

## Sales/Use/Indirect:

### Indiana Appellate Court Affirms Dismissal of Local Franchise Fee Suit Against Streaming Companies

*Case No. 24A-PL-1657*, Ind. Ct. App. (5/30/25). In a suit filed by various Indiana municipalities against several streaming entertainment companies claiming that they owed local franchise fees imposed on certain video service providers under Indiana law, the Indiana Court of Appeals (Court) affirmed the case's dismissal due to legislative changes to Indiana's Video Service Franchises Act ("VSF Act") enacted in 2023 that applied retroactively to the tax periods at issue. In doing so, the Court held that these law changes were constitutional and that pursuant to them, the VSF Act does *not* apply to the streaming companies as their streaming services are expressly excluded from the definition of assessable "video service." Specifically, under the VSF Act, "video programming accessed via a service that enables users to access content, information, electronic mail, or other services offered over the Internet, including digital audiovisual works" are expressly excluded from the definition of assessable "video service." The holding in this case is in line with similar court decisions in other states and jurisdictions. Please contact us with any questions.

**URL:** [https://public.courts.in.gov/Decisions/api/Document/Opinion?Id=ef\\_IGfFqoULmTIBkdh4c3-xulj13PC-ZWZo3qZ-Pw1CbZBCLvfuyyp1-PCB2Tfj4y0](https://public.courts.in.gov/Decisions/api/Document/Opinion?Id=ef_IGfFqoULmTIBkdh4c3-xulj13PC-ZWZo3qZ-Pw1CbZBCLvfuyyp1-PCB2Tfj4y0)

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