

243 Ala. Op. Atty. Gen. 20, 1996 WL 897375 (Ala.A.G.)

Office of the Attorney General  
State of Alabama

\*1 April 12, 1996

### **Legal Notices – Publications – Newspapers**

**Legal notices published in newspapers mailed under the “Publications Class” rate of the U.S. Post Office are in compliance with the requirements of [Code of Alabama 1975, § 6-8-60](#).**

Honorable Jack Venable  
Member

Dear Representative Venable:

This opinion is issued in response to your request for an opinion from the Attorney General.

#### **QUESTION**

Does the proposed change in the terminology utilized by the United States Postal Service regulations designating what was previously referred to as “Second Class” mail as “Publications Class” alter the requirements set forth in [Code of Alabama 1975, § 6-8-60](#) concerning the publication of legal notices and advertisements in newspapers of general circulation?

#### **FACTS AND ANALYSIS**

In your request for an opinion you inform us that the United States Postal Service will change the name of “Second Class” mail to “Publications Class” mail effective on July 1, 1996. This change in terminology affects the publication of legal notices in Alabama because the statutory requirement by which legal notification is accomplished uses the term previously utilized by the Post Office to designate its usual newspaper circulation rate.

In [Code of Alabama 1975, § 6-8-60](#), the law provides that all publications required by any law to be published in a newspaper must be published in a newspaper “mailed under the second class mailing privilege of the United States postal service.” In addition, there are other requirements, but those requirements are not at issue here. The question posed is simply whether the change in the terminology utilized by the Post Office affects the requirements of the statute. We think that it does not.

While there is no previous authority on point, we note that in the Attorney General's opinion to Sherrie R. Phillips, dated August 11, 1995, A.G. No. 95-00286, the Attorney General noted that the second class mailing rights were “the usual newspaper rate.” The purpose of the statute was not to set the postal rate or to require designated postage, but simply to ensure general dissemination of public notices in a manner convenient to public access. The change in terminology of the postal rate or classification makes no substantive change in the circulation of the newspaper to the general public.

Therefore, it is the opinion of the Attorney General that any newspaper properly published and disseminated in compliance with the requirements of [§ 6-8-60](#) may be mailed at the “publications class” rate as that term is used by the Post Office and that legal notices published in such manner are legally in compliance with Alabama law.

**CONCLUSION**

Legal notices published in newspapers mailed under the “Publications Class” rate of the U.S. Post Office are in compliance with the requirements of [Code of Alabama 1975, § 6-8-60](#).

\*2 I hope this sufficiently answers your question. If our office can be of further assistance, please contact Jane L. Brannan of my staff.

Sincerely,  
Jeff Sessions  
Attorney General  
Opinion by Assistant Attorney General Solomon

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