

67-6-330. Amusement tax exemptions. [Amended effective July 1, 2007. See the Compiler's Notes].

Statute text

(a) [Effective until July 1, 2007. See the Compiler's Notes.] There is exempt from the sales tax upon admission, dues or fees imposed by § 67-6-212:

(1) Events or activities held for or sponsored by public or private schools, kindergarten through grade twelve (K-12);

(2) Gross proceeds or receipts from admissions to county or agricultural fairs and any dues, fees or charges which enable or entitle the entrant to engage in any otherwise taxable amusement activity held therein, including games, rides, shows, contests, or grandstand events;

(3) The first one hundred fifty dollars (\$150) per member per annum of membership dues or fees of a recreation club or community service organization, and, if more than one (1) year's dues are paid in advance, such exemption shall be granted so that the one hundred fifty dollar (\$150) exemption shall be applied to each year's dues or fees; provided, that this exemption shall not apply to membership dues or fees of country clubs;

(4) Membership application fees, dues or contributions, except that portion attributable to admission prices, paid to institutions and organizations which have received a determination of exemption from the internal revenue service, pursuant to 26 U.S.C. § 501(c)(3), (8) and (19) and which are currently operating under such exemption;

(5) Membership fees or dues of those organizations listed in Major Group No. 86 of the Standard Industrial Classification Manual of 1972, as amended, prepared by the office of management and budget of the federal government;

(6)(A) Gross proceeds derived from admissions to amusement or recreational activities conducted, produced, or provided by:

(i) Not-for-profit museums, not-for-profit entities that operate historical sites and not-for-profit historical societies, organizations or associations;

(ii) Organizations that have received and currently hold a determination of exemption from the Internal Revenue Service, pursuant to 26 U.S.C. § 501(c);

(iii) Organizations listed in Major Group No. 86 of the Standard Industrial Classification Manual of 1972, as amended, prepared by the office of management and budget of the federal government; or

(iv) Tennessee historic property preservation or rehabilitation entities, as defined in § 67-4-2004;

(B) The exemption provided for in this subdivision (a)(6) shall not apply unless such entities, societies, associations or organizations promote, produce and control the entire production or function;

(7) Fees in any form resulting from the production of television, film, radio or theatrical presentations. This exemption shall not include any dues, fees or other charges made on or for the admission of the public to such presentations;

(8) Events or activities conducted upon rivers and waterways in this state whose continued use for recreational purposes is contingent upon revenue produced pursuant to agreements entered into between the state of Tennessee and the federal government, or an agency thereof, which agreements provide for the establishment of a trust fund for such purposes; provided, that this exemption shall prevail only if the annual distribution of funds to the state from such trust fund exceeds that amount of revenue to the state which would otherwise be produced if the amusement tax under the provisions of § 67-6-212 were imposed on such events or activities, as determined by the fiscal review committee;

(9) All sales contractually committed and/or for which money has been paid prior to June 1, 1984;

(10) Athletic events for participants under eighteen (18) years of age or younger sponsored by civic or not-for-profit organizations;

(11) Gross proceeds derived from admissions to amusement or recreational activities or facilities conducted, produced and controlled by municipalities or counties;

(12) Membership assessments for capital improvements made by a recreation club, community service organization or country club against its members;

(13) Gross proceeds or receipts derived from admissions to beauty pageants or rodeos and any fees, charges or rental fees which entitle or enable the entrant to engage in any otherwise taxable amusement activity held therein which are conducted, produced or provided by a nonprofit civic organization; provided, that this exemption only applies to beauty pageants or rodeos which have been held in the same city for thirty (30) years or longer;

(14) Gross proceeds derived from admissions to musical concerts conducted, produced or provided by not-for-profit community group associations if such associations promote, produce and control such concerts;

(15) Any event or activity held by an employer solely for the benefit of the employer's employees; provided, that such event or activity must be entirely produced and controlled by such employer;

(16) Fishing tournament registration fees collected from tournament participants;

(17) Dues, membership application fees, admission fees, contributions or rental charges for equipment paid to any corporation or enterprise which offers on a regular, full-time basis services or facilities for the development or preservation of physical fitness through exercise or athletics; provided, that such corporation or enterprise claiming this exemption, in order to qualify for such exemption, must:

(A) Have at least one (1) full-time employee certified in administering health assessments, or at least one (1) full-time employee licensed by the state that represents a medical and/or paramedical discipline;

(B) Be open at least seventy (70) hours per week;

(C) Permit participation by each member each day in operation;

(D) Have at least fifteen thousand square feet (15,000 sq. ft.) in use for physical fitness purposes; and

(E) Offer three (3) or more of the following programs and/or activities:

(i) Health assessments which include blood chemistry and urinalysis;

(ii) Racquetball;

(iii) Exercise equipment;

(iv) Track or swimming; and

(v) Aerobics.

Before any corporation or enterprise can be exempted under this subdivision (a)(17), the department of revenue shall, based upon information supplied by the person claiming such exemption, approve such exemption. The exemption provided in this subdivision (a)(17) shall not apply, however, to establishments listed under Industry 7992 and Industry 7997 of the

Standard Industrial Classification Index of 1987, prepared by the office of management and budget of the federal government;

(18) Any entry fee or charge which allows an entrant to participate in a contest or tournament or charity horse show;

(19) Charges made by landowners for permission to hunt native wildlife on their property which is located partially or entirely in a county having a population of not less than thirty-one thousand nine hundred (31,900) nor more than thirty-two thousand (32,000) according to the 1980 federal census or any subsequent federal census; and

(20) The fee paid by an establishment operated primarily for the sale of prepared food to one (1) or more persons for the purpose of providing live entertainment to the patrons of such establishment.

(b) The exemptions provided in subdivisions (a)(7) and (12) do not apply to interscholastic sports held or sponsored by private or public colleges or universities.

History

[Acts 1984 (E.S.), ch. 13, § 6; 1985, ch. 452, §§ 1-6, 8, 10-13; 1985, ch. 456, § 2; 1986, ch. 520, § 1; 1986, ch. 936, §§ 1, 2; 1987, ch. 44, § 1; 1988, ch. 958, § 4; 1989, ch. 126, § 1; 1989, ch. 527, § 1; 1990, ch. 965, §§ 1-3; 1991, ch. 200, §§ 1, 3; 1992, ch. 872, § 2; 1993, ch. 231, § 1; 2003, ch. 357, §§ 49, 50; 2004, ch. 959, § 68; 2005, ch. 311, § 1; 2005, ch. 499, § 5.]