

NetChoice *Promoting Convenience, Choice, and Commerce on the Net*

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Mayor Rahm Emanuel
121 N. LaSalle Street
Room 507
Chicago IL 60602

November 19, 2014

RE: *Opposition to Amendment of Municipal Code Titles 3 and 4 concerning various taxes, charges and fees – Definition of “Operator”*

Dear Mayor Emanuel:

We write to convey our strong opposition to the unconstitutional definitional change of “operator” in the Amendment to Municipal Code Titles 3 and 4 adopted today. This new definition purports to give the City of Chicago the authority to impose new obligations upon out of state internet amusement sellers and resellers - to become municipal tax collector agents for property they do not even have a possessory interest in. The new definition will end-up costing the City of Chicago legal fees as it faces further litigation surrounding its attempted enforcement.

In its attempt to regulate online ticket exchanges, Chicago risks violating the dormant commerce clause of the constitution by imposing an unduly burdensome requirement on online auction listing services. We respectfully urge you and your staff to reconsider this revenue measure as it will certainly be met with a legal challenge by those affected businesses.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Szabo".

Carl Szabo
Policy Counsel, NetChoice

NetChoice is a trade association of e-Commerce and online businesses. www.netchoice.org