

MCMINN COUNTY, TENNESSEE

OPEN RECORDS POLICY

JULY 2017

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PUBLIC RECORDS POLICY FOR MCMINN COUNTY

(Adopted: July 1, 2017)

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for McMinn County is hereby adopted by the McMinn County Commission to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

Personnel of McMinn County shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the McMinn County, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinators for McMinn County or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of the McMinn County Mayor.

I. Definitions:

A. **Records Custodian:** The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

B. **Public Records:** All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).

C. **Public Records Request Coordinator:** The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.

D. **Requestor:** A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") in each office or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

B. Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing address or in some cases an email address from the requestor for providing any written communication required under the TPRA.

C. Requests for inspection may be made orally or in writing using the attached **"Form A" (attached)** at the office which holds said record or by phone at the office who holds the record. See **"Form D " (attached)**.

D. Requests for copies, or requests for inspection and copies, may be made in writing using the attached **"Form A" (attached)** or by verbal request at office which is the holder of requested record.

E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) may be required as a condition to inspect or receive copies of public records.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC shall review public record requests and make an initial determination of the following:

- a. If the requestor provided evidence of Tennessee citizenship or the PRRC has full knowledge of the requestor's citizenship.
- b. If the records requested are described with sufficient specificity to identify them; and
- c. If the Governmental Entity is the custodian of the records.

2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

a. Advise the requestor of this Policy and the elections made regarding:

- i. Proof of Tennessee citizenship;
- ii. Form(s) required for copies; (if any)
- iii. Fees (and labor threshold and waivers, if applicable); and
- iv. Aggregation of multiple or frequent requests.

b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:

- i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
- ii. The request lacks specificity. (Offer to assist in clarification)
- iii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
- iv. The Governmental Entity is not the custodian of the requested records.
- v. The records do not exist.

- c. If appropriate, contact the requestor to see if the request can be narrowed.
- d. Forward the records request to the appropriate records custodian.
- e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

3. The designated PRRC(s) are identified on **"Form D" (attached)**.

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached as **"Form B" (attached)**, based on the form developed by the OORC.
3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response **"Form B"**. **(attached)**
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response **"Form B"**. **(attached)** to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. Inspection of Records

- A. There shall be no charge for **INSPECTION ONLY** of open public records. (No copies provided with inspection only)
- B. The location for inspection of records within the offices of McMinn County Government should be determined by either the PRRC or the records custodian.
- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

V. Copies of Records

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment

- A. Fees and charges for copies of public records should not be used to hinder access to public records. Access is allowed, however, there is a requirement to pay for copies prior to receiving.
- B. Records custodians shall provide requestors with an itemized estimate of the charges using **"Form C"** (**attached**) prior to producing copies of records and shall require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$5.00, the fees may be waived unless otherwise required by law. Fees and charges for copies are as follows.
 - 1. \$0.15 per page for letter- and legal-size black and white copies.
 - 2. \$0.50 per page for letter- and legal-size color copies.
 - 3. Any statutorily or otherwise authorized copy or document related charges, e.g., court clerks per TCA 8-21-401, county clerk per TCA 8-21-701, Register of Deeds per TCA 8-21-1001, Administrator of Elections per TCA 2-2-138, etc. Also, actual costs when documented to exceed \$0.15 per page.
 - 4. Labor when time exceeds one (1) hour. "Labor" is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.
 - 5. If an outside vendor is used, the actual costs assessed by the vendor.

6. There will be **NO** charge for documents that are emailed, unless, #3 and #4 in section VI of this policy applies.

E. Payment is to be made in cash, by personal check, or by credit card payable to McMinn County presented to the records custodian. Those offices that do not have a cash drawer (McMinn County Mayor, McMinn County Assessor of Property, McMinn County Administrator of Elections, McMinn County Veteran's Affairs Officer, and any other office or government entity within this policy that does not have a cash drawer) should send the requestor along with the estimated fee sheet "**Form C**" (**attached**) to the McMinn County Trustee's Office for the payment of said copy/duplication fees. If the amount due for copies is \$5.00 or less, fees may be waived.

F. Payment in advance will be required.

G. Aggregation of Frequent and Multiple Requests

1. McMinn County Government will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

2. If aggregating:

- a. The level at which records requests will be aggregated is four (4) (whether by agency, entity, department, office or otherwise).

- b. Each PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC/the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

- c. Routinely released and readily accessible records are excluded from aggregation.

Each office represented in this policy has the exclusive right to formulate their own Public Records Policy for their perspective departments and said policy after this date shall supersede this policy.

ATTACHMENTS

PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: McMinn County PRRC, See "FORM D"

From: _____

Requestor's Name

Mailing Address, email or other necessary contact information as related to the delivery Preference

Is the requestor a Tennessee citizen? Yes No

Request:

- Inspection (The TPRA does not permit fees or require a written request for inspection only)
- Copy/Duplicate If costs for copies are assessed, the requestor has a right to receive an estimate.

Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ _____? If so, initial here: _____.

Delivery preference:

- On-Site Pick-Up
- USPS First-Class Mail
- Electronic
- Other: _____

Records Requested: Below, provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received

"FORM B"

PUBLIC RECORD REQUEST RESPONSE FORM

**McMinn County Government,
6 East Madison Avenue, TN 37303**

Requestor's Name and Contact Information: _____

In response to your records request received on _____, our office is taking the
Date Request Received
action(s) indicated below:

If all requested records do not have the same response, so indicate.

