



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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Chapter XI - 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 XI - Taxation

Assessor of Property

Additional Duties

Private Acts of 1925 Chapter 351

SECTION 1. That in every county in this State having a population of not more than 32,826 and not less than 32,822, according to the Federal Census of 1920, or any subsequent Federal Census, that the salary of the Tax Assessor shall be Three Thousand Dollars (\$3,000.00) per annum, payable quarterly, Seven Hundred and Fifth Dollars (\$750.00) per quarter, out of the County Treasury upon a warrant drawn by the Chairman or County Judge of said County for that purpose.

SECTION 2. That the Tax Assessor of said county or counties shall maintain and keep open during business hours an office in the Court House for said county or counties for the transaction of all business relating to his office as Tax Assessor, which shall be in charge of himself or his duly appointed deputy.

SECTION 3. That before any deed or other instrument which conveys or purports to convey the title in fee simple to any real estate shall be recorded [sic] it shall be the duty of the County Tax Assessor to examine the same and ascertain if the property described in said deed or instrument has been and is correctly assessed.

SECTION 4. That it shall be the duty of the County Tax Assessor to countersign every such deed or instrument after having recorded the transfer upon the assessment books of the property conveyed by said deed or instrument to the party or parties in whom the title is shown to be vested by such deed or instrument.

SECTION 5. That it shall be unlawful for any County Register or Deputy County Register to record or enter any deed or instrument coming within the provisions of Section 3, of this Act upon the records of the Register's office or to receive such deed or instrument for the purpose of recording or entering the same upon the records, unless such deed or instrument shall have first been countersigned by the County Tax Assessor or his duly appointed deputy.

SECTION 6. That any County Register or Deputy County Register who shall be convicted of violating the provisions of Section 5, of this Act shall be fined not less than \$5.00 nor more than \$10.00.

SECTION 7. That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed.

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

Passed: March 11, 1925.

General County Purposes Tax

Private Acts of 1931 Chapter 779

SECTION 1. That this Act shall apply to all counties of the State having a population of not less than 35,110, nor more than 35,164, according to the Federal Census of 1930, or any subsequent Federal Census.

SECTION 2. That any such county, acting by and through its Quarterly County Court, shall be and is hereby authorized to levy and collect annually for general county purposes a tax not to exceed Thirty Cents (30¢), on each One Hundred Dollars (\$100.00), of taxable property in such county, and this authority shall exist in the Quarterly County Court regardless of the amount of such taxes authorized to be levied and collected by the general revenue law of the State, or otherwise.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: July 1, 1931.

Litigation Tax

Private Acts of 1996 Chapter 155

SECTION 1. There is hereby imposed a litigation tax on the privilege of litigating a civil and criminal action in the amount of fifteen dollars (\$15.00) to be assessed and taxed as part of the costs of the action on all such actions disposed of in the circuit, criminal, chancery and general sessions courts of Greene County.

As amended by: Private Acts of 1997, Chapter 39
Private Acts of 1999, Chapter 16

SECTION 2. The litigation taxes provided in Section 1 shall be collected by the clerks of the various courts in which the actions are disposed. The clerks shall pay over the revenue generated by such litigation taxes to the county trustee every month, by the tenth (10th) of the month immediately following the end of the month in which such collections were made by the clerks.

SECTION 3. The trustee of Greene County shall deposit the litigation taxes collected under the authority of Section 2 into such general fund. That all funds generated by the additional fifteen dollar (\$15.00) litigation tax shall be used exclusively for the purpose of purchasing vehicles and equipment for the Greene County Sheriff's Department upon the appropriation of the County Legislative Body.

As amended by: Private Acts of 1997, Chapter 39
Private Acts of 1999, Chapter 16

SECTION 4. The litigation taxes collected under this act shall be considered suspended when the court having jurisdiction over the cause of actions suspends the costs of such action.

SECTION 5. As used in this act, unless the context requires otherwise, "action" includes all ex parte hearings, advisory hearings and contested proceedings in the enumerated courts.

SECTION 6. 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 7. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the legislative body of Greene County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Greene County legislative body and certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective on the first day of the month following its approval as provided in Section 7.

Passed: March 18, 1996.

Wheel Tax

Private Acts of 1976 Chapter 251

SECTION 1. For the privilege of using the public roads, except state-maintained roads, in Greene County, there is levied on the privilege of operating motor-driven vehicles, (including motorcycles and motor-driven bicycles and scooters, but excluding farm tractors, self-propelled farm machines not usually used on public highways or roads, and all government owned motor-driven vehicles) a special privilege tax for the benefit of the county, of ten dollars (\$10.00).

This tax shall be paid by the owner of each motor-driven vehicle, operated on the roads of Greene County, state-maintained roads excluded, at least thirty (30) days each year.

SECTION 2. It shall be a misdemeanor for any owner of a vehicle taxable hereunder to operate such vehicle upon the streets, roads or highways of the county, state-maintained roads excluded, unless the provisions of this act are met. Provided further that nothing in this act shall be construed as permitting the levy and collection of a tax against non-residents of Greene County who do not come within the provisions of this act.

