

HOUSE BILL 2959

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 4, Part 6 and Section 10-7-503, relative to reasonable costs associated with requests for public records.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-503(a)(7)(C)(i), is amended by adding the following language at the end of the subdivision:

Provided, however, that the reasonable costs shall only be associated with copying and producing the requested material. Such reasonable costs shall not include labor costs for the time spent by a custodian, or any employee or agent thereof, to locate, retrieve, review, redact, and reproduce the requested material. Labor costs may only be assessed for producing records that have commercial value pursuant to § 10-7-506(c). This subdivision (a)(7)(C)(i) shall apply to any reasonable costs assessed by a records custodian, regardless of whether the costs are assessed pursuant to rules adopted by a records custodian or pursuant to the schedule of reasonable charges established by the office of open records counsel.

SECTION 2. Tennessee Code Annotated, Section 8-4-604(a)(1)(A)(i), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(i) Such factors as the size, by population, of the county or municipality, the complexity of the request, the costs of duplication, and the costs of mailing the documents if the requestor is not returning to retrieve the requested documents; and

SECTION 3. Tennessee Code Annotated, Section 8-4-604(a)(2), is amended by deleting the subdivision in its entirety and redesignating the remaining subdivisions accordingly.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.