This Week in State Tax (TWIST)

September 21, 2026

Wisconsin: State Supreme Court denies review in ticket reseller sales tax collection case

The Wisconsin Supreme Court has declined to review a state Court of Appeals decision, thus leaving in place the determination that a ticket reseller was responsible for collection of Wisconsin sales tax on the resale of tickets to live sporting and entertainment events that took place of over its marketplace platform for the period 2008-2013. The platform allowed individuals holding tickets to an event to offer them for sale at a price set by the holder. A buyer on the platform would pay the amount of the ticket plus the taxpayer's fees and remit proceeds to the taxpayer. After retaining its fees, the taxpayer remitted the ticket price to the original holder and provided further instructions for delivery.

On audit, the Wisconsin Department of Revenue determined the taxpayer qualified as the seller of the tickets and was responsible for collecting tax on the proceeds. The taxpayer had argued it was not a seller, but merely a passive facilitator of the sales and thus not required to collect tax. In its review, the Court of Appeals determined the taxpayer was, indeed, the retailer responsible for tax collection as it was the party that "effected the sale [of tickets] by transferring the tickets in exchange for payment;" it was also the only party with whom the buyer interacted.

The taxpayer had also argued that the state's marketplace collection law defining what constitutes a marketplace and making them responsible for tax on sales conducted via the marketplace was not enacted until 2019. While the taxpayer agreed that it was responsible for collection from that point forward, it argued that prior law did not make an entity such as it liable for collection. The appellate court found that when the legislature passed the marketplace law, it was only clarifying current law as to the breadth of the term "retailer" and trying to resolve confusion. It was not extending the collection obligation to a new class of taxpayers. [For further discussion of the Court of Appeals decision, see our TWIST of January 20, 2026.]

For questions or further information on *StubHub Inc. v. Department of Revenue (No. 2024AP455)*, please contact John Vann.

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