscellaneous reading matter, legal or
17 other announcements and notices, and news and information
18 concerning current happenings and passing events of a
19 political, social, religious, commercial, financial or legal
20 nature, and advertisements or bulletins; and

21 (e) which has been continuously published at regular
22 intervals of at least once each week with a minimum of 50
23 issues per year, for at least one year prior to the first
24 publication of the notice; or which is a successor to a
25 newspaper as herein defined with no interruption of
26 publication of more than 30 days; or which is a merged or

1 consolidated newspaper formed by the merger or consolidation
2 of two or more newspapers, one of which has been continuously
3 published at regular intervals of at least once each week with
4 a minimum of 50 issues per year, for at least one year prior to
5 the first publication of the notice. A newspaper shall be
6 considered as continuously or regularly published although its
7 publication has been suspended, where such suspension was
8 caused by fire or an Act of God or by a labor dispute or by its
9 owner, publisher, managing editor or other essential employee
10 entering the active military service of the United States, if
11 the newspaper was continuously or regularly published for at
12 least one year prior to its suspension and if its publication
13 is resumed at any time not later than 12 months after such fire
14 or Act of God, or if its publication is resumed at any time
15 within 12 months after the termination of the labor dispute,
16 or if its publication is resumed at any time within 12 months
17 after the termination of the war in connection with which such
18 persons entered such military service. ~~and~~

19 (f) (Blank). ~~which has the capability of placing notices~~
20 ~~required pursuant to this Act on a daily or weekly basis on the~~
21 ~~statewide website as required by Section 2.1.~~

22 (Source: P.A. 96-59, eff. 7-23-09; 96-1144, eff. 12-31-12.)

23 (715 ILCS 5/2.1 rep.)

24 Section 10. The Notice By Publication Act is amended by
25 repealing Section 2.1.

1 Section 15. The Newspaper Legal Notice Act is amended by
2 changing Sections 1 and 2 as follows:

3 (715 ILCS 10/1) (from Ch. 100, par. 10)

4 Sec. 1. Whenever it is required by law that any legal
5 notice or publication shall be published only in a newspaper
6 in this State, it shall be held to mean a newspaper

7 (a) which consists of not less than 4 pages of printed
8 matter and contains at least 100 square inches of printed
9 matter per page; and

10 (b) which is printed through the use of one of the
11 conventional and generally recognized printing processes such
12 as letterpress, lithography or gravure; and

13 (c) which annually averages at least 25% news content per
14 issue; or which annually averages at least 1,000 column inches
15 of news content per issue, the term "news content" meaning for
16 the purposes of this Act any printed matter other than
17 advertising; and

18 (d) which publishes miscellaneous reading matter, legal or
19 other announcements and notices, and news and information
20 concerning current happenings and passing events of a
21 political, social, religious, commercial, financial or legal
22 nature, and advertisements or bulletins; and

23 (e) which has been continuously published at regular
24 intervals of at least once each week with a minimum of 50

1 issues per year, for at least one year prior to the first
2 publication of the notice; or which is a successor to a
3 newspaper as herein defined with no interruption of
4 publication of more than 30 days; or which is a merged or
5 consolidated newspaper formed by the merger or consolidation
6 of two or more newspapers, one of which has been continuously
7 published at regular intervals of at least once each week with
8 a minimum of 50 issues per year for at least one year prior to
9 the first publication of the notice. A newspaper shall be
10 considered as continuously or regularly published although its
11 publication has been suspended, where such suspension was
12 caused by fire or an Act of God or by a labor dispute or by its
13 owner, publisher, managing editor or other essential employee
14 entering the active military service of the United States, if
15 the newspaper was continuously or regularly published for at
16 least one year prior to its suspension and if its publication
17 is resumed at any time not later than 12 months after such fire
18 or Act of God, or if its publication is resumed at any time
19 within 12 months after the termination of the labor dispute,
20 or if its publication is resumed at any time within 12 months
21 after the termination of the war in connection with which such
22 persons entered such military service. ~~and~~

23 (f) (Blank). ~~which has the capability of placing, at no~~
24 ~~additional cost to government, notices required pursuant to~~
25 ~~this Act on a daily or weekly basis on the statewide website~~
26 ~~established and maintained as a joint venture by the majority~~

1 ~~of Illinois newspapers as a repository for such notices.~~

2 (Source: P.A. 96-59, eff. 7-23-09; 96-1144, eff. 12-31-12.)

3 (715 ILCS 10/2) (from Ch. 100, par. 10.1)

4 Sec. 2. When any legal notice is required by law to be
5 published in any newspaper, such notice shall include the
6 printing of such notice in the total circulation of each
7 edition on the date of publication of the newspaper in which
8 the notice is published; ~~and the newspaper publishing the~~
9 ~~notice shall, at no additional cost to government, cause the~~
10 ~~notice to be placed on the statewide website established and~~
11 ~~maintained as a joint venture of the majority of Illinois~~
12 ~~newspapers as a repository for such notices. All notices~~
13 ~~required for publication by this Act shall remain legal and~~
14 ~~valid for all purposes when any error that occurs pursuant to~~
15 ~~the requirements of this Section in the requirement for~~
16 ~~placement of the notice on the statewide website is the fault~~
17 ~~of the printer.~~

18 (Source: P.A. 100-72, eff. 1-1-18.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.