



Instructions for Form CT-33-NL

Non-Life Insurance Corporation Franchise Tax Return

CT-33-NL-1

Important reminder to file a complete return: You must complete all required schedules and forms that make up your return, and include **all pages** of those forms and schedules when you file. Returns that are missing required pages or that have pages with missing entries are considered incomplete and cannot be processed, and may subject taxpayers to penalty and interest.

Up-to-date information affecting your tax return

Visit our Web site for tax law changes or forms corrections that occurred after the forms and instructions were printed (see *Need help?*).

Changes for 2009

Credit, refund, and federal change forms are obsolete — Effective January 1, 2009, and applicable to all open tax periods, Form CT-8, *Claim for Credit or Refund of Corporation Tax Paid*, can no longer be used. For further information, see Important Notice, N-09-2, *Form CT-8, Claim for Credit or Refund of Corporation Tax Paid, and Form CT-9, Claim for Tentative Refund Based Upon Carryback of Net Operating Loss, Are Obsolete*.

Increase in the mandatory first installment (MFI) of estimated tax — The Tax Law was amended to provide an increase in the MFI for taxpayers, other than life insurance corporations filing Form CT-33, *Life Insurance Corporation Franchise Tax Return*, or CT-33-A, *Life Insurance Corporation Combined Franchise Tax Return*, and continuing section 186 taxpayers filing Form CT-186, *Utility Corporation Franchise Tax Return*, whose preceding year's tax, exclusive of the metropolitan transportation business tax (MTA surcharge), exceeded \$100,000. For tax years beginning on or after January 1, 2010, those taxpayers are required to pay a first installment equal to 40% of the preceding year's tax. Additionally, taxpayers who are required to pay their MFI at the 40% rate and are subject to the MTA surcharge are also required to calculate their estimated tax for the MTA surcharge at 40% of the preceding year's MTA surcharge. The remaining three estimated tax payments are to be adjusted so that the total payments do not exceed 100% of the estimated tax due. The MFI of estimated tax and estimated MTA surcharge remains at 25% of the preceding year's tax and tax surcharge, respectively, for those taxpayers whose preceding year's tax exceeded \$1,000, but was less than or equal to \$100,000.

More collection options for New York State — If you owe unpaid debt to New York State, we are now able to collect your debt by taking money from, or offsetting, payments owed you by the federal government or by another state. Reciprocal offset agreements also allow the federal government, as well as other states, to collect delinquent non-tax debt by offsetting payments owed you by New York State.

New tax under Tax Law Article 23 — A new Metropolitan Commuter Transportation Mobility Tax (MCTMT) applies to certain employers and self-employed individuals engaging in business within the Metropolitan Commuter Transportation District (MCTD). The tax applies to employers required to withhold New York State income tax from wages that have a payroll expense exceeding \$2,500 in any calendar quarter. It also applies to individuals with net earnings from self-employment allocated to the MCTD that exceed \$10,000 for the tax year. For more information about this new tax, visit our Web site at www.nystax.gov.

Fuel cell credit expires — Effective for tax years beginning on or after January 1, 2009, the tax credit for fuel cell electric generating equipment expired. However, if you have unused carryforwards of previously-earned credits, you may use them until they are exhausted.

Transportation improvement contribution credit expires — Effective for tax years beginning on or after January 1, 2009, the tax credit for making a transportation improvement contribution expired.

Health maintenance organizations (HMOs) taxed as insurance corporations — Effective for tax years beginning on or after January 1, 2009, any for-profit HMO required to obtain a certificate of authority under Article 44 of the Public Health Law is subject to a franchise tax based solely on premiums under Tax Law section 1502-a. These HMOs are now included in the definition of an insurance corporation under Tax Law section 1500(a).

Note: Not-for-profit HMOs required to obtain a certificate of authority under Article 44 of the Public Health Law are also

included in the definition of insurance corporation under Tax Law section 1500(a), but are exempt from tax under Article 33 by Tax Law section 1512(a)(10). For more information, see TSB-M-09(7)C, *For-Profit Health Maintenance Organizations Are Now Subject to the Franchise Tax on Insurance Corporations under Article 33*.

