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Lap Dance Tax v. Amazon Tax?

Stripped bare, taxes are about raising revenue. With state and local tax revenues suffering, sales and use taxes are being more aggressively collected. In our increasingly wired society, much of the public discussion focuses on the [Amazon Tax](#) and [taxes on product sales](#) everywhere. But some revenueurs are peeling off the last tax dollar from nearly every walk—or shimmy—of life.

In upstate New York, an adult juice bar (go figure the demographics) called “Nite Moves” lost a sales tax fight over its lap dances. See [677 New Loudon Corp., dba Nite Moves v. New York Tax Appeals Tribunal](#). The club eked out its earnings from admission charges, non-alcoholic beverages, and exotic dances. The latter had two revenue components. “Couch sales” were fees paid by a patron when a dancer performed in a private lounge. The dancers also paid the club for the privilege of performing.

The state claimed \$125,000 of sales tax was due on the dances. The bar claimed the dances couldn’t be taxed since state law exempted musical performances. The club claimed the dances fit snug as a bodysuit within precedent holding choreographed artistic performances exempt.

It wasn’t exactly ballet, said the state. These lap dances weren’t even choreographed, with each move outlined and planned. Sure, there might be a sort of, er, climax. These were just bump and grind routines that came naturally.

Did these “dancers” have artistic training, years of schooling and dance practice? Hardly. Most dancers relied on videos and fellow dancers to, as the court put it, “learn their craft.” Then they saddled up.

Shorn of pretence and shame, the club had a cultural anthropologist testify about her extensive research on exotic dance. Nite Moves put its voluminous DVD collection into evidence to support the expert’s opinion that these were live dramatic choreographed performances. Yet the court seemed bothered by the fact that the anthropologist had not actually seen the backroom couch dances at Nite Moves. The court then issued a [unanimous opinion](#) upholding the tax.

For more coverage of this revealing story, see:

[Judges Fail to Appreciate the Art of the Lap Dance](#)

[Court: Lap Dances Aren’t Tax-Exempt](#)

[‘Stripping Is NOT Art’: NY Ruling Means Lap Dancing Is a Taxable Service](#)

[Lap Dance Tax? Court Says Erotic Dances Are Not Art, Subject to Sales Tax](#)

[Taxman in Slap Dance: Hand in Clubs’ Pockets](#)

[NY Court Rules Private Lap Dances Not Tax Exempt](#)

[NY Court Says Juice Bar’s Lap Dances are Taxable](#)

[NY Court: Strip Club Has to Pay Taxes on Lap Dances Because They’re Not Artistic Performances](#)

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