



CT-33-A Combined Franchise Tax Return for Insurance Corporations

Article 33, Tax Law

Beginning

Ending

For office use only

Date received

Audit use

Mail to: NYS Corporation Tax Processing Unit P.O. Box 1909 Albany, NY 12201-1909

Parent's employer identification number, File number, Name of parent corporation, Number and street, City or town, State, ZIP code

Complete Form CT-33, Schedules B through K, for each member of the combined group and file them with this return.

A. Payment - pay amount shown on line 22. Make check payable to: New York State Corporation Tax

Payment enclosed

Do you do business, employ capital, own or lease property or maintain an office in the Metropolitan Commuter Transportation District (MCTD)? Yes No If you answer yes, you must file Form CT-33-M. If you answer no, it is no longer necessary for you to file Form CT-33-M.

Schedule L - Computation of Tax and Installment Payments of Estimated Tax

Table with 24 rows for tax computation, including lines 1-24 with descriptions and numerical values.

Certification by an Elected Officer. I certify that this return and any attachments are to the best of my knowledge and belief, true, correct and complete.

Signature lines for Date, Signature of officer, Official title, Signature of individual or name of firm preparing this return, Preparer's address

		Parent
<b>Schedule M - Computation of Combined Allocation Percentage</b>		
25	New York premiums (from Form CT-33, Schedule C, line 24(g))	25
26	Total premiums (from Form CT-33, Schedule C, line 25)	26
27	New York premiums percentage (divide line 25 by line 26)	27
28	Weighted New York premiums percentage (multiply line 27 by nine)	28
29	New York wages (from Form CT-33, Schedule C, line 28)	29
30	Total wages (from Form CT-33, Schedule C, line 29)	30
31	New York payroll percentage (divide line 29 by line 30)	31
32	Total New York percentages (add line 28 and line 31)	32
33	Combined allocation percentage (divide line 32 by ten)	33
<b>Schedule N - Computation of Combined Subsidiary Allocation Percentage</b>		
34	New York subsidiary capital (from Form CT-33, Schedule D, line 34)	34
35	Total subsidiary capital (from Form CT-33, Schedule D, line 33)	35
36	Combined subsidiary allocation percentage (divide line 34 by line 35)	36
<b>Schedule O - Computation of Combined Allocated New York Income</b>		
37	Entire net income (from Form CT-33, Schedule G, line 70)	37
38	Combined allocated entire net income (multiply line 37 by line 33 - enter here and on line 1)	38
<b>Schedule P - Computation of Combined Allocated New York Capital</b>		
39	Business and investment capital (from Form CT-33, Schedule E, line 44)	39
40	Combined allocated capital (multiply line 39 by line 33 - enter here and on line 2)	40
<b>Schedule Q - Computation of Combined Allocated Subsidiary Capital</b>		
41	Subsidiary capital (from Form CT-33, Schedule E, line 41)	41
42	Combined allocated subsidiary capital (multiply line 41 by line 36 - enter here and on line 5)	42
<b>Schedule R - Analysis of Schedule I, Form CT-33</b>		
43	Life insurance company premiums (from Form CT-33, Schedule I, line 76 - enter combined total here and on line 7)	43
44	Nonlife insurance company premiums:	
	(a) Accident and health (from Form CT-33, Schedule I, line 77 - enter combined total here and on line 8a)	44a
	(b) Other (from Form CT-33, Schedule I, line 78 - enter combined total here and on line 8b)	44b
<b>Schedule S - Limitation on Tax</b>		
45	Premiums from Schedule I (from Form CT-33, line 82 - enter here and on line 12)	45

List complete names and employer identification numbers for all members of this combined group (attach additional pages, if necessary).

Names	Employer Identification Number
Parent	
Subsidiary # 1	
Subsidiary # 2	
Subsidiary # 3	
Subsidiary # 4	
Subsidiary # 5	
Subsidiary # 6	

You must, within 30 days after the close of the taxable year, request permission to file on a combined basis, or to include corporations not previously included, or to exclude corporations previously included.



## Instructions

Every corporation included in a combined return must file a separate return on Form CT-33 and compute the premiums as computed under section 1510. Each corporation included in a combined return (other than a foreign corporation not doing business in New York State and the corporation paying the combined tax) is required to pay a minimum tax of **\$250**, in addition to the premium tax.