Overcapitalized captive insurance companies must be included in combined returns under Article 9-A or 32 — Effective for tax years beginning on or after January 1, 2009, any overcapitalized captive insurance company (as defined in Tax Law section 2.11) must be included in a combined return under Article 9-A or 32 with the closest corporation that directly or indirectly owns or controls over 50% of the voting stock of the insurance company. Such insurance companies no longer meet the definition of an insurance corporation under Tax Law section 1500(a). For more information, see TSB-M-09(9)C, *Tax Treatment of Overcapitalized Captive Insurance Companies*.

Fee for payments returned by banks — A new law allows the Tax Department to charge a \$50 fee when a check, money order, or electronic payment is returned by a bank for nonpayment. However, if an electronic payment is returned as a result of an error by the bank or the department, the department won't charge the fee. If your payment is returned, we will send a separate bill for \$50 for each return or other tax document associated with the returned payment.

Important information

Reporting requirements for tax shelters — The Tax Law requires taxpayers to report information about transactions that present the potential for tax avoidance (tax shelters). There are separate reporting requirements for those who use tax shelters and for those who promote the use of tax shelters. For the most recent information on these reporting requirements visit our Web site.

Voluntary Disclosure and Compliance Program — A Voluntary Disclosure and Compliance Program has been established. The program provides relief from certain penalties and criminal prosecution to eligible taxpayers who come forward and reveal previously undisclosed liabilities.

Electronic filing and electronic payment mandate — Certain tax preparers using tax software to prepare tax documents, and certain taxpayers preparing their own tax documents using tax software, must, for the applicable calendar year and all succeeding calendar years, e-file all documents authorized by the Commissioner to be e-filed. Any tax liability or other amount due required to be paid with a tax document that must be e-filed must also be e-paid.

Who must file Form CT-33-NL

- Domestic non-life insurance corporations that are authorized to transact business in New York State under a Certificate of Authority from the superintendent of the New York State Insurance Department for the privilege of exercising a corporate franchise.
- Foreign and alien non-life insurance corporations that are authorized to transact business in New York State under a Certificate of Authority from the superintendent of the New York State Insurance Department and are doing business, employing capital, owning or leasing property, or maintaining an office in this state.
- Non-life insurance corporations exempt from federal income tax but conducting business in New York State.
- An unauthorized non-life insurance corporation that is affiliated with an insurer licensed in New York State and is operating from an office within the state pursuant to New York State Insurance Law sections 1101(b)(5) and 2117(i). See TSB-M-00(1)C, *Amended Definition of Insurance Corporation (Article 33)*, for additional information.
- Risk retention groups as defined in subsection (n) of Insurance Law section 5902.
- For-profit health maintenance organizations (HMOs) required to obtain a certificate of authority under Article 44 of the Public Health Law.

Exceptions: Insurance corporations specifically exempted by Tax Law section 1512 do not have to file Form CT-33-NL. Captive

insurance companies licensed by the Superintendent of Insurance under Insurance Law Article 70 must file Form CT-33-C, *Captive Insurance Company Franchise Tax Return*. However, overcapitalized captive insurance companies as defined in Tax Law section 2.11, no longer meet the definition of an insurance corporation under Tax Law section 1500(a) and must file on a combined return under Article 9-A or 32 with their closest controlling stockholder, as applicable.

An **unauthorized** non-life insurance corporation is not subject to the premiums tax under Tax Law section 1502-a or required to pay the additional tax on premiums under Tax Law section 1510(a) and must file Form CT-33, *Life Insurance Corporation Franchise Tax Return*.

Definition of insurance corporation — An *insurance corporation* as defined by Tax Law, Article 33, section 1500 is any corporation, association, joint stock company or association, person, society, aggregation, or partnership doing an insurance business. The term insurance corporation also includes an HMO required to obtain a certificate of authority under Article 44 of the Public Health Law. It does not include an overcapitalized captive insurance company.

