

HOUSE BILL 1790

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 13; Title 10, Chapter 7, Part 5 and Title 47, Chapter 18, relative to copies of public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 10, Chapter 7, Part 5, is amended by adding the following as a new section:

(a) Any person soliciting a fee for providing a copy of a public record shall state on the top of the document used for the solicitation, in at least 24-point type, all of the following information:

- (1) The solicitation is not from a state or local government agency;
- (2) No action is legally required by the person being solicited;
- (3) The fee for, or the cost of, obtaining a copy of the record from the appropriate state or local government agency that has custody of the record;
- (4) The information necessary to contact the appropriate state or local government agency that has custody of the record; and
- (5) The name and physical address of the person soliciting the fee.

(b) The document used for a solicitation under this section may not be in a form or use deadline dates or other language that makes the document appear to be a document issued by a state or local government agency or that appears to impose a legal duty on the person being solicited.

(c) A person soliciting a fee for providing a copy of a record may not charge a fee of more than four (4) times the amount charged by the appropriate state or local government agency that has custody of the record.

(d) A person soliciting a fee from any property owner for providing a copy of a deed shall furnish the register of deeds' office in each county where the solicitations are to be distributed with a copy of the document that will be used for those solicitations no less than fifteen (15) days before distributing the solicitations.

(e) The division of consumer affairs in the department of commerce and insurance may investigate violations of this section. The division may request that the attorney general and reporter bring an action in the name of the state against any person who violates this section. A court may issue orders and injunctions to restrain and prevent a violation of this section. A court may order payment of one hundred dollars (\$100) for each solicitation document distributed in violation of this section. A court may also order reimbursement to the state for the reasonable costs and expenses of investigation and prosecution of actions under this section, including attorneys' fees.

(f) This section shall not apply to a title insurance company authorized to do business in this state or the company's authorized agent.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.