



July 22, 2024

Chapter XI - Taxation

Dear Reader:

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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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Chapter XI - Taxation

Assessor of Property

Private Acts of 1961 Chapter 323

SECTION 1. That in all counties having a population of not less than 15,400 nor more than 15,500 by the Federal Census of 1960 or any subsequent Federal Census, the tax assessor shall be allowed twenty cents (20¢) per mile for each mile of official travel, not to exceed the sum of Fifty Dollars (\$50.00) in any one calendar month. Said mileage allowance shall be payable monthly by warrant drawn on the county trustee from the general fund of the County.

As amended by: Private Acts of 1981, Chapter 173
Private Acts of 1987, Chapter 66

SECTION 2. That this Act shall have no effect unless the same be approved by a two-thirds vote of the Quarterly County Court of Scott County, Tennessee, on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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 That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1961

Hotel - Motel Tax

Private Acts of 1983 Chapter 144

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 space, or any portion thereof, 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, campground, motel, or any place in which rooms, lodging, 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 thirty (30) 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, contractor, or otherwise, and shall include governmental entities.

As amended by: Private Acts of 2016, Chapter 68

SECTION 2. The county legislative body of Scott 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 five percent (5%) 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 operator to each invoice prepared by the operator for the occupancy in his hotel and 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 thirty (30) 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 occupancy within a hotel in the county to the county trustee of Scott County, such tax to be remitted to such officer no later than the twentieth (20th) day of each month for the preceding month. The operator is 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 obligation to the county for such tax shall be that of the operator.

SECTION 5. The county trustee shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the county trustee by the operator with such number of copies thereof as the county 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 county trustee and approved by the county legislative body prior to use. The county 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 authorized to adopt ordinances or 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 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 eight percent (8%) per annum, and in addition, a 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. 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 declared to be unlawful and shall be punishable upon conviction by a civil penalty not in excess of fifty dollars (\$50).

SECTION 8. It shall be the duty of every operator liable for the collection and payment to the county of the 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 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 ordinance or 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.

SECTION 11. If the 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 the Scott 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: May 11, 1983.

Litigation Tax

Private Acts of 1982 Chapter 247

SECTION 1. There is levied a privilege tax on litigation in the amount of five dollars and twenty-five cents (\$5.25) upon all original civil suits and cases filed in Circuit, Chancery and General Sessions Courts in Scott County.

SECTION 2. There is levied a privilege tax on litigation of six dollars (\$6.00) in all criminal cases instituted in the Circuit Court in Scott County.

SECTION 3. The term "case" shall include ex parte as well as adversary or contested proceedings.

SECTION 4. The privilege tax on litigation shall be collected by the clerks of the respective courts and taxed as a part of the costs in each suit or case. Such clerks shall be accountable for and shall pay over the revenue to the county trustee quarterly, not later than the tenth (10th) of the month immediately following the end of the quarter in which such collections are made.

SECTION 5. Upon receipt of the funds of such privilege tax on litigation from the clerks, the county trustee shall deposit such funds in the County General Fund. Such funds so deposited shall be utilized as follows:

Fifty percent (50%) to be applied to the Scott County Courthouse repair; fifty percent (50%) to be applied to county road repairs.

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 (2/3) vote of the county legislative body of Scott County before September 6, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Scott County 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 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 7.

Passed: March 4, 1982.

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 Scott County Assessor.

1. Acts of 1907, Chapter 602, Section 9, was a general state law providing that every county shall elect one Tax Assessor and the office of Civil District Assessor was abolished. The term of office would be for four years and the Assessor would be elected at the first regular election occurring after the passage of this Act. No Justice of the Peace could be the Tax Assessor. In all counties under 60,000 population the Quarterly County Court would set the Assessor's salary. If the Tax Assessor cannot complete his work after devoting his full time thereto, he may employ an assistant.
2. Private Acts of 1911, Chapter 411, amended Acts of 1907, Chapter 602, Section 9, Subsection 5, by setting the salaries to be paid to Tax Assessors in the various Counties, using the population figures of the 1910 Federal Census. In Scott County the Assessor's salary was set by this Act at \$750 annually.
3. Private Acts of 1919, Chapter 120, amended Acts of 1907, Chapter 602, Section 9, by raising the salary of the Tax Assessor of Scott County from \$750 to \$1,000 annually, repealing all conflicting laws.
4. Private Acts of 1921, Chapter 769, also amended Acts of 1907, Chapter 602, in the proper section, by increasing the salary of the Tax Assessor of Scott County from \$1,000 to \$1,500 annually, payable quarterly on the first day of January, April, July, and October, on warrant of the

County Judge.

