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Chapter XII - Taxation

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter XII - Taxation

Assessor of Property

Additional Duties

Private Acts of 1929 Chapter 751

SECTION 1. It shall be the duty of Tax Assessors in all counties within the State of Tennessee, falling within the provisions of this Act, having a population of not less than 43,375, and not more than 43,395, according to the Federal Census of 1920, or any subsequent Federal Census, to maintain and keep open an office at the Court House, at the County Seat, between the hours of 8:00 o'clock A.M., and 4:30 o'clock, P.M., daily. In addition, the Quarterly County Court is hereby authorized, empowered and directed to employ a clerk to assist the Tax Assessor in the performance of his duties and to fix the compensation for such clerk. The clerk shall serve at the pleasure of the Quarterly County Court. At the first meeting of the Quarterly County Court, occurring after the passage and ratification of this Act, the County Judge shall appoint two members of the Court, who, with the County Tax Assessor, shall recommend to the Quarterly County Court, the name of a suitable person to be employed as clerk.

The Clerk is hereby authorized to stamp, or cause to be stamped, all deeds presented at the office of the Tax Assessor, showing that the names of the vendor and vendee of the deed, have been copied onto the assessment rolls, so that the rolls will accurately reflect the name or names of the persons who own the property conveyed. The Tax Assessor's stamp shall be imprinted upon all deeds before the same are filed for registration in the Office of the Register of Deeds.

In the event the Tax Assessor fails to comply with the provisions of this Act, he shall be removed from office as provided by Section 8-2701, et seq., Tennessee Code Annotated.

As amended by: Private Acts of 1959, Chapter 112
Private Acts of 1961, Chapter 207

SECTION 2. That all tax or assessment books in all Counties falling within the provision of this Act shall be made up and issued from the office of the County Tax Assessor at the County Seat, where his office is kept, either by the Tax Assessor or by some deputy capable of making up such books.

As amended by: Private Acts of 1945, Chapter 142

SECTION 3. That all persons, firms, or corporations conveying real estate by deed in all counties in the State of Tennessee, falling within the provisions of this Act, shall within thirty (30) days from the date of such conveyance, by letter posted in the United States mail, notify the County Tax Assessor of the name of the person, firm or corporation to whom such conveyance is made.

SECTION 4. That the Tax Assessors of all Counties falling within the provisions of this Act are hereby authorized to appoint one or more Deputy Tax Assessors whose duties are to work under and by the direction of the County Assessor, wherever assigned[.] The County Tax Assessor [sic] shall be paid the sum of Fifty (\$50.00) Dollars per month for the purpose of defraying office expenses and clerical help, which shall be in addition to his regular salary or compensation.

As amended by: Private Acts of 1945, Chapter 142

COMPILER'S NOTE: Private Acts of 1945, Chapter 142, provides that "the County Trustee of all such counties will pay the County Tax Assessor said sum of Fifty (\$50.00) Dollars each and every month out of the general fund of said counties upon the warrant drawn by the County Judge or Chairman of said counties, either by a separate warrant or included with his regular salary or compensation." The act, however, does not specify a section in which to include this language.

SECTION 5. That all laws or parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed.

SECTION 6. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 11, 1929.

Litigation Tax

Private Acts of 1965 Chapter 211

SECTION 1. That there is hereby created a Law Library Commission of Humboldt, Gibson County, Tennessee, which shall be composed of three (3) members, two (2) of which shall be attorneys enrolled in

the Law Court of Humboldt, Gibson County, Tennessee and maintaining a full time law office within the territorial jurisdiction of said Court; the third member shall be the Clerk of said Court.

The two attorney members of said Commission shall be elected by members of the Gibson County Bar on the 26th day of April, 1965, at 10:00 o'clock A.M., said election to be held in the Courtroom in the City Hall at Humboldt, Tennessee. Notice of the time, date and purpose of said election shall be sent to all attorneys eligible to be members of said Commission at least five (5) [sic] days prior to said election, and they shall elect the attorney members to serve for a period of two (2) years. Thereafter, attorney members of the Commission shall be elected biennially on the fourth Monday in April and the Clerk of said Court shall give at least five (5) days notice of said election to all attorneys eligible for membership.

