



Claim for Retaliatory Tax Credits

CT-33-R

Tax Law — Article 33

All filers must enter tax period:

beginning ending

Legal name of corporation	Employer identification number
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File this form with Form CT-33, CT-33-NL, or CT-33-A; but send documentation to address under *Retaliatory prints*.

Part 1 — Computation of Article 33 section 1511(c) retaliatory tax credit for insurance corporations organized or domiciled in New York State (see instr.)

	A 2011	B 2012	C 2013
For tax years before 2011, attach separate computation.			
1 Tax less credits (except for section 1511(c) retaliatory tax credit)	1		
2 Section 1511(c) retaliatory tax credit claimed in 2011 and 2012	2		
3 Balance (subtract line 2 from line 1)	3		
4 90% of retaliatory taxes paid in 2013 on 2011 premiums and income (line 4 may not exceed line 3, column A)	4		
5 90% of retaliatory taxes paid in 2013 on 2012 premiums and income (line 5 may not exceed line 3, column B)			
6 90% of retaliatory taxes paid in 2013 on 2013 premiums and income (line 6 may not exceed line 1, column C)			6
7 Total section 1511(c) retaliatory tax credit claimed this year (add lines 4, 5, and 6)			7

Part 2 — Computation of section 1511(i) retaliatory tax credit for insurance corporations organized or domiciled in New York State (relating to assessments imposed under Public Health Law section 2807-t) (see instructions)

	A 2011	B 2012	C 2013
For tax years before 2011, attach separate computation.			
8 Amount of assessment paid under Public Health Law section 2807-t	8		
9 Tax less credits (except for section 1511(i) retaliatory tax credit)	9		
10 Section 1511(i) retaliatory credit claimed in 2011 and 2012	10		
11 Balance (subtract line 10 from line 9)	11		
12 90% of retaliatory taxes paid to other states in 2013 because of 2011 section 2807-t assessments (may not exceed lesser of line 8, column A, or line 11, column A)	12		
13 90% of retaliatory taxes paid to other states in 2013 because of 2012 2807-t assessments (may not exceed lesser of line 8, column B, or line 11, column B)			
14 90% of retaliatory taxes paid to other states in 2013 because of 2013 section 2807-t assessments (may not exceed lesser of line 8, column C, or line 9, column C)			14
15 Total section 1511(i) retaliatory tax credit claimed this year (add lines 12, 13, and 14)			15

Part 3 — Computation of total retaliatory tax credits claimed and amount to be credited as an overpayment and/or refunded (sections 1511(c) and 1511(i))

16 Total retaliatory tax credits claimed this year (add lines 7 and 15)	16	
17 Retaliatory tax credits from line 16 used to reduce tax liability (see instructions)	17	
18 Balance of retaliatory tax credits (subtract line 17 from line 16; see instructions)	18	
19 Amount of retaliatory tax credits to be credited as an overpayment to next period (see instructions)	19	
20 Amount of retaliatory tax credits to be refunded (subtract line 19 from line 18; see instructions)	20	

See instructions on page 2.

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Instructions

Part 1 — Computation of Article 33 section 1511(c) retaliatory tax credit for insurance corporations organized or domiciled in New York State

Insurance corporations organized or domiciled in New York State should complete this part to claim credit for 90% of retaliatory taxes paid to other states for the privilege of doing business in those states.

- a. You may claim credit only for retaliatory taxes paid on business after December 31, 1973.
- b. Credit may not exceed the tax payable under Article 33 (before adding the tax surcharge) for the tax year for which the retaliatory taxes were imposed or assessed.
- c. Claim credit on the return for the tax year during which the retaliatory taxes were paid.
- d. This form does not include the surcharge retaliatory tax credit allowed under Article 33 section 1505-a(d). The surcharge retaliatory tax credit will be computed on Form CT-33-M, *Insurance Corporation MTA Surcharge Return*, and allowed only against the surcharge computed under section 1505-a.

Any reduction in the amount of retaliatory taxes paid to another state on which a credit for such taxes was allowed by New York State must be reported to the Tax Department within 90 days of final determination.

Part 2 — Computation of section 1511(i) retaliatory tax credit for insurance corporations organized or domiciled in New York State (relating to assessments imposed under Public Health Law section 2807-t)

Insurance corporations organized or domiciled in New York State should complete this part to claim a credit for up to 90% of the retaliatory taxes paid to other states because of the assessment imposed by Public Health Law section 2807-t. Claim credit on the return for the year during which the retaliatory taxes were paid. The amount of the credit claimed may not exceed the lesser of the amount of the assessment paid under section 2807-t, or the tax payable under Article 33 for the tax year for which the retaliatory taxes were imposed or assessed.

Part 3 — Computation of total retaliatory tax credits claimed and amount to be credited as an overpayment and/or refunded (sections 1511(c) and 1511(i))

Line 17 — Enter the total retaliatory tax credits claimed and used, which may reduce the total tax due to zero.

Transfer this amount in the appropriate box on Form CT-33, above line 101; Form CT-33-NL, above line 47; or Form CT-33-A, above line 116.

Lines 18, 19, and 20 — The balance of the retaliatory tax credit computed on line 18 may be either credited as an overpayment on line 19 or claimed as a refund (without interest) on line 20.

Include the line 19 amount on Form CT-33, line 27b; Form CT-33-NL, line 21b; or Form CT-33-A, line 32b.

Include the line 20 amount on Form CT-33, line 27a; Form CT-33-NL, line 21a; or Form CT-33-A, line 32a.

Retaliatory prints

Do not send the documentation for this credit (retaliatory prints) with your franchise tax return. Send the documentation to:

**NYS TAX DEPARTMENT
I/FDAB - AUDIT 9
W A HARRIMAN CAMPUS
ALBANY NY 12227**

Need help? and Privacy notification

See Form CT-1, *Supplement to Corporation Tax Instructions*.

