

ORDINANCE NO. 181127

An ordinance amending Section 21.41 of the Los Angeles Municipal Code to provide a business tax classification for those businesses using the internet as the primary means to provide services.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 21.41 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 21.41. GROSS RECEIPTS FUND CLASS 1.

For every person engaged in business as a Child Care Provider, Multimedia Business, Internet-based Application Service Provider, Internet-based Data Manipulation Businesses, Telephone Company, Tugboat and/or Barge Operator, Tax Rate A, set forth in Section 21.33(a), shall be applicable.

(a) CHILD CARE PROVIDERS.

1. A child care provider means providing non-medical care for children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

2. As used in this section, the term "gross receipts" does not include receipts of:

(i) Community chests, funds, foundations or corporations organized and operated for religious, hospital or charitable purposes, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(ii) Non-profit secondary schools, which are duly accredited by the University of California, and receipts of non-profit elementary schools in which instruction is given to students in the pre-primary and primary grades in the several branches of studies required to be taught in the public schools of the State of California;

(iii) Rotary, Kiwanis and Lions Clubs, non-profit automobile clubs, chambers of commerce, and other community service organizations; also receipts of trade associations such as Merchants Plumbers Association, Merchants and Manufacturers Association and labor organizations.

(b) MULTIMEDIA BUSINESSES.

1. A multimedia business means a business that produces films, disks, tapes, software or other recording devices, whether visual or audio, through the integration of two or more media, which media include, without limitation, computer generated graphics and video, film, slides, video tapes, audio tapes and photographs or provides computer programming services on a contract or fee basis to the producer of these media. These services shall include computer software design and analysis, modification of custom software, digital imaging and other related programming services, the development of online and internet services and the design of web sites for clients.

2. A multimedia business shall not include a business that utilizes multimedia to sell goods or further its business, motion picture, television or radio producers, or radio or television broadcasters, or an adult entertainment business, as defined in Section 12.70 B. of this Code.

(c) INTERNET-BASED APPLICATION SERVICE PROVIDERS.

1. An internet-based application service provider (ASP) means a business that provides its customers access, exclusively through the internet, to electronic applications that are available exclusively on computer devices operated by or on behalf of the ASP. An "electronic application" is a computer program that provides the user with the ability to accomplish a specific task. An ASP shall not include a business that provides electronic applications, including but not limited to computer software, for customers to download through the internet. A business does not qualify as an ASP unless its internet-based electronic application provides information to the user directly without any substantial intermediation by any person except for technical support related to the use of the electronic application. An ASP shall not include a business that sells electronic applications through the internet, or any business that obtains its income from the use of its electronic applications by itself, on its behalf, or by any related entity as defined in section 21.00(a).

2. An ASP business shall not include a business that utilizes an application to sell goods or further its business, motion picture, television or radio producers, telephone companies, or radio or television broadcasters, or an adult entertainment business, as defined in Section 12.70 B of this Code.

3. The ASP business tax classification shall apply only for the 2010, 2011, 2012, 2013, and 2014 tax years unless the Council acts by ordinance to amend this Section and extend the length of time for which this classification shall apply.

(d) INTERNET-BASED DATA MANIPULATION.

1. An internet-based data manipulation business means a business that exclusively provides access to internet-based applications that allow a user to search, compile, and otherwise manipulate data, including but not limited to a business that operates or provides access to one or several "search engines." A "search engine" is an internet-based application that retrieves documents or files or data from the internet, a computer network, a database, or other data sources. "Data" includes visual, numerical, and written information. A business does not qualify as an Internet-based Data Manipulation Business unless its internet-based application provides information to the user directly without any substantial intermediation by any person except for technical support related solely to the use of the internet-based application.

2. An internet-based data manipulation business shall not include a business that utilizes internet-based data manipulation to sell goods or further its business, motion picture, television or radio producers, telephone companies, or radio or television broadcasters, or an adult entertainment business, as defined in Section 12.70 B. of this Code

3. The internet-based data manipulation business tax classification shall apply only for the 2010, 2011, 2012, 2013, and 2014 tax years unless the Council acts by ordinance to amend this Section and extend the length of time for which this classification shall apply.

(e) TELEPHONE COMPANIES.

1. A person engaged in the business of providing telephone services means a telephone company as the term is used in Article XIII, Section 14 of the Constitution of California.

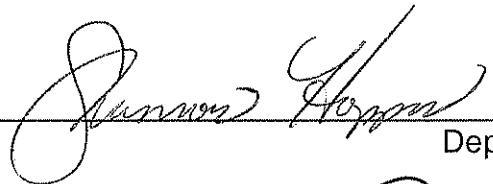
2. For the purpose of this section, "gross receipts" shall have the same meaning as in Subsection (a) of Section 21.00, except that only those receipts derived from providing telephone services within the City of Los Angeles shall be included, and further excepting, that only receipts resulting from intrastate telephone services shall be included. "Gross receipts" shall also include receipts from the selling of advertising or advertising space in any directory, other printed matter or any other media only for business tax purposes commencing on or after January 1, 1984.

(f) TUGBOAT AND BARGE OPERATORS. Tugboat and barge operator means any person engaged in the business of operating a tugboat or barge.

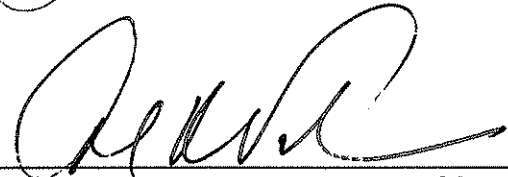
Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAR 05 2010.

JUNE LAGMAY, City Clerk

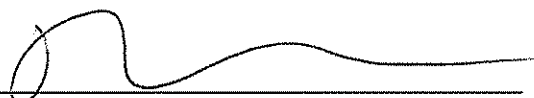
By  Deputy

Approved MAR 22 2010


Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
DANIEL M. WHITLEY
Deputy City Attorney

Date 3/2/10

File No. 09-1914

DECLARATION OF POSTING ORDINANCE

I, MARIA VIZCARRA, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 181127 – Amending Section 21.41 of the Los Angeles Municipal Code to provide a business tax classification for those businesses using the internet as the primary means to provide services - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **March 5, 2010**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **March 24, 2010** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **March 24, 2010** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **24th** day of **March 2010** at Los Angeles, California.



Maria Vizcarra, Deputy City Clerk

Ordinance Effective Date: May 3, 2010

Council File No. 09-1914