5. Private Acts of 1933, Chapter 336, amended Private Acts of 1921, Chapter 769, Section 1, by striking out \$1,500 wherever the same appeared and inserting \$1,000 in its place, thus reducing the salary of the Tax Assessor of Scott County to \$1,000 annually.
6. Private Acts of 1943, Chapter 345, stated that the Tax Assessor of Scott County, quoting the 1940 Federal Census figures, shall be paid a salary of \$135 per month, payable on warrant drawn upon the County Trustee from the general funds of the county.
7. Private Acts of 1945, Chapter 220, amended Private Acts of 1943, Chapter 345, above, by increasing the monthly salary of the Tax Assessor of Scott County from \$135 to \$150 to be paid in the manner specified.
8. Private Acts of 1951, Chapter 602, amended Private Acts of 1943, Chapter 345, as amended, by raising again the salary of the Tax Assessor to \$175 per month payable out of regular county funds.
9. Private Acts of 1974, Chapter 335, declared that the Assessor of Property in Scott County shall be allowed 20 cents per mile for each mile of official travel in connection with his duties, this allowance to be paid monthly from the general funds of the county on warrant of County Judge drawn on the Trustee. This Act had not been acted on by the local authorities at the time of publication. If not acted on, this Act would not be effective under the Home Rule Amendment to the State Constitution. This Act would have repealed Private Acts of 1961, Chapter 323, published herein.

Taxation

The following is a listing of acts pertaining to taxation in Scott County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1870-71, Chapter 50, authorized counties and cities to impose taxes for county and city purposes on these following conditions: (1) that all property will be taxed according to its value and upon the principles established for State taxation, and (2) that the credit of no county, or city, shall be loaned to any person or organization except upon a majority vote of the Quarterly County Court, or Council, to submit the issue to a referendum vote of the people wherein three-fourths of the voters must respond in the affirmative. Scott County was among some counties which exempted themselves from the three-fourths vote requirement until the year 1880 when they, too, would become subject to it.
2. Acts of 1927, Chapter 227, amended Acts of 1907, Chapter 602, Section 48, by striking out the word "March" and substituting the word "May" wherever the word appeared. Scott County was listed among several other counties to which this act would not apply.
3. Private Acts of 1929, Chapter 225, cited in the preamble that the Quarterly County Court in session assembled levied a bridge tax of 35 cents per \$100 property valuation for the year 1928 in Scott County, and this act ratifies, confirms, and legalizes all the actions of the said County Court taken in connection therewith.
4. Private Acts of 1931, Chapter 54, validated all the previous actions of the Quarterly County Court of Scott County in levying a tax of five cents per \$100 property valuation on all taxable property so as to pay the interest due and to become due on school warrants.
5. Private Acts of 1931, Chapter 612, authorized several counties, including Scott County, to levy and collect a tax on all personal and real property, and on ad valorem, whenever an appropriate order is made by the Quarterly County Courts of the respective counties, and names which money could be used only for county purposes and which tax could not exceed thirty cents on \$100 in the aggregate.
6. Private Acts of 1931, Chapter 743, provided that the members of the County Board of Equalization in Scott County were authorized and empowered to succeed themselves as members of that Board, subject to election as provided under general law.
7. Private Acts of 1933, Chapter 91, was the authority for the Quarterly County Court of Scott County to levy annually a tax of not less than three cents nor more than five cents on all the taxable property and privileges in the county so as to defray and pay the cost and expenses of a County Public Health Nursing Service. The County Trustee would collect and disburse the tax as he was accustomed to do. This act was repealed by the one below.
8. Private Acts of 1935, Chapter 605, expressly repealed Chapter 91, Private Acts of 1933, Item 7, above, in its entirety.

9. Private Acts of 1971, Chapter 146, stated that for the privilege of severing and removing from the earth the natural resources of coal, oil, and gas, a tax is levied against any person, firm or corporation, doing so, except upon the owner of the land, except upon the use of said products in further production of the same, except upon products sold in Scott County for ultimate use there, and except upon underground storage facilities, of five cents upon each 42 gallon barrel of oil, five cents on each ton of coal, and five mills upon each thousand cubic feet of gas. A penalty for non-payment of the tax, of one-half percent, both of which would be a lien upon the property and equipment. One-quarter of the tax revenue would be used on the construction and maintenance of bridges and the remainder for other county purposes. This act was rejected and disapproved by the Quarterly County Court never becoming an effective law.
10. Private Acts of 1975, Chapter 31, proposed to regulate the expenditure of the coal severance tax revenues in Scott County by making the roads upon which coal was hauled the first priority and in furtherance thereof created a committee composed of the County Judge, the superintendent of roads, and three members of the County Court who would be appointed by the County Judge who would supervise the expenditures hereunder. This Act was not approved at the local level, according to our information, and therefore is not effective in the county, at the time this work was complete.
11. Private Acts of 2019, Chapter 35, was an act to amend the Private Act of 1982, Chapter 247, to impose a \$25.00 litigation tax on each case filed in circuit, general sessions, and juvenile courts in the county to fund the Scott County Family Justice Center. This act was not approved by the county legislative body never becoming an effective law.

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