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# Private Acts of 1984 Chapter 178

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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 1984 Chapter 178

**SECTION 1.** For the privilege of using the public roads in Lawrence County, there is levied on the privilege of operating motor-driven vehicles, except farm tractors, self-propelled farm machines not usually used on public highways and roads, and all government-owned motor-driven vehicles, an annual special privilege tax for the benefit of the county, in the amount of twenty-five dollars (\$25) for each motor-driven vehicle and fifteen dollars (\$15) for each motorcycle, motor-driven bicycle, or scooter.

This tax shall be paid by the owner of a motor-driven vehicle who resides in the county and operates the vehicle on the roads of Lawrence County.

As amended by: Private Acts of 1987, Chapter 21

**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, 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 nonresidents of Lawrence County.

As amended by: Private Acts of 1987, Chapter 21

**SECTION 3.** Residence in the county shall constitute prima facie evidence of use of such resident of roads and highways of the county, without regard to whether such resident resides within the boundaries of a municipal corporation within the county. Any person establishing a new residence within the county shall be allowed thirty (30) days thereafter within which to comply with the provisions of this Act.

As amended by: Private Acts of 1987, Chapter 21

**SECTION 4.** The tax herein levied shall be collected by the county clerk of Lawrence 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 5.** 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 bicycle and scooters 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 6.** The design of the decal or emblem shall be determined by the county 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 funds of the county clerk's office.

**SECTION 7.** 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.

When a vehicle becomes taxable under this Act for less than one (1) year, the same proportionate reduction in cost shall be made, as is now made in the issuance of the privilege tax payable to the state and collected by the clerk, under the provisions of the general law, provided that such fee shall be rounded off to the nearest quarter dollar (\$.25).

**SECTION 8.** 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 one dollar (\$1.00) for each vehicle, motorcycle, motor-driven scooter and bicycle, 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 9.** 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 three dollars (\$3.00) 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 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 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 of three dollars (\$3.00) may issue and deliver to the owner a duplicate decal or emblem.

**SECTION 10.** Any person violating the provisions of this Act, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

**SECTION 11.** The proceeds of this tax shall be placed in a special fund for the exclusive purpose of paying bonds issued by the Lawrence County School Building Program of 1984, and as the bonds are periodically retired any excess shall be allocated to the Debt Service Fund of Lawrence County.

**SECTION 12.** The tax levied in this Act shall be collected beginning the first day of the first month following its approval.

**SECTION 13.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Lawrence County. Its approval or rejection shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State. If there is a petition of ten percent (10%) of the qualified voters who voted in the county in the last gubernatorial election which is filed with the county election commission within thirty (30) days of final approval of such resolution by the county legislative body, then the county election commission shall call an election on the question of whether or not the tax should be levied in accordance with the provisions of this Act. The local governing body shall direct the county election commission to call such election to be held in a regular election or in a special election for the purpose of approving or rejecting such tax levy. The ballots used in such election shall have printed on them the substance of this act and the 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 local governing body. 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.

**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 approval as provided in Section 13.

Passed: March 29, 1984.

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