

**Department of State
Division of Publications**

312 8th Avenue North, 8th Floor Tennessee Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: sos.information@state.tn.us

For Department of State Use Only

Sequence Number: 11-02-08
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File Date: 11/05/2008
Effective Date: 03/30/2009

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

Agency/Board/Commission:	Tennessee Department of Safety
Division:	Administrative
Contact Person:	Lizabeth Hale
Address:	1150 Foster Avenue, Nashville, Tennessee
Zip:	37249
Phone:	615-251-5349
Email:	Lizabeth.hale@state.tn.us

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (for additional chapters, copy and paste table)

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 1340-8-1
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. Administrative History: Original rule filed

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Additional Information Required

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;
- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;
- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;
- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;
- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;
- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;
- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;
- (H)** Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and
- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.