Definition of non-life insurance corporation — A *non-life insurance corporation* is any insurance corporation other than a life insurance corporation.

Non-life insurance corporations subject to a franchise tax based solely on premiums — Non-life insurance corporations that are authorized to transact business in New York State under a Certificate of Authority from the superintendent of the New York State Insurance Department are subject to a franchise tax based solely on premiums under Tax Law section 1502-a.

The franchise tax is calculated in the same manner as the additional franchise tax based on premiums under Tax Law section 1510(a), except that the tax rate is:

- 1.75% for accident and health premiums; and
- 2.00% for all other premiums.

The tax imposed under section 1502-a, before the application of tax credits, cannot be less than \$250.

When and where to file

File your return within 2½ months after the end of your reporting period. If you are reporting for the calendar year, file your return on or before March 15. If your filing date falls on a Saturday, Sunday, or legal holiday, then you must file your return on or before the next business day.

If you cannot meet this filing deadline, you may request a six-month extension of time by filing Form CT-5, *Request for Six-Month Extension to File*.

Mail your returns and attachments to:

**NYS CORPORATION TAX
PROCESSING UNIT
PO BOX 22038
ALBANY NY 12201-2038**

Also mail a copy to:

**NYS INSURANCE DEPARTMENT
ONE COMMERCE PLAZA
ALBANY NY 12257**

Private delivery services — If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your form and tax payment. However, if, at a later date, you need to establish the date you filed or paid your tax, you cannot use the date recorded by a private delivery service unless you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* for information on obtaining forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your form, contact that private delivery service for instructions on how to obtain written proof of the date your form was given to the delivery service for delivery. If you use any private delivery service, whether it is a designated service or not, send the forms covered by these instructions to: State Processing Center, 431C Broadway, Albany NY 12204-4836. You must also mail a copy to the NYS Insurance Department address listed above.

How to fill out your return

Computerized returns — We will accept computer-produced corporation tax returns if they meet our printing specifications. For information, see Publication 76, *Specifications for Reproduction of New York State Corporation Tax Forms*.

Whole dollar amounts — You may elect to show amounts in whole dollars rather than in dollars and cents. Round any amount from 50 cents through 99 cents to the next higher dollar. Round any amount less than 50 cents to the next lower dollar.

Negative amounts — Show any negative amounts with a minus (-) sign.

Percentages — When computing allocation percentages, convert decimals into percentages by moving the decimal point two spaces to the right. Carry percentages to four decimal places.

Example: $5,000/7,500 = 0.6666666 = 66.6667\%$.

Entering dates — Unless you are specifically directed to use a different format, enter dates in the *mm-dd-yy* format (using dashes and not slashes).

Specific instructions

Amended return

If you are filing an amended return, mark an **X** in the *Amended return* box on the top of Form CT-33-NL.

If you file an amended federal return, you must file an amended New York State return within 90 days thereafter.

For credits or refunds of corporation tax paid — To claim any refund type that requires an amended return, file an amended New York State return for the year being amended and, if applicable, attach a copy of the claim form filed with the IRS (usually Form 1120-PC, *U.S. Property and Casualty Insurance Company Income Tax Return*) and proof of federal refund approval, *Statement of Adjustment to Your Account*.

The amended return must be filed within three years of the date the original return was filed or within two years of the date the tax was paid, whichever is later. If you did not file an original return, you must make the request within two years of the date the tax was paid. However, a claim for credit or refund based on a federal change must be filed within two years from the time the amended return reporting the change or correction was required to be filed (see above). For additional limitations on credits or refunds, see Tax Law section 1087.

Reporting period

Use this tax return for calendar year 2009 and fiscal years that begin in 2009 and end in 2010.

You can also use the 2009 return if:

- you have a tax year of less than 12 months that begins and ends in 2010, **and**
- the 2010 return is not yet available at the time you are required to file the return.

