

A.C.A. 16-3-105. Authorized publications — Legal newspapers

a) As used in this section, “legal newspaper” means a publication bearing a fixed title or name, published at a fixed place of business, regularly issued at fixed intervals as frequently as one (1) time each week and having a second-class mailing privilege, and being not less than four (4) pages of five (5) columns each.

(b) The primary function of such a publication shall be to inform, instruct, enlighten, and entertain, and to be an intangible service to which the general public as a whole resorts for intelligence of passing events of a political, religious, commercial, or social nature, for local and general current happenings, editorial comment, announcements, miscellaneous reading matter, advertisements, and other notices.

(c) (1) For a newspaper to be eligible to publish legal notices and to be classified as a legal newspaper, it shall have been published at regular intervals continuously during a period of at least twelve (12) months, following the securing of a second-class mailing privilege, or as a direct legal successor of such a publication issued during the immediate prior period of at least twelve (12) months, or, in the case of a legal newspaper which surrenders its second-class mailing privilege and is subsequently sold, the resulting newspaper under new ownership is a legal newspaper if the purchased newspaper had been a legal newspaper within twelve (12) months prior to its sale. The newspaper shall be circulated and distributed from an established place of business to subscribers and readers generally of all classes in the county or counties in which it is circulated for a definite price or consideration for each copy or at a fixed price per annum, which price or consideration shall be fixed by the publisher at what he considers the value of the publication based upon the news value and service value it contains and not upon the physical or concrete worth of the raw materials so sold.

(2) It is ascertained by the General Assembly that the value of a newspaper or other publication coming within the requisites of this section is in the service that it renders to the community or communities it serves.

(d) (1) The circulation of a legal newspaper shall be proven bona fide by at least fifty percent (50%) of the subscribers thereto having paid cash for their subscriptions to the newspaper, or its agents, or through recognized news dealers, over a period of six (6) months.

(2) A legal newspaper must publish an average of forty percent (40%) news matter which has sufficient merit to have created a following of paid readers.

(e) (1) The definition of “legal newspaper” provided in this section shall not be construed to classify as legal newspapers publications such as racing forms, shopping guides, and similar publications devoted primarily to advertising.

(2) Special class publications having a bona fide circulation such as patriotic organs, religious publications, construction journals, and other similar class publications shall not be affected under the provisions of this section.

History. Acts 1937, No. 152, §§ 1-5; 1937, No. 263, §§ 1, 2; Pope's Dig., §§ 8777-8781; Acts 1943, No. 57, §§ 1, 2; A.S.A. 1947, §§ 15-108 — 15-112; Acts 1988 (3rd Ex. Sess.), No. 34, § 1.