The members of the Commission shall elect from among its membership a Chairman and a Secretary. The members of this Commission shall receive no compensation for their services as such.

SECTION 2. That on and after the effective date of this Act, a litigation tax of \$1.00 shall be taxed as a part of the costs in all cases, both criminal and civil, filed in all Courts operating within the territorial jurisdiction of the Humboldt Law Court.

Said tax shall be collected by the Clerk of each Court and shall be paid into a separate fund which shall be designated as the Humboldt Law Library fund. Said fund shall be maintained by the Clerk of the Humboldt Law Court, and expenditures from said fund for the purposes herein authorized and empowered shall be made by checks signed by the Chairman and Secretary of the Commission upon proper authorization of the Commission.

As amended by: Private Acts of 1972, Chapter 212

SECTION 3. That the Commission shall have the following powers and authority:

- a. To establish and maintain a Law Library for the use of the courts, judges, public officials, attorneys, and the public.
- b. To acquire by gift, purchase, loan, or otherwise, such codes, treatises, court reports, and other books, periodicals, and services which shall be deemed beneficial for those authorized to use the same.
- c. To acquire in like manner furniture, equipment and supplies useful for the establishment and operation of the Law Library.
- d. To make such rules and regulations governing the operation and use of the Law Library.
- e. The Commission shall be responsible for the protection and safekeeping of the Law Library, its contents, equipment and supplies, and shall have authority to exclude from using the facilities of such Library any persons who should cause any damage to the equipment, fixtures or contents thereof, or who refuses to conform with the rules and regulations promulgated by the Commission.
- f. To borrow money and pledge the revenues from the tax hereinabove provided for the payment of the same.

SECTION 4. That the Commission shall hold regular meetings and special meetings upon the call of the Chairman. Two (2) persons shall constitute a quorum, and the affirmative vote of at least two (2) members shall be necessary for any affirmative action of the Commission. The Secretary shall keep the records of all meetings to reflect the action of the Commission.

SECTION 5. That upon the termination of the Commission, or any successor or successors to said Commission, by an Act of the General Assembly or otherwise, the Law Library, its contents, equipment and supplies, and all other property obtained by act of the Commission, shall become the property of Gibson County for the use and benefit of the residents of the Districts of Gibson County composing the territorial jurisdiction of the Humboldt Law Court.

SECTION 6. That if any provisions or clause of this Act or application thereof to any person or circumstance be held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect after the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 7. That this Act shall have no effect unless the same shall be approved by a two-thirds (2/3) vote of the Quarterly Court of Gibson County, Tennessee at its next regular meeting held more than ten (10) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the County Judge and shall be certified by him to the Secretary of State.

SECTION 8. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 19, 1965.

COMPILER'S NOTE: On the same day the legislature passed the foregoing act (Senate Bill No. 933), it

also passed an alternate bill, Private Acts of 1965, Chapter 247 (House Bill No. 1056), which would have created a Courtroom and Law Library Commission, but the alternate act did not receive local approval.

Hotels and Motels

Private Acts of 1985 Chapter 37

SECTION 1. As used in this Act unless the context otherwise requires:

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for consideration.
- (c) "Occupancy" means the use or possession or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.
- (e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

SECTION 2. The legislative body of Gibson County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed four percent (4%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this Act.

SECTION 3. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the county.

When the transient has maintained occupancy for ninety (90) continuous days, he shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 4. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any hotel room within the county to the county clerk, such tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient; then the obligations to the county entitled to such tax shall be that of the operator.

SECTION 5. The clerk shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the county legislative body. The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this Act.

SECTION 6. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 7. Taxes collected by an operator which are not remitted to the county clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due

date at the rate of twelve percent (12%) per annum, and in addition for penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00).

SECTION 8. It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this Act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the county, which records the county clerk shall have the right to inspect at all reasonable times.

SECTION 9. The county clerk in administering and enforcing the provisions of this Act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the county clerks.