Any new resident of Greene County shall be allowed thirty (30) days after establishing his residence in the county within which to comply with the provisions of this act.

SECTION 3. The tax herein levied shall be collected by the County Court Clerk of Greene County, who shall collect this tax at the same time he collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this state. The clerk shall not issue to a county resident a state license for the operation of a vehicle taxable hereunder unless, at the same time, the owner pays the privilege tax levied hereunder.

SECTION 4. Payment of the tax shall be evidenced by a receipt, issued in duplicate by the clerk, the original of which shall be kept by the vehicle owner and by a decal or emblem also issued by the clerk,

which shall be affixed on the lower right-hand side of the vehicle windshield. Provided, however, that the privilege tax decal for motorcycles, motor-driven bicycles, and scooters shall be placed on the top portion of the gasoline tank, but if such tank is not visible then on any prominent and visible portion of that vehicle.

SECTION 5. The design of the decal or emblem shall be determined by the county court clerk. The expense incident to the purchase of such decals and emblems herein required, as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein incumbent upon the clerk shall be paid from the general fund of the county.

SECTION 6. When this tax is paid and the provisions of this act complied with by the owner, he shall be entitled to operate the taxed, decal bearing, vehicle in the county for a period of one (1) year from March 1st of each year until midnight on the last day of February of the next succeeding year. There shall be a grace period of forty-six (46) days to commence on March 1st of each year and end at midnight on April 15th to allow for the purchase of new emblems and decals.

When a vehicle becomes taxable under this act, at a later date than the above required date, the same proportionate reduction in cost shall be made, as is not made in the issuance of the privilege tax payable to the state and collected by the clerk, under the provisions of the general law.

SECTION 7. For his services in collecting the tax, and in issuing the receipt therefor and delivering the decal or emblem to the owner, the clerk shall be entitled to a fee of fifty cents (50¢) for each vehicle, motorcycle, motor-driven scooter and bicycle, it being the legislative intent that the clerk's fee equal not more than five percent (5%) of the amount of tax paid; and further provided that this fee shall be deducted from the amount of wheel tax paid. The clerk will faithfully account for, make proper reports of, and pay over to the county trustee at monthly intervals, all funds received by him for the payment of the tax.

SECTION 8. In the event any vehicle for which the wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable to the extent that it can no longer be operated over public roads; or in the event that the owner transfers the title to such vehicle, and completely removes therefrom and destroys the decal or emblem, and the owner makes proper application to the clerk for the issuance of a duplicate decal 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 is entitled to the issuance of such a duplicate decal or emblem, and the owner pays into the hands of the clerk the sum of two dollars (\$2.00) the clerk will then issue to such owner a duplicate receipt, canceling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the vehicle for which it is issued, as herein provided, and such duplicate decal or emblem shall entitle the owner to operate or allow to be operated the vehicle upon the county roads for the remainder of the period for which the original decal or emblem was issued. Likewise, in the event a decal or emblem becomes obliterated, erased, or defaced, or is destroyed under the provisions of this act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the clerk, showing such circumstances and facts to be true, then the clerk, upon receipt from the owner of two dollars (\$2.00) may issue and deliver to the owner a duplicate decal or emblem.

SECTION 9. The proceeds of this tax shall be deposited in the county general debt service fund to be used for retirement of county debt, or in such other fund as the County Legislative Body may determine by resolution.

As amended by: Private Acts of 1996, Chapter 175

SECTION 10. Any person violating the provisions of this act, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

SECTION 11. The tax herein levied shall be collected beginning March 1, 1977, and each subsequent year thereafter.

SECTION 12. 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 13. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Greene County before September 1, 1976. Its approval or nonapproval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the Secretary of State.

SECTION 14. 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, it shall become effective upon being approved as provided in Section 13.

Passed: March 10, 1976.

Hotel/Motel Privilege Tax

Private Acts of 1986 Chapter 127

SECTION 1. For the purposes of this Act, unless the context requires otherwise, the following terms shall have the meanings indicated:

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business 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 a 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 Greene 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 seven percent (7%) 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 by this act.

As amended by: Private Acts of 1997, Chapter 10
Private Acts of 2004, Chapter 101

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, such invoice 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 a person 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. 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 be added to the rent, or that, if added, any part will be refunded.

SECTION 6. 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 a rate of eight percent (8%) per annum, and in addition for a penalty on such taxes of one percent (1%) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. 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).

Any fine levied herein shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refuses to pay the tax payable to the county clerk.

SECTION 7. 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 8. 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.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in the Tennessee Code Annotated, Section 67-1-912, it being the intent of this act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this Act; provided, the county clerk shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707 (a) and (b) with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by him under the authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given the county clerk, and suit for recovery shall be brought against such county clerk.

SECTION 9.