The public record(s) responsive to your request will be made available for inspection:

Location: _____

Date & Time: _____

Copies of public record(s) responsive to your request are:

Attached;

Available for pickup at the following location:

Or:

Being delivered via: USPS First-Class Mail Electronically Other: _____

Your request is denied on the following grounds: _____

Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

No such record(s) exists or this office does not maintain record(s) responsive to your request.

You have not paid the estimated copying/production fees.

The following state, federal, or other applicable law prohibits disclosure of the requested records:

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because: _____

It has not yet been determined that records responsive to your request exist; or

The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____

"FORM C"

PUBLIC RECORD REQUEST ESTIMATED FEES FORM
MCMINN COUNTY
6 EAST MADISON AVENUE
ATHENS, TN 37303

Date: _____

Requestor's name and contact information

Dear _____

In response to your records request received _____ (mm/dd/year),

the McMinn County is estimating a prepayment of

\$ _____ is required.

Detailed explanation of fees listed below:

Please make check payable to: McMinn County and return to:
McMinn County Government
6 East Madison Avenue
Athens, TN 37303

(cash, credit or debit card accepted in person)

Offices of the County Mayor, Property Assessor, Administrator of Elections, and Veteran's Affairs Officer, or any other county office or records custodian that does not have a cash drawer, will determine the appropriate charges and fill out this form and give it to the requestor with instructions to take to the McMinn County Trustee's office for payment of copies of public records in accordance with the county's or department's internal control policy.

**“Form D”
McMinn County, Tennessee
PRRC**

Office/PRRC	Address	Phone #	Fax #	Email
County Mayor	6 East Madison Ave. Athens, TN 37303	423.745.7634	423.744.1600	mayoroffice@mcminncountyttn.gov
Assessor of Property	6 East Madison Ave. Athens, TN 37303	423.745.2743	423.745.1144	keith.price@cot.tn.gov
Clerk & Master	6 East Madison Ave. Athens, TN 37303	423.745.1281	423.744.1652	mcminnclerkandmaster@tncourts.gov
Circuit and General Session Court Clerk	1317 S. White St. Athens, TN 37303	423.745.1923	423.744.1642	rhonda.cooley@tncourts.gov
County Clerk	9 East Madison Ave. Athens, TN 37303	423.745.4440	423.744.1657	melinda.v.king@tn.gov
Administrator of Elections	6 East Madison Ave. Athens, TN 37303	423.745.0843	423.744.1646	elections@mcminnelections.com
Trustee	6 East Madison Ave. Athens, TN 37303	423.745.1291	423.744.1603	mcminntrustee.jane1@comcast.net
Register of Deeds	6 East Madison Ave. Athens, TN 37303	423.745.1232	423.252.2424	mcminnregisterofdeeds@comcast.net
Sheriff	1319 S. White St. Athens, TN 37303	423.745.5620	423.744.0771	mblair@mcminncountyttn.gov
Highway Supt.		423.745.1820	423.745.9025	carlajohighway@gmail.com
Veteran’s Services	5 East Madison Ave. Athens, TN 37303	423.745.1605	423.744.1644	Peglowsw1@gmail.com

*** Current through Chapter 85 of the 2017 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text. Those changes will appear on Lexis.com and Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA. ***

Title 2 Elections
Chapter 2 Voter Registration
Part 1 Registration by Election Commissions

Tenn. Code Ann. § 2-2-138 (2017)

2-2-138. Voter registration lists -- Purchase by citizens.

(a) In counties of this state having a population in excess of one hundred eighty thousand (180,000) according to the United States census of 1970 or any subsequent United States census, or in any computerized county, it is the duty of the county election commission to prepare or cause to be prepared each month a listing, by voting precinct, of all persons registered to vote in each precinct during the preceding month. However, in the discretion of the commissioners of the county election commission, such listing may be prepared on a bimonthly basis.

(b) (1) Such list, and any other voter registration information such as voter history, if compiled, shall be available for purchase for a price not to exceed the cost of production. This list shall be available to any person who certifies on a form provided by the state election commission that such list will be used for political purposes. The state election commission shall establish a uniform cost for this information. Any county election commission whose cost of production exceeds this rate may petition the state election commission and be granted an increase upon establishing its actual cost to the satisfaction of the state election commission. If the information is provided on computer generated media such as disk, diskette, tape, telecommunications or any other form of magnetic media, then the information shall be provided in non-proprietary and non-encrypted form. Minimum data standards shall be EBCDIC (Extended Binary Coded Decimal Interchange Code), ASCII (American Standard Code Information Interchange) or BCD (Binary Coded Decimal).

(2) The list, and any other voter registration information, shall be the property of the county election commission and the state. Any vendor of the county election commission having access to the voter registration data shall only use such data to service the county election commission and shall be prohibited from using such data other than for purposes of assisting the county election commission and the coordinator of elections. Non-authorized use by the vendor of the data shall constitute a Class B misdemeanor and grounds for decertification by the state election commission.