In this case you must show your 2010 tax year on the 2009 return and take into account any tax law changes that are effective for tax years beginning after December 31, 2009.

All filers must complete the beginning and ending tax year boxes in the upper right corner on page 1 of the form.

Important identifying information

When preparing your corporation tax return, be sure to accurately complete the corporation's identifying information (employer identification number (EIN) and file number) including your current address. Keep a record of your identifying information for future use.

If you use a paid preparer or accounting firm, make sure they use your complete and accurate information when completing all your forms.

Business information

Enter the corporation's business information at the top of the first page. Be sure to enter the corporation's mailing name if different from its legal name.

If you need to update your corporation tax address or phone information, you can do so online. Visit our Web site at www.nystax.gov

and look for the change my address option. Otherwise, enter your new address and/or phone number in the appropriate area of your return and mark an **X** in the box under the address. Do not mark an **X** in this box if your address and/or phone number is new since your last filing but was already updated online, or for any change of business information other than your address and/or phone number. Once your corporation tax information is updated online, you do not need to indicate a change of address on any corporation tax forms submitted to the Tax Department (or for any forms for tax types you select to be updated in addition to corporation tax).

If you prefer to change this information by form, use Form DTF-96, *Report of Address Change for Business Tax Accounts*. You must report other changes (such as business name or ID number) on Form DTF-95, *Business Tax Account Update*. You can get these forms from our Web site, by fax, or by phone (see *Need help?*).

Metropolitan transportation business tax (MTA surcharge) section 1505-a

Any insurance 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, *Insurance Corporation MTA Surcharge Return*, and pay the MTA surcharge imposed by section 1505-a. The MCTD includes the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester. Corporations not doing business in the MCTD must disclaim liability for the tax surcharge by answering **No** to the question on the front of Form CT-33-NL. They are not required to file Form CT-33-M.

Third-party designee

If you want to authorize another person (third-party designee) to discuss this tax return with the New York State Tax Department, mark an **X** in the **Yes** box in the *Third-party designee* area of your return. Also **print** the designee's name, phone number, and any five-digit number the designee chooses as his or her personal identification number (PIN). If you want to authorize the paid preparer who signed your return to discuss the return with the Tax Department, **print** the preparer's name in the space for the designee's name and enter the preparer's phone number in the space for the designee's phone number. You do not have to provide the other information requested. If you do not want to authorize another person, mark an **X** in the **No** box.

If you mark the **Yes** box, you are authorizing the Tax Department to discuss with the designee any questions that may arise during the processing of your return. You are also authorizing the designee to:

- give the Tax Department any information that is missing from your return;
- call the Tax Department for information about the processing of your return or the status of your refund or payment(s); and
- respond to certain Tax Department notices that you shared with the designee about math errors, offsets, and return preparation. The notices will not be sent to the designee.

You are not authorizing the designee to receive your refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the Tax Department. If you want the designee to perform those services for you, you must file Form POA-1, *Power of Attorney*, making that designation with the Tax Department. Copies of statutory tax notices or documents (such as a *Notice of Deficiency*) will only be sent to your designee if you file Form POA-1.

You cannot change the PIN. The authorization will automatically end on the due date (without regard to extensions) for filing your next year's tax return.

Signature

The return must be certified by the president, vice president, treasurer, assistant treasurer, chief accounting officer, or other officer authorized by the taxpayer.

If an outside individual or firm prepared the return, the signature of the person and the name of the firm must be included.

Line instructions

Line A — Make your check or money order payable in United States funds. We will accept a foreign check or foreign money order only if

payable through a United States bank or if marked **Payable in U.S. funds**.

Computation of tax and installment payments of estimated tax

Line 1 — Enter the amount of accident and health premiums from line 34 in the first box. Multiply accident and health premiums by the tax rate of 1.75% (.0175) and enter the result here.

Line 2 — Enter the amount of other non-life insurance premiums from line 35 in the first box. Multiply other non-life insurance premiums by the tax rate of 2.0% (.02) and enter the result here.