### A combined return may be required or permitted if throughout the taxable year:

- The taxpayer owns or controls, either directly or indirectly, 80% or more of the voting capital stock of all the other corporations which are to be included in the combined return;
- 80% or more of the voting capital stock of the taxpayer is owned or controlled, either directly or indirectly, by other corporations which are to be included in the combined return; or
- 80% or more of the voting capital stock of the taxpayer and 80% or more of the voting capital stock of the other corporations which are to be included in the combined return are owned or controlled, either directly or indirectly, by the same interests.

To file a combined return, taxpayers must also meet a distortion requirement. The activities, business, income or capital of a taxpayer is presumed to be distorted when filing a return on a separate basis if 50% or more of the transactions are intercompany transactions among the corporations.

### A combined return will not be required or permitted:

- To include corporations not subject to tax under Article 33 of the Tax Law.
- To include any nontaxpayer, unless inclusion is deemed necessary by the Commissioner of Taxation and Finance in order to properly reflect the tax liability under this article. (See section 1515(g) of the Tax Law.)

### Intercompany Elimination of Income and Capital

- Eliminate intercompany dividends included in the combined return on line 37 of Schedule O.
- Eliminate all investments and intercompany advances of corporations in the combined group, in other corporations in the combined group on line 41 of Schedule Q and on lines 34 and 35 of Schedule N.
- Eliminate intercompany stock holdings, intercompany bills, intercompany notes receivable and payable and other intercompany indebtedness on line 39 of Schedule P.

### Intercompany Elimination for Allocation

- Premiums ceded to other companies generally are not allocated in Schedule C of Form CT-33. However, if a company cedes insurance to another company in the combined group, the premiums must be included by the company writing the insurance. If the reinsurer allocates the same premium in Schedule C of Form CT-33, an intercompany elimination is required to exclude the duplicate allocation by the reinsurer.
- Any amount allocated as wages by a corporation in the combined group which is a duplication of another item which was allocated as wages by another corporation in the combined group must be eliminated.

### Metropolitan Transportation Business Tax Surcharge

Any corporation taxable under Article 33 that does business, employs capital, owns or leases property or maintains an office in the Metropolitan Commuter Transportation District (MCTD) must file Form CT-33-M and pay a tax surcharge. The MCTD includes the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester.

### Schedule L — Computation of Tax and Installment Payments of Estimated Tax

**Lines 7 and 8** — Enter the total combined premiums and compute the tax on lines 7, 8a and 8b. This amount will be determined by taking the premiums computed separately on Schedule I of each participant's individual CT-33 and transferring them to lines 43, 44a and 44b of Form CT-33-A and then computing the combined total of premiums. The total combined premiums should be listed on lines 7, 8a and 8b of Form CT-33-A and the computation of the additional tax on premiums should be made on these lines.

**Line 15** — If the retaliatory tax credit claimed on line 14 is more than the tax payable on line 13, the taxpayer may elect to have the excess credited to the next taxable period or refunded without interest.

**Line A** — After completing your return enter the amount of your payment. Your payment should be the full amount shown on line 22.

### Schedule S — Limitation of Tax (section 1505)

Taxes imposed by sections 1501 and 1510, computed without the deduction of any credits, shall not exceed an amount computed as if the taxes were determined solely under section 1510 (additional franchise taxes based on premiums) except the rate shall be .026.

An insurance corporation that receives more than 95% of its premiums from annuity contracts, group insurance for the elderly (Insurance Law, section 4236) or marine insurance must treat those premiums as taxable premiums when computing the limitation of tax.

Combined filers claiming a limitation of tax under section 1505 must use the following procedures to compute and pay this tax:

- The parent and each subsidiary **must** complete Schedule I, Column B of Form CT-33. The amounts listed in Schedule I, Column B must be combined and shown on line 45 of Schedule S of Form CT-33-A.
- Each participant doing business in New York State **must** compute the section 1510 premium tax on its individual return (CT-33, Schedule A lines 6, 7a and 7b) and pay the premium tax and a tax of \$250 for each subsidiary. These amounts should be shown on lines 7, 8a, 8b and 10 of Form CT-33-A.

**Line 45** — Enter on line 45 of Form CT-33-A the individual premiums of the parent and the subsidiaries from Schedule I, Column B, line 82, of each participant's individual return (CT-33). Enter combined total in Column (C) and in the box on line 12 of Schedule L.