(c) The county election commission in counties with a population over two hundred fifty thousand (250,000) according to the 1980 census shall make voter registration lists

available for purchase by any interested citizen, upon request and payment of the cost, at a price not in excess of the cost to prepare and publish such lists. The county election commission in counties with a population over two hundred fifty thousand (250,000) according to the 1980 census shall act upon such request within seven (7) days of receipt of the request, and reasons for rejection or modification of such request, if any, shall be set out in writing.

(d) (1) Any computerized county, as defined in § 2-1-104(a), shall make the list required by this section available on computer diskette to any person who certifies on a form provided by the state election commission that such list will be used for political purposes.

(2) A false certification made pursuant to the provisions of this subsection (d) is a Class B misdemeanor, punishable only by a fine of five hundred dollars (\$500).

(e) Any list of registered voters compiled by the coordinator of elections shall be sold at a price established by the secretary of state. Any money received by the secretary of state from the sale of such lists shall be deposited in the voting machine loan fund established in § 2-9-114. This list shall be available for purchase to any person who certifies on a form provided by the state election commission that such list will be used for political purposes only.

HISTORY: Acts 1972, ch. 675, § 1; T.C.A., § 2-238; Acts 1981, ch. 478, § 7; 1993, ch. 379, § 2; 1994, ch. 919, § 32; 1995, ch. 196, § 1; 2000, ch. 756, § 3; 2002, ch. 694, § 1; 2008, ch. 928, § 6; 2014, ch. 880, § 2.

*** Current through Chapters 2, 3, 5-7, 9, 11-15, 17, 19-20 of the 2017 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text. Those changes will appear on Lexis.com and Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA. ***

Title 8 Public Officers And Employees
Chapter 21 Fees Charged
Part 4 Clerks of Court

Tenn. Code Ann. § 8-21-401 (2017)

8-21-401. Schedule of fees.

(a) Except as otherwise provided by law, the costs provided in this section in civil cases are chargeable and may be collected at the time the services are requested from the clerk or other officer of the court; however, nothing in this section should be construed to limit the ability of a party to initiate a judicial proceeding by filing a pauper's oath. In cases where payment of the clerk's fees would create a substantial hardship for a party, judges are encouraged to use the discretion provided in Rule 29 of the Tennessee Rules of the Supreme Court to find that the party is indigent, even if that person does not meet the Legal Services Corporation's poverty guidelines. If a party, other than a party who initiated a proceeding under a pauper's oath, pays costs at the time the services are requested, such payment shall be deemed to satisfy the requirement for security to be given for costs, pursuant to § 20-12-120. In proceedings covered by subdivision (b)(1)(A), and in workers compensation complaints, the attorney filing the action shall have the option to sign a cost bond, in lieu of the party paying the clerk's fees at the time services are requested. The clerk shall not refuse to file an action where the attorney has opted to sign a cost bond. In any action where the clerk refuses to accept such cost bond in lieu of the party paying the clerk's fees, all costs in that action shall be forfeited by the clerk. These requirements for fees to be paid or security provided when services are requested from the clerk do not apply in criminal cases. The fees listed in this section do not include officer's fees as provided for in § 8-21-901 and elsewhere. These fees also do not include state and local litigation taxes.

(b) Fees in civil cases in circuit and chancery court. (1) (A) Unless otherwise provided, court clerks in civil cases in courts of record shall charge a standard court cost of two hundred twenty-five dollars (\$225) at the institution of a case. The types of cases covered by this fee would include, but not be limited to, actions for enforcement of contracts or breach of contract actions; injunctions; all torts, personal injury and property damage cases, including malpractice actions, health care liability actions, and wrongful death suits; employment discrimination suits; civil rights suits; tax disputes; special remedies; other property disputes; and any other type of actions not otherwise designated in this section or elsewhere by law.

(B) In divorce cases involving minor children, the clerk shall charge a standard court

cost of two hundred dollars (\$200) at the institution of a case. In divorce cases that do not involve minor children, the clerk shall charge a standard court cost of one hundred twenty-five dollars (\$125) at the institution of a case.

(C) In the following specific types of civil actions, the clerk shall charge a standard court cost of one hundred fifty dollars (\$150) at the institution of a case:

(i) Appeals to the circuit or chancery court from juvenile court, general sessions court, probate courts, municipal courts or an administrative hearing; writs of certiorari from lower courts; or administrative hearings;

(ii) Transfers of cases from foreign counties;

(iii) Requests for writ of mandamus;

(iv) Worker's compensation actions;

(v) Condemnations and inverse condemnations; and

(vi) Quo warranto proceedings.

(D) In the following specific types of civil actions, the clerk shall charge a standard court cost of one hundred dollars (\$100) at the institution of a case:

(i) Adoptions;

(ii) Legitimations;

(iii) Paternity cases;

(iv) Restoration of citizenship;

(v) Termination of parental rights;

(vi) Other domestic relations matters not otherwise designated;

(vii) Name changes;

(viii) Minor settlements;

(ix) Enforcement of foreign judgments;

(x) Civil expungements where authorized by law; and

(xi) Orders of protection.

(E) In the following specific actions, the clerk shall charge a standard court cost of seventy-five dollars (\$75.00): child support enforcement and modification, including interstate support cases and civil contempt actions, and requests for modification of a parenting plan.

