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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

Secretary to Assessor

Private Acts of 1949 Chapter 892

SECTION 1. That in all Counties of this State having a population of not less than 24,650 and not more than 24,700, according to the Federal Census of 1940, or any subsequent Federal Census, the Tax Assessor is hereby authorized to employ a Secretary who shall be paid from the general funds of the county a salary which shall not exceed the salary established for the Deputy Trustee, or, in the event there is no Deputy Trustee in any particular period, the salary paid to the Deputy Trustee during the last period such position was filled, whose duty it shall be to perform and discharge all the usual secretarial duties as required by said Tax Assessor. Provided, however, that said Secretary shall remain in the Tax Assessor's office for at least six hours a day, five days a week, before becoming eligible to draw the salary as set out.

As amended by: Private Acts of 1973, Chapter 109

SEC. 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1949.

Litigation Tax

Private Acts of 1976 Chapter 218

SECTION 1. There is imposed upon each case of any description filed in any of the following courts sitting in Claiborne County, a tax of five dollars (\$5.00), to be assessed and collected as a part of the costs of the case; circuit court, chancery court, county court, general sessions court, and any municipal court of Claiborne County.

As amended by: Private Acts of 1982, Chapter 250

SECTION 2. There is imposed a special privilege tax of five dollars (\$5.00) upon and with respect to each and every instrument offered for recordation in the office of the County Register of Claiborne County, the payment of which shall be a condition precedent to the recordation of said instrument.

As amended by: Private Acts of 1982, Chapter 250

SECTION 3. The litigation taxes provided for herein shall be collected by the clerks of the respective courts in which cases are filed, and the registration tax herein provided for shall be collected by the County Register. Each of the said officials shall be accountable for and shall pay over said revenue to the County Trustee quarterly, not later than the tenth day of the month following the quarter in which collections are made.

SECTION 4. It is hereby expressly provided that the term "case" shall include ex parte as well as adversary or contested proceedings.

SECTION 5. The Trustees shall deposit the taxes herein collected in a special fund hereby created, to be known as the "Courthouse Remodeling and Refurbishing Fund", and shall be subject to appropriation by the county legislative body for the purpose of providing for the remodeling and refurbishing of the Claiborne County Courthouse and for no other purpose.

The taxes collected shall only be used for capital improvements to the courthouse and cannot be used for maintenance or supplies. The county executive shall have the authority to expend such funds, but such expenditures shall be made only with the approval of the county attorney and the county legislative body.

As amended by: Private Acts of 1982, Chapter 250

SECTION 6. The taxes provided for herein shall expire at the conclusion of the quarter in which the cost of the remodeling and refurbishing of the courthouse for which it is levied shall have been paid, and the fact of such payment shall have been certified by the County Judge to the Trustee and to the respective officers charged with the collection of the respective taxes. It is hereby made the duty of the County Judge to make such certification promptly upon the discharge of all financial obligations attending the remodeling and refurbishing of the courthouse building and the necessarily related expenses.

SECTION 7. This act is hereby declared to be severable, and if any portion thereof be held to be

unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions, it being the intent that the latter would have been enacted in the absence of the invalid portions.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Claiborne County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 9. For the purpose of approving this act as provided in Section 8, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect upon being approved as provided in Section 8.

Passed: February 19, 1976.

Hotel/Motel Tax

Private Acts of 1984 Chapter 183

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 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 Claiborne 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 three percent (3%) 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.

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 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 trustee, 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 trustee shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the trustee by the operator with such number of copies thereof as the trustee 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 trustee and approved by the county legislative body prior to use. The trustee

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 provided 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 trustee 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 trustee shall have the right to inspect at all reasonable times.

SECTION 9. The county trustee 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 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 trustee 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 a county officer against whom suit may be brought for recovery.

SECTION 10. The county trustee 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 to contract with community service organizations for the sole purpose of tourist development and promotion.

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 Claiborne County. Its approval or non-approval 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: March 29, 1984.

Motor Vehicle Tax

Private Acts of 2003 Chapter 45

SECTION 1. For the privilege of using the public roads and highways in Claiborne County, Tennessee, there is levied upon motor-driven vehicles, and upon the privilege of the operation thereof, except motorcycles, motor-driven bicycles and scooters, farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, and motor-driven vehicles owned by any governmental agency or governmental instrumentality, and except for other exemptions provided by general law, a special privilege tax for the benefit of such county for each such motor-driven vehicle, the owner of which

resides within said county. This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which resides within said county.

