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Private Acts of 1979 Chapter 79

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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Private Acts of 1979 Chapter 79

SECTION 1. For the privilege of using the public roads and highways, except state-maintained roads, in Lincoln County, Tennessee, there is levied upon motor-driven vehicles and motorcycles (but excluding motor-driven bicycles and scooters) and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machines, or other vehicles or machines not usually used for operation upon public highways or roads, and except all motor-driven vehicles by any governmental agency or governmental instrumentality, a special privilege tax for the benefit of such County, which tax shall be in the amount of Twenty-Five Dollars (\$25.00) for each such motor-driven vehicle.

This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which lives within, or usually stays within, or who operates such a motor-driven vehicle on, over, or upon the streets, roads, or highways of said county, state-maintained roads excluded, for a period of as many as thirty (30) days, during any year hereafter.

It shall be and is hereby declared a misdemeanor and punishable as such for any owner of a vehicle to operate any motor-driven vehicle over the streets, roads, or highways of such county, statemaintained roads excluded, without the payment of the tax herein provided having been made as herein required, prior to such operation thereof. Provided further that nothing in this Act shall be construed as permitting and authorizing the levy of and the collection of a tax against non-residents of the County to which this Act applies and to owners of such vehicles using the streets, roads, and highways of such county, who live or reside without the bounds of said county, but who do not come within the provisions of this Act, and within a reasonable construction of the provisions thereof.

SECTION 2. The tax herein levied shall be paid to and collected by the County Clerk of Lincoln 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 of Lincoln County shall not issue to a resident of such county a State license for the operation of a motor-driven vehicle taxable hereunder unless, at the same time, such owner shall purchase the license or pay the privilege tax levied hereunder, for the operation of each of his motor-driven vehicles under the provisions of this Act.

Payment of the privilege tax imposed hereunder shall be evidenced by a receipt issued in duplicate by the Clerk, the original of which shall be kept by the owner of the motor-driven vehicle, and by a decal or emblem, also issued by the Clerk, which decal or emblem shall be displayed by affixing the same on and to the lower right-hand side of the windshield of the motor-driven vehicle for which same was issued. (Provided, however, that the privilege tax decal or emblem for motorcycles, shall be placed on the top portion of the gasoline tank, but if such tank is not visible, then the decal or emblem shall be placed on any prominent and visible portion of said vehicle.)

The design of the decal or emblem shall be determined by the 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 and hereby incumbent upon the Clerk shall be paid from the general funds of the County.

The privilege tax or wheel tax herein and hereby levied, when paid together with full, complete and explicit performance of and compliance with all provisions of this Act by the owner, shall entitle the owner of the motor-driven vehicle for which said tax was paid and on which the decal or emblem has been affixed as herein provided, to operate this vehicle over the streets, roads and highways of the county from the date of purchase until the expiration of the state registration in each year. There will be a grace period as set forth in Tennessee Code Annotated, Section 59-404, for the renewal and purchase of new emblems. When a motor-driven vehicle becomes taxable under the terms and provisions of this Act at a later date than the last day of the grace period set forth in Tennessee Code Annotated, Section 59-404, of each year, the same proportionate reduction shall be made as to the cost of the privilege tax or wheel tax, or the amount to be paid into the hands of the Clerk therefor, as is now made in the issuance of the privilege tax payable to the State of Tennessee and collected by the Clerk, under the provisions of the general laws of this State.

For his services in collecting the aforesaid 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 seventy-five (75¢) cents. The Clerk will faithfully account for, make proper reports of, and pay over to the Trustee of the county at monthly intervals, all funds paid to and received by him for the aforesaid privilege tax or wheel tax. It shall be and is hereby declared a misdemeanor and punishable as such for any motor-driven vehicle, taxable hereunder, to be driven or impelled over or upon the streets, roads, or highways of the county to which this Act is applicable, state-maintained roads excluded, without payment of this privilege tax levied hereunder and without full and complete compliance with all provisions hereof.

In the event any motor-driven vehicle for which the privilege tax or wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable, or is destroyed or damaged to the extent that this motor-driven vehicle can no longer be operated as such, and the owner ceases to operate same on the public roads, streets, or highways of said county, or in the event the owner transfers the title to the motor-driven vehicle, and completely removes therefrom and destroys the emblem or decal issued and placed thereon or affixed thereto, and the owner makes proper application for the issuance of a duplicate decal or emblem to be used by him on the same or on another motor-driven vehicle for the unexpired term for which the original decal or emblem was issued, and the Clerk is satisfied that this owner is entitled to the issuance of such a duplicate decal or emblem, and the owner 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 seventy-five cents (75¢) Clerk fee and One Dollar (\$1.00) for the decal, the Clerk will then issue to such owner a duplicate receipt, cancelling 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 motor-driven vehicle for which it is issued, as hereinabove provided, and this shall entitle the owner to drive the vehicle on the streets, roads, and highways of such county until the expiration of state registration on that vehicle. Likewise, in the event a decal or emblem becomes obliterated, erased, or defaced, or is destroyed under the provisions of this Act, and is therefor 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 seventy-five (75¢) cents, any issue and deliver to the owner a duplicate decal or emblem.

SECTION 3. The tax levied under this Act shall become effective beginning with motor vehicle registrations or renewals made after June 30, 1979, and shall be paid when each registration or renewal of registration is made each year.

SECTION 4. The proceeds of the tax to be imposed by this Act shall be collected by the Clerk and paid over by him to the Lincoln County Trustee, who shall distribute the proceeds on the following basis:

- (1) 50% of the proceeds of the tax herein imposed shall be used exclusively to retire the outstanding school bonds of said county.
- (2) 50% of the proceeds of the tax herein imposed shall be used for the maintenance and repair of bridges and roads in Lincoln County as directed by the county legislative body or at the discretion of the county legislative body for retirement of bonds or other indebtedness incurred for the purpose of maintenance and repair of roads and bridges in said county; or for such other purposes as are directed by resolution of said county legislative body.

SECTION 5. Any person violating the provisions of this Act, or of any part thereof shall, upon conviction, be fined not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

SECTION 6. It is the intent of the General Assembly of the State of Tennessee, that this Act be construed as a measure providing for additional revenue for the county affected.

SECTION 7. This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Lincoln County voting in an election on the question of whether or not the Act should be approved. Not less than thirty (30) days nor more than eighty (80) days after this Act becomes law, the County Election Commission of Lincoln County shall call an election for Lincoln County. The ballots used in the election shall have printed on them the substance of this Act and voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State as provided by law in the case of General Elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this Act. The cost of the election shall be paid by Lincoln County.

SECTION 8. This Act is declared severable in construction, it being the legislative intent, hereby expressed that should any section or provision of said Act be declared unconstitutional by a court of competent jurisdiction, such Act would have been passed without the unconstitutional parts thereof.

SECTION 9. 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 July 1, 1979.

PASSED: April 5, 1979.

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