(F) In delinquent property tax cases, the clerk shall assess a filing fee of forty-two dollars (\$42.00) per parcel. For each parcel of property for which the judge issues an order

to sell, there shall be a fee of one hundred dollars (\$100) for clerk's services related to that action.

(2) (A) For the purposes of determining the fees of the clerk of court, when any third party complaint in a civil case is filed, the party filing the complaint shall be charged the same fee as was charged at the initiation of the original civil proceeding.

(B) The fee for cross-filings and counter complaints in civil cases in courts of record shall be one hundred dollars (\$100).

(c) The clerks of the various courts administering estates, guardianships, conservatorships, and other probate matters are entitled to demand and shall receive for their services the following fees:

(1) For opening and closing an estate, other than a small estate, including giving notice of the opening of the estate to the department of revenue, two hundred thirty dollars (\$230);

(A) For filing and docketing claims, giving notice and filing release on each claim for a decedent's estate, to be paid by claimant, eleven dollars (\$11.00);

(B) For filing exceptions to claims against estates, mailing notices and entering order, forty-two dollars (\$42.00);

(2) For filing small estate affidavits and giving notice of the opening of the estate to the department of revenue, forty-one dollars (\$41.00);

(3) For filing a request for letters of guardianship and conservatorship; issuing all initial process and cost bond; entering order and issuing certificate of guardianship and conservatorship, not including fee of the sheriff; and including final accounting and order closing, regardless of court where filed, one hundred sixty dollars (\$160);

(4) For filing a new request for removal of disabilities of minority, and incompetence, filing affidavits and entering orders; for filing a new request to legitimate a person, change a name or correct a birth certificate and enter orders; for filing a new request for habeas corpus, filing cost bond, issuing process and enter orders, not including fee of the sheriff, one hundred dollars (\$100);

(5) For filing requests under the mental health law, compiled in title 33, issuing notices, entering return, and entering judgments after hearing, not including fee of the sheriff, fifty dollars (\$50.00);

(6) For filing and docketing any request on an existing case, other than a request to close the case, not otherwise provided for, eighteen dollars (\$18.00);

(7) For entering any order on an existing case, other than closing order, not otherwise provided for, twelve dollars (\$12.00);

(8) For issuing summons, subpoenas, citations, writs and notices, including copies of process when required by law, other than initial process, six dollars (\$6.00);

(9) For filing any document not otherwise provided for in probate court, seven dollars (\$7.00); and

(10) For filing, reviewing, recording annual or interim settlement or accounting and entering order approving settlement only, forty dollars (\$40.00).

(d) Fees in Criminal Cases in Courts of Record. (1) Unless otherwise provided in this section, court clerks in criminal cases in courts of record shall charge a standard court cost of three hundred dollars (\$300). This fee shall apply per case per defendant.

(2) The clerk shall charge a fee of one hundred dollars (\$100) for proceedings related to a violation of probation, any post-judgment actions, or expungements.

(3) The clerk shall charge a fee of seventy-five dollars (\$75.00) for criminal contempt actions, including criminal contempt proceedings in civil courts, for failure to appear, requests for bonding company release from final forfeiture, requests to reinstate a driver license, and requests for relief.

(4) Reimbursement from the state shall be limited to the fees as currently allowed by law.

(e) Fees for Proceedings in Juvenile Court. (1) Unless otherwise provided in this section, court clerks in juvenile proceedings shall charge a standard court cost of one hundred dollars (\$100). This fee shall apply to all juvenile proceedings not otherwise designated, including, but not limited to, requests to establish support or nonsupport, proceedings related to parentage, paternity cases, and legitimations.

(2) For requests for modification of child support, the clerk shall charge a fee of seventy-five dollars (\$75.00).

(3) In the following actions, the clerk of the juvenile court shall charge a fee of forty-two dollars (\$42.00): juvenile traffic cases, consent orders, diversion and nonjudicial disposition of juvenile cases, voluntary motions to grant custody, marriage waivers, attachment pro corpus, and bench warrants.

(4) In the following actions, the clerk of the juvenile court shall charge a fee of twenty-five dollars (\$25.00): restricted licenses, drug screenings, entering order of appeal and taking appeal bond, entering judgment from appellate court, entering order allowing rehearing, and special pleas.

(5) In the following actions, the clerk of the juvenile court shall charge a fee of sixty-two dollars (\$62.00): delinquency and unruly cases, and felony and misdemeanor cases in juvenile court.

(f) Actions in general sessions court. (1) General sessions civil filing fee, forty-two dollars (\$42.00). Unless otherwise provided elsewhere in this section, court clerks in civil cases in general sessions court shall charge a standard filing fee of forty-two dollars (\$42.00). This fee is intended to cover all initial court clerk's costs for initiating a civil proceeding in general sessions court, including, but not limited to, hearings regarding short term mental health commitments, appeals of decisions denying the issuance of handgun permits, and requests not otherwise provided for. This fee shall not apply to orders of protection, which shall have the same fee, when costs are adjudged, as in courts of record, of one hundred dollars (\$100).

(2) When a general sessions court is exercising concurrent civil jurisdiction with a court of

record, the clerk shall charge the litigation taxes and court costs applicable in courts of record.

(g) Criminal actions in general sessions court. (1) General session criminal base fee, sixty-two dollars (\$62.00). This fee shall be charged per conviction per defendant. For cases involving traffic citations, instead of sixty-two dollars (\$62.00), the base court cost shall be forty-two dollars (\$42.00).