SECTION 2. The tax herein levied shall be paid to and collected by the county clerk of Claiborne County, who is authorized by T.C.A. § 67-4-103 to collect such privilege taxes. The county clerk shall collect this tax at the same time he or she collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this state. The county clerk shall deduct a fee of five percent (5%) , or such higher or lower fee as may from time to time be authorized under T.C.A. § 8-21-701(55) for receiving and paying over county revenue, from the amount of taxes collected and paid over to the county trustee.

The proceeds of the tax levied by this act shall be placed in such county fund as the county legislative body shall designate by appropriate resolution and shall be used for the purposes of such fund.

SECTION 3. Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the county clerk, the original of which shall be kept by the owner of the motor-driven vehicle and, if required by the county legislative body by resolution pursuant to T.C.A. § 55-4-103, by a decal or emblem also issued by the county clerk, which shall be displayed in the manner required by resolution of the county legislative body. The design of the decal or emblem shall be determined by the county clerk. The expense incident to the purchase of such decals 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 county clerk, shall be paid from the general fund of the county.

SECTION 4. The privilege tax or wheel tax herein 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 any required decal or emblem has been affixed, as herein provided, to operate or allow to be operated this vehicle over the streets, roads and highways of the county for a period of one (1) year which shall run concurrently with the period established by T.C.A. § 55-4-104 for state registration fees.

In the event a wheel tax decal or emblem is sold by the clerk for more or less than a twelve-month period, the tax imposed shall be proportionate to the annual tax fixed for the vehicle and modified in no other manner, except that the proportional tax shall be rounded off to the nearest quarter of a dollar.

SECTION 5. In the event any motor-driven vehicle for which the wheel tax has been paid and any required decal or emblem issued and placed thereon become unusable or is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets or highways of said county, or in the event that the owner transfers the title to such vehicle, or completely removes therefrom and destroys the decal or emblem issued for and placed thereon, and the owner makes proper applications 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 a duplicate decal or emblem and the owner pays into the hands of the clerk the sum of ten dollars (\$10.00), 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 motor-driven 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 streets, roads and highways of said county 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 ten dollars (\$10.00), may issue and deliver to the owner a duplicate decal or emblem.

SECTION 6. Any person violating the provisions of this act, or any part thereof, is subject to being assessed a civil penalty not in excess of fifty dollars (\$50.00) for each violation.

SECTION 7. 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 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Claiborne County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him or her to the secretary of state.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon approval as provided in Section 8.

Passed: May 15, 2003.

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

1. Private Acts of 1921, Chapter 890, set the salary of the county tax assessor at \$1,000 per annum.
2. Private Acts of 1925, Chapter 265, increased the salary of the county tax assessor to \$1,250 per annum.
3. Private Acts of 1931, Chapter 407, fixed the salary of the tax assessor at \$1,800 per annum.

Taxation

1. The following is a listing of acts pertaining to taxation in Claiborne County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.
2. Acts of 1809, Chapter 72, authorized the county court of Claiborne County to levy a tax to pay off the outstanding debt resulting from the repair of the courthouse and jail.
3. Acts of 1819, Chapter 28, authorized the county court of Claiborne County to levy a tax for building a jail.
4. Private Acts of 1857-58, Chapter 127, Section 2, allowed D.C. Bullard an additional two years to collect the taxes of Claiborne County.
5. Private Acts of 1915, Chapter 13, authorized a special tax of 1½ mills on each dollar of taxable property to raise money for county high schools. This act was subsequently amended by Private Acts of 1917, Chapter 186, to raise the tax to 2½ mills.
6. Private Acts of 1917, Chapter 733, authorized an additional tax of 65¢ on each hundred dollars of taxable property to support the common schools.
7. Private Acts of 1931, Chapter 254, created the office of delinquent poll tax collector for Claiborne County.
8. Private Acts of 1931, Chapter 102, authorized a tax of 30¢ on each \$100 taxable property for general county purposes.
9. Private Acts 1931, Chapter 223, created the office of delinquent poll tax collector for counties having a population of not less than 22,193 and not more than 30,000, according to the Federal Census of 1930. The act further provided the fees of said officer and how said office shall be filled.
10. Private Acts 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, by limiting the duty of the delinquent poll tax collector.
11. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223.

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