
DEPARTMENT OF STATE REVENUE
Information Bulletin #51T
Sales Tax
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SUBJECT: Telecommunication Services

EFFECTIVE: Upon Publication

REFERENCES: [IC 6-2.5-1-20.3](#); [IC 6-2.5-1-27.5](#); [IC 6-2.5-4-6](#); [IC 6-2.5-4-13](#); [IC 6-2.5-5-13](#); [IC 6-8.1-15](#)

Telecommunication Services

[IC 6-2.5-4-6](#) subjects a wide range of intrastate telecommunication services to sales tax. The statute states that a person is a retail merchant making a retail transaction when the person provides intrastate telecommunication service. Telecommunication service means electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point or between or among points. The term includes a transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing regardless of whether the service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added. It is not required that the person furnishing such service be a public utility for the service to be subject to sales tax.

If charges for telecommunication services, ancillary services, Internet access, audio services, or video services that are not taxable are aggregated with and not separately stated from charges that are taxable, the charges for the nontaxable services are exempt from the sales tax if the provider can reasonably identify the charges not subject to the sales tax from the service provider's books and records kept in the regular course of business.

A person is a retail merchant making a retail transaction when the person sells a prepaid telephone calling card at retail, sells a prepaid telephone authorization number at retail, or reauthorizes either of the above.

Effective August 1, 2002, Indiana adopted the provisions for sales tax on mobile telecommunications services. A standardized method for taxes, charges, and fees levied on mobile telecommunications services was implemented. The method is that all fees are charged and taxed based on the customer's place of primary use.

Example 1

Company A provides cellular phone service. Company A is not a public utility. Company A is required to collect and remit sales tax on its cellular service. The statute imposes sales tax on the transmission of messages or information by microwave, radio, satellite, or similar facilities. Cellular communications are covered by the statute, and the statute does not require that a person be a public utility.

Value-Added Nonvoice Data Services

Value-added nonvoice data services in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for purposes other than transmission, conveyance, or routing are not telecommunication services and are therefore not subject to sales tax.

Example 2

Company B is a local telephone service provider. Company B provides several additional services and service enhancements to its customers. These include call waiting, caller ID, call forwarding, distinct ringing, and voice mail. Company B's local phone service is subject to sales tax. However, not all the additional services will be

subject to sales tax if separately stated on the customer's monthly bill. Call waiting, caller ID, call forwarding, distinct ringing, and similar service enhancements are acting upon the transmission itself and do not affect the information contained in the transmission. These services or enhancements are therefore subject to sales tax. Voice mail and similar services are value-added nonvoice data services that utilize computer processing applications to act upon the information for purposes other than transmission. The main distinction between voice mail and the other services is that the other services enhance the telecommunication service itself rather than provide a distinct non-telecommunication service. Therefore, voice mail and similar services are not telecommunication services under the statute and not subject to sales tax if separately stated on the customer's monthly bill. These charges must be separately stated; otherwise, they will be subject to tax as part of a taxable unitary transaction.

The voice mail service should not be confused with the transmission of voice mail messages. Company B must pay sales or use tax on the intrastate transmission of the messages unless Company B's purchase of telecommunication services is exempt from sales tax (see Example 6).

Example 3

Company C is a local convenience store that offers to fax customers' documents for a fee. This charge is not subject to sales tax. Company C is not providing telecommunication services; rather, Company C is providing a service whereby it digitizes a document and sends it to its intended destination using a telecommunication service. Company C is the end user of the telecommunication service and must pay sales tax on any intrastate transmissions.

Public Utilities

The sale of telecommunication services to public utilities or any provider of telecommunication services is not subject to sales or use tax.

Example 4

Company D provides local telephone service to Company W. Company W is a public utility providing water service to the community. The sale of local telephone service to Company W is not subject to sales tax because Company W is a public utility.

Example 5

Company E provides cellular phone service to Company D. Company D provides local telephone service to Company E. Neither transaction is subject to sales tax because each is selling a telecommunication service to another provider of a telecommunication service.

Example 6

Company B is a local telephone service provider. Company B offers voice mail service to its customers. This service is not taxable (see Example 2). However, the fact that the voice mail service is not subject to tax does not exempt the use of telecommunication service in furtherance of that service. In this case, Company B is a telecommunication service provider and therefore its purchase or use of telecommunication service is exempt even when used in furtherance of a non-taxable service. If Company B was not a telecommunication service provider or a public utility, it would be required to pay sales or use tax on its purchase of telecommunication service in furtherance of its voice mail service.

Tangible Personal Property

A telecommunication service provider is not making a retail transaction subject to sales or use tax when it provides changes to, installs, connects, services, or removes tangible personal property used in connection with the furnishing of the telecommunication service.

Miscellaneous Charges

Charges for installing or servicing tangible personal property related to telecommunication service are not subject to sales tax.

Example 7

Company B is a local telephone service provider. Company B charges customers for initial hook-up and an additional charge if any labor is needed to physically connect the customer. The hook-up charge is subject to sales tax because it is a charge for telecommunication service. The charge for labor necessary to physically connect the customer is not taxable because it is not a charge for a telecommunication service.

Company B also offers a service whereby it will maintain the phone lines within the customer's house for a fixed monthly fee. This charge is not for telecommunication service and is therefore not subject to sales tax.

Any parts used in providing these services are not subject to sales tax if provided by Company B.

Purchases by Telecommunication Service Providers

Transactions involving the acquisition of tangible personal property by telecommunication service providers are exempt from sales tax if the property is classified as central office equipment, station equipment or apparatus, station connection, wiring, or large private branch exchanges according to the uniform system of accounts adopted and prescribed for the utility by the Indiana Utility Regulatory Commission. Mobile telecommunications switching office equipment and radio or microwave transmitting equipment, including towers and antennae, are also exempt. If the provider is not subject to the control of the Indiana Utility Regulatory Commission, the exemption applies to any property similar to that mentioned above.

Example 8

Company B is a local telephone service provider. Company B is subject to the authority of the Indiana Utility Regulatory Commission. Company B will look to the uniform system of accounts for local telephone companies to determine whether property it leases or purchases is subject to sales or use tax.

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