(2) Failure to appear, forty dollars (\$40.00). In cases where the defendant fails to appear or pay fines or costs and the court issues an attachment, bench warrant, capias or other process to compel the defendant's attendance at the court, the defendant shall be charged an additional fee for clerk's costs of forty dollars (\$40.00).

(3) Calling in surety, forty dollars (\$40.00). The clerk shall charge the defendant this fee each time a scire facias or other proceeding is instituted to bring in a surety, or make action against a bond in criminal cases for failure to appear.

(4) The clerk shall charge a fee of seventy-five dollars (\$75.00) for requests for bonding company release from final forfeiture, or requests to reinstate a driver license.

(5) The clerk shall charge a fee of one hundred dollars (\$100) for expungements.

(h) Clerk's commissions. (1) Except as provided in subdivisions (h)(2) and (3), for receiving and paying over all taxes, fines, forfeitures, fees and amercements, the clerk of the court is entitled to a five percent (5%) commission.

(2) In counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the commission for receiving and paying over all taxes, fines, forfeitures, fees and amercements, shall be ten percent (10%), except as provided in subdivision (h)(3).

(3) For receiving and paying over all privilege taxes on litigation, the clerk of the court is entitled to a six and seventy-five hundredths percent (6.75%) commission. The total amount of commissions receivable by the clerk of the court during any fiscal year shall not be less than the amount received by such clerk during the fiscal year ending June 30, 2005; provided, that if the statewide amount of litigation tax collected during such fiscal year is less than the amount collected during the fiscal year ending June 30, 2005, then the total amount of commissions receivable by the clerk of the court for that fiscal year shall be reduced by a percentage equal to the percentage reduction in statewide litigation tax collections for that fiscal year.

(i) Other fees of court clerks. The following fees apply uniformly in all courts, general sessions, juvenile, probate, circuit or chancery, and may be charged in addition to the fees for cases listed in this section:

(1) Standard post-judgment fee. Unless otherwise provided, court clerks in criminal and civil cases in all courts shall charge a standard post-judgment fee of twenty-five dollars (\$25.00). This fee shall be charged per occurrence and shall be charged regardless of whether judgment is enforced by garnishment, execution, levy or other process. This fee shall also apply to post-judgment interrogatories, publications, motions to set installment payments, and orders and pleas.

(2) For issuing a subpoena or subpoena duces tecum, the fee shall be six dollars (\$6.00).

(4) For making copies as requested, other than for an original filing and other than when preparing a record upon appeal, the fee shall be fifty cents (50cent(s)) per page.

(3) (A) In all cases in all courts, the clerk shall charge a fee of five dollars (\$5.00) for each requested continuance.

(B) In addition to the fee provided for in subdivision (i)(3)(A), the clerk shall also collect a courtroom security enhancement fee of two dollars (\$2.00). The revenues from the two-dollar courtroom security enhancement fee shall be deposited into the county general fund. All revenue from this fee shall be used exclusively for the purposes of providing security and enhancing the security of court facilities in the county. For each fiscal year, the court security committee, created by § 16-2-505(d)(2), shall develop and submit recommendations to the county legislative body regarding how such funds shall be utilized.

(C) The fees for continuances shall be collected at the conclusion of the case. If multiple litigants request a continuance, the judge may assess these fees to one (1) or more parties.

(5) For making certification and seal, providing a copy of an abstract, or providing driver license certification, the fee shall be five dollars (\$5.00).

(6) For receiving funds paid into court on confirmation of private sales or other funds paid into the clerk pursuant to court order, and collecting and paying out the proceeds, the fee shall be forty dollars (\$40.00). This fee also applies where there is a pre-judgment judicial attachment or similar process to bring property into the court's possession prior to judgment. This fee shall not apply to payments of proceeds made pursuant to court order to any person from funds held by the clerk, except for court orders concerning a redemption of delinquent taxes property sale; in such case, the fee shall only be charged one (1) time against the total amount of proceeds generated from the property.

(7) For selling real or personal property under decree of court, and receiving, collecting, and paying out the proceeds, a commission not to exceed three percent (3%) on the amount of sales. The clerk shall collect the sheriff's fee, plus the sheriff's fee for each additional defendant, in a proceeding to sell real estate.

(8) The clerks of the various courts have the authority to invest idle funds held under their control, not otherwise invested. Such investments shall be in banks or savings and loan associations operating under the laws of the state or under the laws of the United States; provided, that such deposits are insured under the federal deposit insurance corporation. Such investments shall not exceed the amounts that are federally insured, unless otherwise fully collateralized under a written collateral agreement, or unless the funds are deposited with an institution that is a member of the state collateral pool. The interest on such investments shall become part of the fees of the court clerk and the clerk shall be required to account for interest received, the same as with other fees received. Any funds authorized to be invested may be invested by the clerk in the local government investment pool administered by the state treasurer.

(9) Nothing in this section shall be construed to relieve the clerks of courts from the responsibility of investing funds held under their control, pursuant to court order or under the rules of court. The interest on those investments shall accrue to the benefit of those directed by the court or by agreement of the parties to the litigation.

(10) For investing funds, the clerk shall receive a fee of five percent (5%) of the earnings of such investment.