Line 8b — If your tax on line 7 exceeds \$1,000 and you did not file Form CT-5 you must pay a mandatory first installment for the period following the one that is covered by this return. If your tax exceeds \$1,000, but does not exceed \$100,000, enter 25% (.25) of the tax shown on line 7. If your tax exceeds \$100,000, enter 40% (.4) of the tax shown on line 7.

Line 12 — Form CT-222, *Underpayment of Estimated Tax by a Corporation*, is filed by a corporation to inform the Tax Department that the corporation meets one of the exceptions to reduce or eliminate the underpayment of estimated tax penalty pursuant to Tax Law section 1085(d).

Line 13 — If you do not pay the tax due on or before the original due date (**without** regard to any extension of time for filing), you must pay interest on the amount of underpayment (line 7 minus line 10) from the original due date to the date paid. Exclude from the interest computation any amount shown on line 8a or 8b, *First installment of estimated tax for next period*.

Line 14 — Compute additional charges for late filing and late payments on the amount of tax minus any payment made on or before the due date (**with** regard to any extension of time for filing) (line 7 minus line 10). Exclude from the penalty computation any amount shown on line 8a or 8b, *First installment of estimated tax for next period*.

- A If you do not file a return when due or if the request for extension is invalid, add to the tax 5% per month up to 25% (section 1085(a)(1)(A)).
- B If you do not file a return within 60 days of the due date, the addition to tax in item A above cannot be less than the smaller of \$100 or 100% of the amount required to be shown as tax (section 1085(a)(1)(B)).
- C If you do not pay the tax shown on a return, add to the tax ½% per month up to 25% (section 1085(a)(2)).
- D The total of the additional charges in items A and C above may not exceed 5% for any one month except as provided for in item B above (section 1085(a)).

If you think you are not liable for these additional charges, attach a statement to your return explaining reasonable cause for the delay in filing, payment, or both (section 1085).

Note: You may compute your penalty and interest by accessing our Web site and clicking on *Online Tax Center*, or you may call and we will compute the penalty and interest for you (see *Need help?*).

Lines 21a and 21b — If you request a refund of unused tax credits, enter the total amount on line 21a. If you request tax credits to be credited as an overpayment to next year's tax, enter the total amount on line 21b. Attach the appropriate tax credit forms.

Collection of debts from your refund or overpayment — We will keep all or part of your refund or overpayment if you owe a past-due, legally enforceable debt to a New York State agency, or if you owe a New York City tax warrant judgment debt. We may also keep all or part of your refund or overpayment if you owe a past-due legally enforceable debt to another state, provided that state has entered into a reciprocal agreement with New York State. If we keep your refund or overpayment, we will notify you.

A New York State agency includes any state department, board, bureau, division, commission, committee, public authority, public benefit corporation, council, office, or other entity performing a governmental or proprietary function for the state or a social services district. We will refund or apply as an overpayment any amount over your debt.

The Tax Department is authorized to charge the taxpayer, as part of the taxpayer's tax debt, any cost or fee imposed or charged by the United States, or any state, for the payment or remittance of a taxpayer's overpayment to satisfy a New York State tax debt.

If you have any questions about whether you owe a past-due, legally enforceable debt to a state agency, or to another state, or whether you owe a New York City tax warrant judgment debt, contact the state agency, the other state, or the New York City Department of Finance.

For New York State tax liabilities only, call (518) 457-5434 (in-state callers without free long distance call 1 800 835-3554) or write to: NYS Tax Department, Collections and Civil Enforcement Division, W A Harriman Campus, Albany NY 12227.

Schedule A — Allocation of reinsurance premiums when location of risks cannot be determined — Complete this schedule to allocate reinsurance premiums to New York State when the location or residence of the property or risks covered by the reinsurance cannot be determined. This schedule must be completed for premiums assumed from authorized companies.

