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Sequence Number: 11-01-08
Rule ID(s): 3570
File Date: 11/05/2008
Effective Through: 04/19/2009

Emergency or Public Necessity Rule(s) Filing Form

Emergency and Public Necessity rules are effective from date of filing for a period of up to 165 days.

Agency/Board/Commission:	Tennessee Department of Safety
Division:	Administrative
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Rule Type :

- Emergency Rule
 Public Necessity Rule

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Statement of Necessity:

Pursuant to Tenn. Code Ann. § 4-5-209, the Department of Safety finds that the adoption of these public necessity rules is required to ensure the Department's compliance with 2008 Public Chapter 1179, and the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501 et seq. Public Chapter 1179 allows a custodian of records to charge reasonable costs to provide copies of such material, pursuant to a properly adopted rule, and does not allow for the reduction or waiver of charges without a properly adopted rule. The use of rulemaking procedures to promulgate these rules would result in the Department being unable to reduce or waive any fees for public records copies until such rules were effective, thus increasing the expense for an individual to obtain public records held by the Department.

Dave Mitchell
Commissioner
Tennessee Department of Safety

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here.)

Chapter Number	Chapter Title
1340-08-01	Rules And Regulations For Access To Public Records
Rule Number	Rule Title
1340-08-01-.01	Charges For Access To Public Records
1340-08-01-.02	Waiver
1340-08-01-.03	Reduction of Fees

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1340-08-01
Rules and Regulations for Access to Public Records

New Rules

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1340-08-01-.01 Charges for Access to Public Records
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1340-08-01-.01 Charges For Access To Public Records.

Upon a request for records under Tennessee's Public Records Act, Tenn. Code Ann. § 10-7-501 et seq., the Department shall assess charges for the copying and labor based on the most current version of the Schedule of Reasonable Charges, issued by the Office of Open Records Counsel, available at <http://www.comptroller.state.tn.us/openrecords/index.htm>.

Authority: T.C.A. §§ 4-3-2009 and 10-7-501 et seq.; 2008 Public Chapter 1179. Administrative History: Original rule filed

1340-08-01-.02 Waiver

Should any charge assessed under Rule 1340-8-1-.01 total ten (\$10.00) dollars or less, the Department shall waive the charge and provide the requested documents without payment.

Authority: T.C.A. §§ 4-3-2009 and 10-7-501 et seq.; 2008 Public Chapter 1179. Administrative History: Original rule filed

1340-08-01-.03 Reduction Of Fees

The Commissioner, or his or her designee, may reduce any part of the fees calculated under these rules upon a written determination that such reduction would be in the best interests of the public.

Authority: T.C.A. § 10-7-501 et seq.; and 2008 Public Chapter 1179.