(11) For preparing a record on appeal from a court of record to an appellate court, the fee shall be three hundred dollars (\$300).

(12) Whenever the clerk is required by law or by a judge to send documents by certified or registered mail, the clerk is entitled to recover the clerk's actual costs for mailing the documents.

(j) Earmarked funds for computerization. (1) Out of all the general filing fees charged by court clerks, two dollars (\$2.00) of the amount collected shall be earmarked for computer hardware purchases or replacement, but may be used for other usual and necessary computer related expenses at the discretion of the clerk. Such amount shall be preserved for these purposes and shall not revert to the general fund at the end of a budget year if unexpended.

(2) Effective July 1, 2012, all the general filing fees charged by court clerks shall be increased by two dollars (\$2.00). The amount collected pursuant to this two-dollar increase shall be earmarked, along with the two dollars (\$2.00) in subdivision (j)(1), for the purposes set forth in subdivision (j)(1), and shall be preserved for those purposes and shall not revert to the general fund at the end of a budget year if unexpended. Pursuant to subsection (l), the fees increased by this subdivision (j)(2) shall not be assessed against the state or otherwise represent a cost to the state in criminal cases, child support actions, mental health proceedings, actions under the Tennessee Adult Protection Act, compiled in title 71, chapter 6, part 1, actions with regard to child care licensing, and collection efforts brought by the department of human services.

(k) Costs in extraordinary cases. In any extraordinary cases, the clerk may petition the judge to award reasonable costs, in excess of the amounts provided in this section, to reimburse the clerk for the additional services demanded by the case. In such cases, the clerk may also petition the judge to require an appropriate cost bond. For the purposes of this subsection (k), an extraordinary case is defined as one in which there are ten (10) or more plaintiffs or ten (10) or more defendants.

(l) Charges to the state unchanged. Notwithstanding any provision of this section to the contrary, any fees increased by this section that are assessed against the state or that otherwise represent a cost to the state in criminal cases, child support actions, mental health proceedings, actions under the Tennessee Adult Protection Act, compiled in title 71, chapter 6, part 1, actions with regard to child care licensing, and collection efforts brought by the department of human services, shall be limited to the amounts chargeable prior to January 1, 2006.

(m) Indigent parties. No clerk shall be permitted to collect any fee authorized by this section without permitting any person the opportunity to institute a cause of action by means of a pauper's oath, in accordance with Rule 29 of the Rules of the Tennessee Supreme Court.

(n) (1) Except as provided in subdivision (n)(2), the fees provided for in this section shall not apply to circuit court clerks, criminal court clerks, clerks and masters of chancery courts, clerks of courts of general sessions, county clerks, clerks of juvenile and probate courts, and clerks of law and equity courts in counties with a charter form of government

that have a population of not less than three hundred and fifty thousand (350,000) nor more than four hundred and fifty thousand (450,000), according to the 2000 federal census or any subsequent federal census. In those counties, the clerks shall instead charge the fees provided for in § 8-21-409. For the purpose of administering court costs and clerk's fees in counties affected by this subsection (n), any statutory reference to this section shall be deemed to be a reference to § 8-21-409.

(2) The fees provided for in this section shall apply to the criminal court, fourth circuit and the general sessions court-criminal division in any county with a charter form of government that has a population of not less than three hundred and fifty thousand (350,000) nor more than four hundred and fifty thousand (450,000), according to the 2000 federal census or any subsequent federal census.

(o) Fees for electronic filing and retrieval of court documents. (1) In any court where electronic filing, signing, or verification of papers has been authorized by local court rule, and in accordance with Rule 5B of the Tennessee Rules of Civil Procedure, clerks may assess a transaction fee for each filing submitted by a party to the case. The transaction fee shall be limited to a maximum of five dollars (\$5.00) per filing up to a maximum of fifty dollars (\$50.00) per case. As an alternative to a transaction fee, clerks may assess an annual subscription fee for each registered user of the electronic filing system. The subscription fee shall permit the registered user unlimited electronic filing for a one-year period. The one-year period shall be defined by the clerk and shall be consistently maintained for all registered users of the electronic filing system. The annual subscription fee shall not exceed three hundred dollars (\$300) for each annual period. Each of these fees shall be set in an amount necessary to defray the expenses associated with implementation and maintenance of the electronic filing and document retrieval system and shall be included in the local court rule authorizing it. Pursuant to subsection (l), these fees shall not be assessed against the state.

(2) Pursuant to subsection (m), neither the transaction fee nor the subscription fee shall be assessed to a party declared indigent or to that indigent party's legal representative.

(3) In any court where electronic filing, signing, or verification of papers has been authorized by local court rule, the state and any department or contractor of the state shall not be required to file documents electronically, notwithstanding any local court rule.

(4) Neither the electronic filing transaction fee or subscription fee shall limit a clerk's statutory authority to charge subscription fees or transaction fees for obtaining copies of documents maintained by the clerk as part of an electronic filing system of a separate document management system.