Column C — Enter the percentage each ceding corporation's New York premiums bear to its total premiums for the preceding tax year (reinsurance allocation percentage). You may obtain this percentage from tax service publications or by calling the Corporation Tax Information Center (see *Need help?*). If the ceding corporation did not do business in New York State during the preceding year and therefore did not file a New York State tax return, the percentage is zero.

Schedule B — Computation of reinsurance allocation percentage — For both the numerator and denominator of the reinsurance allocation percentage, the term *premium* includes all amounts received as consideration for insurance, reinsurance and annuity contracts, including premium deposits, assessments, policy fees, membership fees, and all other compensation for such contracts.

Line 25 — Enter the total New York taxable premiums from lines 34 and 35, plus any additional premiums on these types of policies that were written, procured, or received in New York on business that cannot be specifically assigned as located or resident in any other state or states that were not included on lines 34 and 35 (attach schedules for such additional premiums). Do not include in this amount any separate costs assessed by the insurance corporation upon its policyholders. See Tax Law section 1504(b)(2)(A). Include any New York premiums for long-term care insurance policies under Chapter 90, Title 5, of the United States Code, and any New York premiums for federal group life insurance policies under Chapter 87, Title 5, of the United States Code, when computing the premium percentage.

Line 26 — Enter the total ocean marine premiums written, procured, or received on property or risks located or resident in New York State, plus ocean marine premiums written within New York State on property or risks that cannot be specifically assigned as located or resident in any other state or country. See Tax Law section 1504(b)(2)(C).

Line 27 — Enter the total of premiums for annuity contracts and insurance for the elderly that are written, procured, or received on risks located or resident in New York State, and those premiums for annuity contracts and insurance for the elderly written, procured, or received in New York State on business that cannot be specifically assigned as located or resident in any other state or states.

Line 28 — Enter the total New York premiums on reinsurance assumed from authorized companies. Include reinsurance premiums from unauthorized companies that relate to transactions authorized under Insurance Law section 2105 and that are subject to the premiums tax on excess-lines brokers under Insurance Law section 2118. Also, include premiums allocated to New York State where the location of the risk cannot be determined and premiums from risks located in New York State.

Line 30 — Enter the total amount of New York premiums included on line 29 that were ceded to other insurance companies.

Attach a separate schedule showing the computation of New York premiums included in lines 25 through 31.

Line 32 — You must report total premiums on a written or paid-for basis, consistent with the basis required by the annual statement filed with the Superintendent of Insurance.

Attach a separate schedule showing the computation of total premiums included on line 32.

First, determine total gross premiums, deposit premiums, and assessments, less returns thereon, on **all** policies, annuity contracts, certificates, renewals, policies subsequently canceled, and insurance and reinsurance executed, issued, or delivered on property or risks, including premiums for reinsurance assumed. Include **only** those special risk premiums written, procured, or received in New York State on risks located or resident in New York State.

From the total amount determined, deduct dividends on total premiums and premiums on reinsurance ceded. When computing the dividend deduction, include unused or unabsorbed portions of premium deposits paid or credited to policyholders, but not deferred dividends paid in cash to policyholders on maturing policies or cash surrender values.

Schedule C — Computation of taxable premiums — Use Schedule C to compute premiums taxable under section 1502-a and transfer them to the appropriate boxes on lines 1 and 2 of Form CT-33-NL.

Report direct premiums on a written or paid-for basis, consistent with the basis required by the annual statement filed with the Superintendent of Insurance. For purposes of computing taxable premiums, the term *premium* includes all amounts received as consideration for insurance or reinsurance contracts, or contracts with HMOs for health services (except annuity contracts), including premium deposits, assessments, policy fees, membership fees, any separate costs by carriers assessed upon their policyholders, and all other consideration for such contracts.

Taxable premiums include gross direct premiums minus return premiums, reinsurance premiums assumed, and dividends paid or credited.

