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HOT TOPICS
for Tennessee cities and towns

MTAS
MUNICIPAL TECHNICAL ADVISORY SERVICE

November 11, 2002 #86

INTEREST RATE CURRENTLY 8.75% ON DELINQUENT TAXES COLLECTED OR ADMINISTERED BY THE STATE OF TENNESSEE

By Dick Phebus
Finance and Accounting Consultant

Tax payments to local municipalities or to the State of Tennessee generally have a due date associated with them. If a taxpayer fails to pay the tax or a portion of it on or before the due date, interest is added to the amount of tax due. The Commissioner of Revenue determines the interest rate for delinquent taxes collected or administered by the State of Tennessee. Examples of taxes in this category are sales tax and local business tax.

Formula Rate of Interest

Tennessee Code Annotated (*T.C.A.)* 67-1-801 provides for the rate of interest to be charged on delinquent tax payments. The rate of interest, as determined by the Commissioner of Revenue, is called the "formula rate of interest," and it is determined annually. The rate is filed with the Secretary of State on July 1 each year and is then published in the *Tennessee Administrative Register*. The rate in effect for the fiscal year beginning July 1, 2002, and ending June 30, 2003, has been set at eight and three-quarters percent (8.75%).

Delinquent Business Taxes

Municipalities that levy and collect a local business tax should use the same rate of interest (8.75 percent) to calculate interest due from taxpayers who file their business tax return after the due date. All delinquent amounts accrue interest from the delinquent date until paid. For periods prior to the date of tax assessment, interest accrues at the prevailing rate (8.75 percent), regardless of the taxable period involved (*T.C.A.* 67-1-801(a)(2)).

Action Required by Municipal Finance Staff

Finance directors, city recorders and other financial office personnel responsible for the collection of local business tax receipts should review the interest rate they are currently using to calculate interest charges. In many cases, the rate may be programmed into computer software. MTAS has determined that many cities are using an interest rate other than the "formula rate of interest." Therefore, finance personnel should make sure the interest rate they use, either in manual calculations or in those generated by computer software, is 8.75 percent for the current fiscal year ending June 30, 2003.

For More Information

Please contact your MTAS Municipal or Finance Consultant for further assistance in this matter. You may call the State of Tennessee Department of Revenue at (615) 253-0600 or toll-free at (800) 342-1003. You also may call the **MTAS Answer Line** to receive quick answers to short questions: **888-667-MTAS** (6827). Or, visit our Web site at **www.mtas.utk.edu**.

The Municipal Technical Advisory Service (MTAS) is a statewide agency of the University of Tennessee's Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League to provide technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, ordinance codification, and wastewater management.

MTAS *Hot Topics* are information briefs that provide a timely review of current issues of interest to Tennessee municipal officials. *Hot Topics* are free to Tennessee local, state, and federal government officials and are available to others for $2 each. Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (865) 974-0411.

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