HISTORY: Code 1858, §§ 2306, 2844, 4551 (deriv. Acts 1837-1838, ch. 125, § 8); Acts 1897, ch. 6, § 5; 1897, ch. 9, § 2; 1897, ch. 96, § 1; 1899, ch. 96, §§ 67, 68; 1903, ch. 377, § 12; 1917, ch. 63, § 48; Shan., § 6388; Acts 1919, ch. 137, § 1; mod. Code 1932, § 10692; Acts 1951, ch. 157, § 1; 1957, ch. 59, § 1; 1961, ch. 131, § 1; 1961, ch. 202, § 1; 1965, ch. 355, § 1; 1972, ch. 813, §§ 1, 2; modified; 1974, ch. 556, § 1; impl. am. Acts 1976, ch. 529, § 23; Acts 1976, ch. 651, § 1; 1977, ch. 240, § 1; 1977, ch. 291, § 1; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A. (orig. ed.), § 8-2115; Acts 1980, ch. 612, § 1; 1981, ch. 427, § 1; 1981, ch. 488, § 6; 1984, ch. 665, § 1; 1985, ch. 143, § 2; 1985, ch. 304, § 1; 1985, ch. 305, §§ 1, 2; 1986, ch. 701, § 1; 1986, ch. 755, §§ 1, 2; 1987, ch. 135, § 2; 1987, ch. 282, § 8; 1987, ch. 327, § 1; 1987, ch. 414, §§ 1-5; 1991, ch. 415, §§ 1, 2, 6; 1992, ch. 924, § 1; 1995, ch. 456, §§ 1-4; 1996, ch. 675, § 12; 1997, ch. 384, §§ 1, 2; 1999, ch. 530, §§ 1-8; 2005, ch. 429, § 17; 2008, ch. 1047, § 1; 2011, ch. 234, § 1;

2012, ch. 623, § 1; 2012, ch. 798, § 2; 2012, ch. 886, §§ 1, 2; 2012, ch. 998, § 1; 2012, ch. 1039, § 1; 2013, ch. 412, § 1; 2014, ch. 912, § 1; 2016, ch. 731, § 1; 2016, ch. 970, § 1.

2010 Tennessee Code
Title 8 - Public Officers And Employees
Chapter 21 - Fees Charged
Part 7 - County Clerks
8-21-701 - County clerks Specific fees authorized.

8-21-701. County clerks Specific fees authorized.

In addition to any other fees for services established by law, county clerks are entitled to demand and receive for the following services the fees attached:

(1) For issuance of marriage license \$10.00

(2) (A) For collecting and recording amounts from the business tax, per return 7.00

(B) Of the amount collected, two dollars (\$2.00) shall be earmarked for computer hardware purchases or replacement, but may be used for other usual and necessary computer related expenses at the discretion of the county clerk. The amount shall be preserved for these purposes and shall not revert to the general fund at the end of a budget year if unexpended;

(3) For transfer of business license from one location to another 5.00

(4) For certifying a notary public's election to the secretary of state pursuant to § 8-16-106 7.00

(5) For receiving and forwarding notice of notary public name change or change of address pursuant to § 8-16-109 5.00

(6) For taking and recording official bonds and revenue bonds 2.00

(7) For receiving and paying over state and county revenue, on the amount collected and paid over 5%

(8) For ex officio services, the legislative body may make an allowance not exceeding 50.00

(9) For attending to prosecution for penalties under provisions of the inspection laws, on sums collected and paid into the state treasury 10%

(10) For services in the recovery of penalties prescribed against breach of revenue laws in relation to licenses double fees.

(11) For certifying a copy of a document or taking an acknowledgment or affixing seal 5.00

(12) For making copies, per page50

(13) (A) For handling refunds of amounts overpaid up to 2.00

(B) A county clerk shall adopt a policy establishing a procedure to be followed if the county clerk receives payments of taxes or fees in excess of the required amount, and that policy shall include one or more of the following:

(i) Contacting the person or entity tendering the payment for specific instructions regarding the excess amount;

(ii) Allowing the county clerk's office to retain reasonable overage amounts as fees of the office; or

(iii) Providing a refund of the excess moneys, less a reasonable amount of the excess payment retained as fees of the office;

(14) For issuance of permits and licenses for which fees are not otherwise provided 5.00

(15) For filing documents for which fee is not otherwise provided 5.00

(16) For county clerks performing services as clerk of a court, the fees prescribed in part 4 of this chapter.

[Code 1858, §§ 683, 685, 4562 (deriv. Acts 1847-1848, ch. 161, § 13); Acts 1859-1860, ch. 77, § 1; 1870-1871, ch. 65, § 24; 1875, ch. 92, § 5; 1883, ch. 152, § 2; 1891, ch. 1, § 39; 1891, ch. 148, § 1; 1899, ch. 371, § 7; 1901, ch. 64, § 11; 1901, ch. 78, §§ 12, 13; 1903, ch. 163, § 1; 1905, ch. 6, § 4; 1905, ch. 76, §§ 11, 12; 1905, ch. 255, § 5; 1907, ch. 602, §§ 28, 62; 1909, ch. 185, § 16; 1915, ch. 38, § 4; 1915, ch. 85, § 11; 1915, ch. 101, § 8; 1915, ch. 152, § 13; 1917, ch. 62, § 12; 1917, ch. 73, §§ 2, 3, 57; Shan., § 6400; mod. Code 1932, § 10704; Acts 1951, ch. 166, § 1; 1953, ch. 20, § 1; modified; impl. am. Acts 1957, ch. 59, § 1; Acts 1963, ch. 145, § 2; 1971, ch. 387, § 24; 1972, ch. 850, § 19; impl. am. Acts 1976, ch. 593, § 23; impl. am. Acts 1978, ch. 934, §§ 7, 22, 36; T.C.A. (orig. ed.), § 8-2126; Acts 1982, ch. 728, § 1; 1986, ch. 614, § 3; 1989, ch. 16, § 2; 2008, ch. 924, § 1.]