— **Gross direct premiums** — Include total gross premiums, fair plan premiums, deposit premiums and assessments, less returns thereon, on all policies, certificates, renewals subsequently canceled, insurance and reinsurance executed, issued, or delivered on property or risks located or resident in New York State, and premiums written, procured, or received in New York State on business that cannot be specifically allocated or apportioned and reported as taxable premiums or which have not been used as a measure of a tax on business of any other state or states. Also include special risk premiums written, procured, or received in New York State on risks located or resident in New York State. Do not deduct reinsurance ceded. When computing taxable premiums, do not include premiums on annuity contracts, ocean marine insurance, and policies issued under Insurance Law section 4236. Also exempt from the tax on premiums are premiums on risks located outside the United States that were written, procured, or received in New York State, **except** for insurance written by foreign and alien title insurance corporations and accident and health insurance.

Note: Gross direct premiums do not include any premiums that New York State cannot tax according to federal law (including premiums received for a long-term care insurance policy under United States Code Title 5, Chapter 90, and any premiums for federal group life insurance under United States Code Title 5, Chapter 87).

— **Deductions from gross direct premiums**

- **Reinsurance premiums assumed** — When computing gross direct premiums, you may deduct (1) reinsurance premiums assumed, minus return premiums, that have been received by way of reinsurance from corporations or other insurers authorized to transact business in this state; and (2) reinsurance premiums assumed from unauthorized companies that relate to transactions authorized under Insurance Law section 2105 and that are subject to the premiums tax on excess-lines brokers under Insurance Law section 2118.
- **Dividends paid or credited** — You may deduct dividends on direct premiums and unused or unabsorbed portions of premium deposits paid or credited to policyholders. This deduction does not include deferred dividends paid in cash to policyholders on maturing policies or cash surrender values.

Schedule D — Computation of issuer's allocation percentage

Complete this schedule by entering New York gross direct premiums on line 36 and total gross direct premiums on line 37 as reported in your annual statement filed with the Superintendent of Insurance for the tax

year. Tax Law section 1085(a) provides for a penalty of \$500 for failure to provide information needed to compute your issuer's allocation percentage.

Composition of prepayments

Lines 39 through 46 — If you need more space, write **see attached** in this section and attach a separate sheet showing all relevant prepayment information. Transfer the total shown on the attached sheet to line 10.

Line 44 — Include overpayment credited from prior years. You may also include from last year's return any amount of refundable tax credits you chose to be credited as an overpayment.

Summary of tax credits claimed against current year's franchise tax — Ordering of credits — Tax credits under Article 33 must be applied in the following order:

1. Empire zone (EZ) capital tax credit.
2. EZ and zone equivalent area (ZEA) wage tax credits.
3. Noncarryover credits that are not refundable.
4. Carryover credits that are of limited duration.
5. Carryover credits that are of unlimited duration.
6. Refundable credits.

Line 47 — Enter the total tax credits claimed that were used to reduce the tax due. Generally, these credits may not reduce the tax below the \$250 minimum tax. However, the retaliatory tax credits and the fire insurance premiums tax credit may further reduce the tax due to zero. Enter in the appropriate boxes the total amount of each tax credit claimed. If you are required to recapture a tax credit that was allowed in a previous reporting period, and the result is a negative credit amount on your credit claim form, enter this negative amount, with a minus sign, in the applicable box.

Fire insurance premiums tax credit — Credit for taxes on premiums for any insurance on loss or damage by fire under Insurance Law sections 9104 and 9105 or under the charters of the cities of Buffalo or New York. These taxes must have been paid or accrued during the tax year covered by this return. The fire insurance premiums tax credit is limited to the amount reported on line 5 less the EZ capital tax credit, EZ or ZEA wage tax credits, and any noncarryover credits that are not refundable that are being claimed before this credit. The credit cannot be carried over to any other year. Attach the *Report of Premiums*, including *Supplementary Schedules I and II*, when claiming this credit.

Retaliatory tax credits — Attach Form CT-33-R, *Claim for Retaliatory Tax Credits*, to claim these credits. Do not claim the MTA surcharge retaliatory tax credit on this form.