For his services in administering and enforcing the provisions of this Act, the county clerk shall be entitled to retain as a commission one percent (1%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Title 67, Chapter 23, it being the intent of this Act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this Act. The county clerk shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, for the county clerks with respect to the adjustment and settlement with taxpayers all errors of county taxes collected by him under authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the county trustee and the resolution authorizing levy of the tax shall designate clerk [sic] and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

SECTION 10. The county clerk is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in the county general fund; provided, however, that such funds shall only be obligated or expended for the sole purpose of economic development of Gibson County by the Gibson County Industrial Committee.

SECTION 11. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Gibson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by him to the Secretary of State.

SECTION 13. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this Act shall take effect upon being approved as provided in Section 12.

Passed: April 3, 1985.

Motor Vehicles - Wheel Tax

Private Acts of 1975 Chapter 1

SECTION 1. For the privilege of using the public roads and highways, except State-maintained roads, in counties in this state having a population of not less than 47,800 nor more than 49,500, as determined by the Federal Population Census of 1970, or any subsequent federal census, there is levied upon motor driven vehicles and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machinery not usually used for operation upon public highways or roads, motorized bicycles and motor-driven cycles, such as scooters and mopeds, and all government-owned vehicles, which shall pay no tax hereunder, a special privilege tax for the benefit of such counties, which tax shall be in addition to all other taxes, shall be equal to fifty dollars (\$50.00) per year for each motor vehicle, and shall be equal to fifteen dollars (\$15.00) per year for each motorcycle. The specific amount of the tax shall be determined by the Quarterly County Court of any county to which this Act applies.

This tax shall apply to and shall be paid on each motor vehicle whose owner resides, or usually stays, in counties to which this Act applies, and it shall be a misdemeanor and punishable as such for any resident of counties to which this Act applies to operate a motor vehicle, except farm tractors, self-propelled farm machinery not usually used for operation upon public highways or roads, motorized bicycles and

motor-driven cycles, such as scooters and mopeds, and all government-owned vehicles, over the roads and highways of said counties, State-maintained roads excluded, without the payment of the tax herein provided.

Nothing in this Act shall be construed as permitting and authorizing the levy and collection of the tax against non-residents of the counties to which this Act applies, but the tax shall be levied only upon motor vehicles of residents of the counties to which this Act applies and within a reasonable construction of the provisions hereof.

As amended by: Private Acts of 2017, Chapter 7.

SECTION 2. The tax herein levied shall be collected by the County Court Clerk of counties to which this Act applies at the same time that he collects the State privilege tax upon the operation of motor vehicles over the public highways. No clerk in counties to which this Act applies shall issue to a resident of such county a State license for the operation of a motor vehicle unless, at the same time, such resident shall purchase the appropriate license as herein provided for the operation of such motor vehicles under this Act. Payment of the license fee herein imposed shall be evidenced by a receipt issued by the clerk, and by a tag or emblem which shall be displayed appropriately upon some prominent part of the vehicle in question. The design of the tag or emblem and the place and manner of display on the vehicle shall be determined by the County Court Clerk, and the expense incident thereto shall be paid from the County General Fund. The tax herein levied shall entitle the owner of a vehicle to operate the same for a period of one year from March I until midnight on the last day of February of the next succeeding year, and the same proportionate reduction shall be made as is now made in the case of State registration of motor vehicles where such vehicle is registered after the required date for any reason whatsoever.

For his services in collecting this privilege tax and in designing, providing, and issuing the appropriate licenses and the receipts therefor, the County Court Clerk shall be entitled to a fee of seventy-five cents (75 cents) for each license so issued, to be collected from the person purchasing the license. The clerk shall faithfully account for, make proper reports of, and pay over to the trustee of the counties to which this Act applies, at monthly intervals, all funds paid to and received by him for the aforesaid privilege tax and fee, and such funds shall be applied as herein provided.

As amended by: Private Acts of 2017, Chapter 7.

SECTION 3. The proceeds of the tax imposed in this act, when collected by the county trustee, shall be allocated to the Gibson County Highway Department.

As amended by: Private Acts of 2017, Chapter 7.

SECTION 4. It is the intent of the General Assembly that this Act be construed as a measure providing for additional revenues in the counties affected.

