

## Sales/Use/Indirect:

### Wisconsin DOR Summarizes Ruling on Taxability of Online Platform's Secondary Ticket Sales

*Wisconsin Tax Bulletin 221*, Wis. Dept. of Rev. (4/23). ). The Wisconsin Department of Revenue (Department) released a bulletin that includes a summary of the Wisconsin Tax Appeals Commission's recent sales and use tax ruling involving an out-of-state company operating an online marketplace where tickets to sporting events, concerts, theater and other live entertainment services were bought and sold [see Case No. 16-S-268, Wis. Tax. App. Comm. (2/28/23) and *State Tax Matters*, Issue 2023-11, for more details on this ruling]. In this case, the Department explains that the out-of-state company was deemed to owe state sales and use tax on the full purchase price of all tickets sold to events in Wisconsin during the prior periods at issue as sales at retail under state law. The Department notes that due to the out-of-state company's "complete control over the ultimate purchase price paid by the ticket buyer," as well as its control over the receipt and accounting of payment by the ticket buyer, the company was considered liable for collecting and remitting sales tax "like vending machine operators who were liable for Wisconsin sales tax." The Department also explains that although the tickets were sold online, the sales at retail of admissions to venues located in Wisconsin were deemed to constitute retail sales in Wisconsin. According to the Department, the taxpayer has since appealed this ruling to the Dane County Circuit Court. Please contact us with any questions.

**URL:** <https://www.revenue.wi.gov/WisconsinTaxBulletin/221-04-23-WTB.pdf>

**URL:** <https://taxappeals.wi.gov/Documents/Decisions/2022-/StubHub%20Final%20RO.pdf>

**URL:** [https://dhub.blob.core.windows.net/dhub/Newsletters/Tax/2023/STM/230317\\_7.html](https://dhub.blob.core.windows.net/dhub/Newsletters/Tax/2023/STM/230317_7.html)

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