CAPCO credit — Attach Form CT-33.1, *Claim for CAPCO Credit*.

Credit for employment of persons with disabilities — Attach Form CT-41, *Claim for Credit for Employment of Persons with Disabilities*.

Special additional mortgage recording tax credit — Attach Form CT-43, *Claim for Special Additional Mortgage Recording Tax Credit*.

Investment tax credit for the financial services industry — Attach Form CT-44, *Claim for Investment Tax Credit for the Financial Services Industry*.

Long-term care insurance credit — Attach Form CT-249, *Claim for Long-Term Care Insurance Credit*.

Defibrillator credit — Attach Form CT-250, *Credit for Purchase of an Automated External Defibrillator*.

Fuel cell electric generating equipment credit — Attach Form CT-259, *Claim for Fuel Cell Electric Generating Equipment Credit*.

Empire zone wage tax credit — Attach a copy of Form CT-601, *Claim for EZ Wage Tax Credit*.

ZEA wage tax credit — Attach a copy of Form CT-601.1, *Claim for ZEA Wage Tax Credit*.

Empire zone capital tax credit — Attach a copy of Form CT-602, *Claim for EZ Capital Tax Credit*.

Qualified empire zone enterprise (QEZE) tax reduction credit — Attach Form CT-604, *Claim for QEZE Tax Reduction Credit*.

QEZE credit for real property taxes — Attach Form CT-606, *Claim for QEZE Credit for Real Property Taxes*.

Brownfield redevelopment tax credit for qualified sites accepted into the brownfield cleanup program prior to June 23, 2008 — Attach Form CT-611, *Claim for Brownfield Redevelopment Tax Credit for Qualified Sites Accepted into the Brownfield Cleanup Program Prior to June 23, 2008*.

Brownfield redevelopment tax credit for qualified sites accepted into the brownfield cleanup program on or after June 23, 2008 — Attach Form CT-611.1, *Claim for Brownfield Redevelopment Tax Credit for Qualified Sites Accepted into the Brownfield Cleanup Program on or after June 23, 2008*.

Remediated brownfield credit for real property taxes — Attach Form CT-612, *Claim for Remediated Brownfield Credit for Real Property Taxes*.

Environment remediation insurance credit — Attach Form CT-613, *Claim for Environmental Remediation Insurance Credit*.

Security officer training tax credit — Attach Form CT-631, *Claim for Security Officer Training Tax Credit*.

Low-income housing credit — Attach Form DTF-624, *Claim for Low-Income Housing Credit*.

Green building credit — Attach Form DTF-630, *Claim for Green Building Credit*.

Enter in the *Other credits* box any credits being claimed on line 6 that are not specifically listed above and attach the appropriate form(s).

Line 48 — Enter the total amount of refund eligible tax credits claimed on line 47. The retaliatory tax credits, the QEZE real property tax credit, the brownfield redevelopment tax credit, the remediated brownfield credit for real property taxes, the environmental remediation insurance credit, the security officer training tax credit, and the ITC for the financial services industry (for qualified new businesses only) are the only refund-eligible credits under Article 33.

Your rights under the Tax Law

The Taxpayer Bill of Rights requires, in part, that the Tax Department advise you, in writing, of your rights and obligations during an audit, when appealing a Tax Department decision, and when your appeal rights have been exhausted and you need to understand the Tax Department's enforcement capabilities. For a complete copy of the information contained in all of these statements, see Publication 131, *Your Rights and Obligations Under the Tax Law*. For a copy, you may visit our Web site or call (see *Need help?*).

Need help?

	Internet access: www.nystax.gov (for information, forms, and publications)	
	Fax-on-demand forms:	1 800 748-3676
	Corporation Tax Information Center:	(518) 485-6027
	In-state callers without free long distance:	1 888 698-2908
	To order forms and publications:	(518) 457-5431
	In-state callers without free long distance:	1 800 462-8100
	Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY):	1 800 634-2110

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-5181.