SECTION 5. In the event any motor vehicle, for which the privilege tax has been paid and the tag or emblem issued therefor and placed thereon, becomes unusable or is destroyed or damaged to the extent that it can no longer be operated on the public roads and highways of said county, or in the event the owner of a vehicle for which the privilege tax has been paid transfers the title to such vehicle and removes therefrom and/or destroys the tag or emblem placed thereon or affixed thereto, and the owner makes proper application to the County Court Clerk for the issuance of a duplicate tag or emblem to be used by him on another vehicle for the unexpired term for which the original decal or emblem was issued, and the clerk is satisfied that the applicant for a duplicate tag or emblem is entitled to the issuance of such a duplicate, and the owner pays into the hands of the clerk the sum of seventy-five cents (75 cents), which is the clerk's fee for issuance of such duplicate tag or emblem, the clerk shall then issue to the owner a duplicate tag or emblem and a receipt for the issuance of such duplicate tag or emblem.

In the event a tag or emblem becomes obliterated, erased, defaced, destroyed, or otherwise illegible or unusable by the owner of the licensed vehicle, the clerk, upon proper application from the owner, showing such circumstances and facts to be true, may issue and deliver to the applicant a duplicate tag or emblem upon receipt of the clerk's fee of seventy-five cents (75 cents). The clerk shall also issue to the owner a receipt for the issuance of the duplicate tag or emblem.

The duplicate tag or emblem shall be displayed upon the licensed vehicle in the place and manner determined by the County Court Clerk, and such duplicate tag or emblem shall entitle the owner of the vehicle to drive the vehicle on the public roads and highways of such county for the remainder of the period for which the original tag or emblem was issued.

As amended by: Private Acts of 2017, Chapter 7.

SECTION 6. Any person violating the provisions of this Act, or of any part thereof, shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

SECTION 7. This Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of any county to which it may apply at any regular or special meeting of said Quarterly County Court held after its approval by the Governor or after its otherwise becoming a law. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or disapprove and shall be certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this Act as provided in Section 7, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, the provisions shall take effect upon approval as provided in Section 7, it being the legislative intent that the tax levied under this Act be collected for the tax year beginning March 1, 1975, and for each year thereafter.

Passed: February 27, 1975.

Taxation - Historical Notes

Assessor of Property

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Gibson County Assessor.

1. Private Acts of 1919, Chapter 260, provided additional compensation of 10¢ for every property/poll assessment made by the County Tax Assessor for the various Special School Districts in Gibson County, to be paid out of the funds of the Special School District for which the assessment was made.
2. Private Acts of 1921, Chapter 131, set the salary for County Tax Assessor in Gibson County at \$2,400 per year.
3. Private Acts of 1949, Chapter 701, set the salary of the County Tax Assessor at \$3,600 per year.
4. Private Acts of 1959, Chapter 108, was passed the same day as, and appears identical to, Private Acts of 1959, Chapter 112. Both acts were amendments to Private Acts of 1929, Chapter 751 (reproduced hereinabove). Chapter 108 failed to gain local approval.
5. Private Acts of 1961, Chapter 208, set the salary of the County Tax Assessor at \$6,500 per year.

Taxation

The following is a listing of acts pertaining to taxation in Gibson County which are no longer effective.

1. Private Acts of 1826, Chapter 86, authorized the Court of Pleas and Quarter Sessions to levy a tax in Gibson County to build a courthouse and jail at Trenton.
2. Acts of 1837-38, Chapter 35, directed the state treasurer to pay \$400 to the former sheriff and collector of Gibson County, John W. Needham.
3. Public Acts of 1869-70, Chapter 51, provided that the Revenue Collector for Gibson County was to make all his reports for non-payment of taxes to the Circuit Court at Trenton.
4. Acts of 1907, Chapter 602, provided for assessment and collection of revenue for State, county and municipal taxes. This act was amended by Public Acts of 1925, Chapter 10, but Gibson County was exempted from the amendment.
5. Private Acts of 1913 (1st Ex. Sess.), Chapter 66, authorized the Quarterly County Court in Gibson County to levy a special school tax.
6. Private Acts of 1933, Chapter 556, provided for payment of county taxes in Gibson County in four quarterly installments.
7. Private Acts of 1967-68, Chapter 466, would have imposed a wheel tax in Gibson County, but the act failed to gain local approval.

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