(a) One and one-half percent (1 ½%) of the tax levied herein shall be retained by the county government and the general fund and allocated for the direct support of industrial development, recruitment, and retention for all Greene County. One and one-half percent (1 ½%) of the tax shall be retained by the county and the general fund and allocated for direct support of development and support of tourism for Greene County. Two percent (2%) of the tax shall be allocated to Greene County's General Debt Service Fund. One percent (1%) of the tax shall be allocated to the county's capital improvement fund for construction, renovation or maintenance of facilities, recreational pursuits, or the purchase of equipment. The remaining one percent (1%) of the tax shall be allocated to support or promote the performing arts as allocated by the Greene County legislative body.

(b) All such percentages, proceeds and revenues specified in subsection (a) may be reallocated by the Greene County Legislative Body by two-thirds (2/3) vote of the membership as necessitated or warranted under the circumstances then existing.

As amended by:
Private Acts of 1997, Chapter 10
Private Acts of 2001, Chapter 6
Private Acts of 2004, Chapter 101

SECTION 10. The tax collected by the county clerk shall be remitted by him to the county trustee for distribution in accordance with the terms of this act and the laws of the state of Tennessee.

SECTION 11. The privilege tax levied by this act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

SECTION 12. If any clause, sentence, paragraph, section or any part of this act shall be held or declared to be unconstitutional, it shall not affect the remainder of this act notwithstanding the part held to be invalid, if any, and to that end the provisions of this Act are declared severable.

SECTION 13. This Act shall have no effect unless it is approved by a two-thirds (⅔) vote of the county legislative body of Greene County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Greene County and certified by him to the Secretary of State.

SECTION 14. 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, it shall become effective upon being approved as provided in Section 13.

Passed: March 17, 1986.

Transfer Assessment

Private Acts of 1927 Chapter 307

SECTION 1. That the following described real estate, to-wit:

"A certain tract or boundary of land belonging to Dr. J. R. McCrary, and bounded as follows: By the lands of W. M. Hall, Richard Moody Estate, Dr. J. R. McCrary and Jas. McCrary and known as the R. C. Fulkerson farm and containing 78 acres more or less, of which amount there is fifty acres lying in the Seventh Civil District of Washington County and about 28 acres lying in the Ninth Civil District

of Greene County, it constituting one entire farm" and now all assessed for taxation in Greene County, Tennessee, shall hereafter be assessed for taxation in the Seventh Civil District of Washington County, Tennessee, and shall not hereafter be assessed for taxation in Green [sic] County, Tennessee.

SECTION 2. That this law shall not operate to make any change in the boundary line between said Washington County and Greene County.

SECTION 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 8th, 1927.

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 Greene County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1865-66, Chapter 74, Section 4, allowed David Fry, tax collector for Greene County, an additional six months to collect and account for his liability as such collector.
2. Private Acts of 1925, Chapter 125, created the office of delinquent poll tax collector for Washington, Greene and Unicoi counties.
3. Private Acts of 1927, Chapter 207, created the office of delinquent poll tax collector for Greene County. This act was repealed by Private Acts of 1929, Chapter 455.
4. Private Acts of 1933, Chapter 827, set the annual salary of the assessor in Greene County at \$2,500. This was repealed by Private Acts of 1937, Chapter 779.
5. Private Acts of 1953, Chapter 379, set the assessor's salary at \$6,500 per annum, with no additional travel expenses. This was repealed by Private Acts of 1965, Chapter 285.
6. Private Acts of 1965, Chapter 285, raised the assessor's salary to \$7,500 per year.

Taxation

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

1. Acts of 1801, Chapter 65, authorized an additional tax levy by the Greene County court for the purpose of procuring a standard of weights and measures.
2. Acts of 1803, Chapter 27, authorized an additional tax levy for the purpose of removing the courthouse and jail to another location in Greeneville and for repairing that building once it was moved.
3. Acts of 1804, Extra Session, Chapter 24, authorized the county court in Greene County to levy and collect a tax for the purpose of removing the courthouse to another location and underpinning it, and to repair the jail and erect stocks.
4. Acts of 1806, Chapter 13, provided that all inhabitants west of Bays Mountain were to pay taxes for the year 1806 to the Greene County Sheriff, despite a boundary change which had placed them in Hawkins County.
5. Private Acts of 1824, Chapter 78, authorized the levy and collection of a tax for completion of the new courthouse.
6. Private Acts of 1825, Chapter 90, provided that the former sheriff of Greene County, Hugh Carter, was to be allowed two more years in which to finish collecting the taxes due while he was sheriff.
7. Private Acts of 1827, Chapter 73, allowed Alfred Hunter, another former sheriff of Greene County, an additional two years in which to complete his collection of taxes.
8. Private Acts of 1829-30, Chapter 253, Section 2, authorized the county court of Greene County to elect a person, other than the sheriff, to collect the state and county taxes.
9. Private Acts of 1913, Chapter 201, authorized the county court to levy a tax of 50¢ to \$1.00 on each \$100 of assessed property, to be known as the "pike tax" and used to macadamize the "present graded roads within the county."
10. Private Acts of 1978, Chapter 189, provided that at the May 2, 1978 primary election, the citizens of Greene County had the opportunity to vote on whether or not a wheel tax of \$10 should be implemented for each vehicle in Greene County.

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