2010 Tennessee Code
Title 8 - Public Officers And Employees
Chapter 21 - Fees Charged
Part 10 - Registers
8-21-1001 - Registers.

(a) As used in this section: (1) Document means the entire writing offered for registration in the office of the register, which may contain one (1) or more instruments as defined herein; and

(2) Instrument means a legal writing that gives formal expression to or evidence of a complete legal act or agreement requiring a separate index entry. For example, a document that contains a deed and a release of a deed of trust contains two (2) instruments, and a document that contains three (3) assignments contains three (3) instruments.

(b) The registers of this state are entitled to demand and receive for their services in registering documents the following fees, and none other: (1) For military discharge No Charge (2) For each plat, map or survey \$15.00 (3) For each document that may be registered, other than documents filed pursuant to the Uniform Commercial Code, and other than a military discharge, plat, map or survey, page size not to exceed 8 1/2" x 14" 10.00 (4) For each instrument in a document in excess of one (1) instrument 5.00 (5) For each page in a document in excess of two (2) pages, not to exceed 8 1/2" x 14" 5.00 (6) For a certified copy of a plat, map or survey 5.00 (7) For a certified copy of a document other than a plat, map or survey, page size not to exceed 8 1/2" x 14", per page 1.00

(c) Except for instruments filed under the Uniform Commercial Code, title 47, chapters 1-9, the register of each county is entitled to demand and receive for such register's services a fee of two dollars (\$2.00) for each instrument recorded or filed in such register's office.

(d) The fees collected pursuant to subsection (c) and the fees collected by the register as a result of the increase in fees for the filing or recording of Uniform Commercial Code documents from ten dollars (\$10.00) to twelve dollars (\$12.00) for each such fee charged pursuant to title 47, chapter 9, part 5, shall be allocated by such register's county for the purchase of computer equipment and software, upgrades to computer equipment and software, and supplies, maintenance and services relating to computer equipment and software, for use in the register's office; provided, that the expenditure of these additional fees shall not be earmarked in any county that on July 1, 1998, was authorized under prior law to charge an additional recording fee of one dollar (\$1.00) or two dollars (\$2.00) for each document filed or recorded in the register's office that was not earmarked for a particular purpose.

(e) All private act provisions authorizing registration or recording fees to be charged by the county register in amounts additional to those authorized by general law are superseded.

(f) The county register shall not be entitled to demand and receive any fees for notices of liens for overdue child or spousal support or releases of same entered into a computer system with a terminal in the county register's office by the department of human services pursuant to § 36-5-901(b)(3).

(g) (1) In addition to any other fee permitted in this section or by law, the register of any county having a population of not less than thirty-three thousand ten (33,010) nor more than thirty-three thousand five hundred (33,500), according to the 1990 federal census or any subsequent federal census, may demand and receive for such register's services a fee of two dollars (\$2.00) for data processing for each document recorded in such register's office. Such fees shall be allocated by the county for the purchase of computer equipment, upgrades, imaging systems, supplies, and maintenance used in the operation of the register's office.

(2) This subsection (g) shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of any county to which it may apply.

(h) (1) In any county having a population of not less than seventy-one thousand three hundred (71,300) nor more than seventy-one thousand four hundred (71,400), or in any county having a population of not less than eight hundred ninety-seven thousand four hundred (897,400) nor more than eight hundred ninety-seven thousand five hundred (897,500), according to the 2000 federal census or any subsequent federal census, the register shall waive and exempt all recording fees for official government documents filed on behalf of the county by county public officials in the course of their official duties.

(2) Subdivision (h)(1) shall have no effect unless it is approved by a two-thirds vote of the legislative body of any county to which it may apply.

(i) (1) Notwithstanding subsections (a)-(h) or other law to the contrary, any revenue collected from data processing fees above an amount necessary to purchase computer equipment and software, upgrades to computer equipment and software and supplies, maintenance and services relating to computer equipment and software by a register in any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900), according to the 2000 federal census or any subsequent federal census, may be utilized for other purposes directly related to the official function of that office.

(2) Prior to any purchase relating to the official function of the register from revenue collected above an amount necessary for purchasing, upgrading, supplying and maintaining computer equipment and software by the register's office as provided in subdivision (i)(1), the register shall obtain the approval of the county legislative body for the purchase.

(3) This subsection (i) shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of any county to which it may apply.

(j) (1) In addition to any other fee permitted in this section or by law, the register of any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900), according to the 2000 federal census or any subsequent federal census, may demand and receive for the register's services a two dollar (\$2.00) electronic filing (e-file) submission fee for each electronically filed document that is recorded over the Internet through the register's county electronic filing portal.

(2) The register shall waive and exempt all electronic filing submission fees authorized pursuant to subdivision (j)(1) for official government documents filed by local, state or federal government entities of the United States in the course of their official government business.

