

February 3, 2017



PNA LEGAL UPDATE

LEGAL AND LEGISLATIVE ISSUES AFFECTING THE NEWS INDUSTRY

A supplement to Headlines & Deadlines

Editorial Round Up

[The Times-Tribune \(Scranton\)](#)

Dickson City owes refunds for rip off

Legislative Update

Governor Tom Wolf will present his budget address for the 2017-18 fiscal year to a joint session of the General Assembly on Tuesday, Feb. 7.

The Senate was in session this week, while the House of Representatives returns next week. [Senate Bill 8](#), introduced by Senator Folmer (R-Lebanon) was slightly amended by Senator Reschenthaler (R-Allegheny) in the Senate Judiciary Committee and is now awaiting consideration in the Senate Appropriations Committee. The amendment changed what is required in the annual audit of forfeited property. PNA continues to push for public access in the auditing and reporting requirements.

[House Bill 99](#), introduced by Representative Zimmerman (R-Lancaster) is up for a vote in the House Local Government Committee next week. This bill would amend Title 8 to allow boroughs to make contracts or purchases without requiring advertising, bidding or price quotations in situations deemed emergencies. Councils would be required to state in a resolution the actual emergency and the nature of the procurement at their next public meeting. We are reviewing the bill.

As always, PNA will continue to monitor bills and work with legislators on issues affecting the media.

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Legal Hotline

Do you have a question for the Legal Hotline?

Contact 717-703-3080



LEGAL
QUESTION?
CALL
717-703-3080

The Legal Hotline is not meant to be legal advice.

Legal Update PDF

Visit the PNA website for a [printable PDF](#) of this week's Legal Update.

Legal Issues from Around the Commonwealth

Tax collector fees and transparency debated

Dickson City Borough Council is considering an ordinance to reduce the tax collector fee for copies. Currently, the tax collector collects \$11 for a duplicate tax bill, with \$1 earmarked for the borough and the remainder retained by the tax collector. Residents have complained the fee is too high. The proposed bill would reduce the fee to \$2, and also, for the first time, require the tax collector to report the number of copies provided and the amount of fees collected to the borough. Read more from The Times-Tribune (Scranton) [here](#) and [here](#)

Emails obtained under RTKL reveal relationship between Pittsburgh and Uber

Uber will use Pittsburgh as the test city in the roll out of its self-driving car service, and emails obtained by PennLive/The Patriot-News (Harrisburg) illustrate how the relationship blossomed.

[Read more here](#)

Access to police body camera records among topics at forensic seminar

The Balancing Safety, Justice and Privacy seminar, hosted by Duquesne University's Cyril Wecht Institute for Forensic Science and Law, was held on Jan. 27. The seminar included a robust discussion about public access to police body camera footage and the competing privacy interests. [Read more here](#)

From the Hotline

Q: Occasionally, readers will post copyright-protected material on our Web site. Is there any way to avoid a potential copyright infringement claim in this situation?

A: Yes. The Digital Millennium Copyright Act (DMCA), 17 U.S.C. §1201, et seq., offers website operators a safe harbor from copyright infringement liability resulting from third party postings, if certain conditions are met.

In order to avoid liability, a website operator (e.g., newspaper) must do the following:

1. Designate an agent with the U.S. Copyright Office to receive infringement notices.

There is a \$105 fee for initial registration and an additional fee if the newspaper designates more than one agent.

2. If the newspaper's designated agent receives notice of infringement, the agent must:

- a. Expeditiously remove or disable access to the material subject to copyright,
- and**
- b. Notify the third party poster that the material has been removed or disabled subject to a copyright infringement notice.

3. If the third party poster files a counter-notice asserting a right to use the material:

- a. Newspapers must transmit the counter notice to the copyright holder who sent the original notice of infringement.
- b. The copyright holder then has 14 days in which to file a lawsuit to enforce copyright.

If you have concerns about whether specific content posted to your website is protected by copyright and has been posted without permission, the PNA recommends that you remove it. You can learn more and obtain registration materials from the U.S. Copyright Office by visiting www.copyright.gov/onlinesp or www.copyright.gov/onlinesp/agent.pdf

As always, this is not intended to be, nor should it be construed as, legal advice. Please consult your newspaper's private attorney or call the PNA Legal Hotline with questions at (717) 703-3080.

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