



Department of Taxation and Finance

Claim for Retaliatory Tax Credits

Tax Law – §§ 1511(c) and 1511(i)

CT-33-R

All filers must enter tax period:

beginning ending

Legal name of corporation

Employer identification number

File this form with Form CT-33, CT-33-NL, or CT-33-A. Send documentation to the address under *Retaliatory prints* (see instructions).**Part 1: Calculation of § 1511(c) retaliatory tax credit for insurance corporations organized or domiciled in New York State** (see instr.)

YEAR	A 2024	B 2025	C 2026
For tax years before 2024, attach separate calculation.			
1 Tax less credits (except for § 1511(c) retaliatory tax credit) TAX_LESS_CR_AMT	1 RETAL_LSCR_PR_AMT	RETAL_LSCR_LST_AMT	RETAL_LSCR_CUR_AMT
2 Tax Law § 1511(c) retaliatory tax credit claimed in 2024 and 2025 RETAL_TAX_CLM_AMT	2 RETAL_CLM_PR_AMT	RETAL_CLM_LST_AMT	
3 Balance (subtract line 2 from line 1) BALANCE_AMT	3 RETAL_BAL_PR_AMT	RETAL_BAL_LST_AMT	
4 90% of retaliatory taxes paid in 2026 on 2024 premiums and income RETAL_90_CUR_AMT (line 4 may not exceed line 3, column A) RETAL_PR_YR_AMT	4		
5 90% of retaliatory taxes paid in 2026 on 2025 premiums and income (line 5 may not exceed line 3, column B) RETAL_PAY_LAST_AMT	5		
6 90% of retaliatory taxes paid in 2026 on 2026 premiums and income (line 6 may not exceed line 1, column C) RETAL_PAY_CUR_AMT		6	
7 Total § 1511(c) retaliatory tax credit claimed this year (add lines 4, 5, and 6) RETAL_TOT_CR_AMT		7	

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

YEAR	A 2024	B 2025	C 2026
For tax years before 2024, attach separate calculation.			
8 Amount of assessment paid under § 2807-t RETAL_ASMT_PD_AMT	8 RETAL_PR_ASMT_AMT	RETAL_LST_ASMT_AMT	RETAL_ASMT_CUR_AMT
9 Tax less credits (except for § 1511(i) retaliatory tax credit) TX_LESS_CR_AMT	9 RETAL_PR_LSCR_AMT	RETAL_LST_LSCR_AMT	RETAL_CUR_LSCR_AMT
10 Tax Law § 1511(i) retaliatory credit claimed in 2024 and 2025 RETAL_CR_CLM_AMT	10 RETAL_PR_CLM_AMT	RETAL_LST_CLM_AMT	
11 Balance (subtract line 10 from line 9) RETAL_OTL_ASMT_AMT	11 RETAL_PR_BAL_AMT	RETAL_LST_BAL_AMT	
12 90% of retaliatory taxes paid to other states in 2026 because of 2024 § 2807-t assessments (may not exceed lesser of line 8, column A, or line 11, column A) RETAL_PRI_ASMT_AMT	12		
13 90% of retaliatory taxes paid to other states in 2026 because of 2025 § 2807-t assessments (may not exceed lesser of line 8, column B, or line 11, column B) RETAL_CUR_ASMT_AMT	13		
14 90% of retaliatory taxes paid to other states in 2026 because of 2026 § 2807-t assessments (may not exceed lesser of line 8, column C, or line 9, column C) RETAL_99_ASMT_AMT		14	
15 Total § 1511(i) retaliatory tax credit claimed this year (add lines 12, 13, and 14) RETAL_TOT_ASMT_AMT		15	

Part 3: Calculation of total retaliatory tax credits claimed and amount to be credited as an overpayment or refunded or both [§§ 1511(c) and 1511(i)]

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

See instructions on page 2.

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Instructions

All citations are to New York State Tax Law articles and sections unless specifically noted otherwise.

Part 1: Calculation of § 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.

Notes:

- Claim credit on the return for the tax year during which the retaliatory taxes were paid.
- For the tax year for which the retaliatory taxes were imposed or assessed, this credit may not exceed the tax payable under Article 33 (before adding the tax surcharge).
- Apply only the surcharge retaliatory tax credit against the surcharge calculated under § 1505-a. To calculate the surcharge retaliatory tax credit allowed under § 1505-a(d), file Form CT-33-M, *Insurance Corporation MTA Surcharge Return*.

When another state reduces the amount of retaliatory tax due, the retaliatory tax credit, tax, and metropolitan transportation business tax (MTA surcharge) must be recalculated for the tax year that the retaliatory taxes were reduced.

These changes **must** be reported by either:

- amending the return for the year the retaliatory taxes were claimed as a credit, or
- providing a schedule of the recalculation of the credit, tax, and MTA surcharge to the Audit Division. Mail the schedule to the address under *Retaliatory prints*.

Note: A credit earned in a different period **cannot** offset an adjustment to the amount of credit and retaliatory tax.

See § 1511(c).

The amended return or schedule is due within **90 days** of a final determination by a competent authority that a refund or credit is due for retaliatory taxes or other charges imposed or assessed by another state. The additional tax and surcharge owed must be paid with the amended return or schedule. See §§ 1081(i) and 1515(e)(2).

Part 2: Calculation of § 1511(i) retaliatory tax credit for insurance corporations organized or domiciled in New York State (relating to assessments imposed under Public Health Law § 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 § 2807-t. Claim credit on the return for the year during which the retaliatory taxes were paid. Do **not** claim a credit amount that exceeds the lesser of:

- the amount of the assessment paid under § 2807-t, or
- the tax payable under Article 33 for the tax year for which the retaliatory taxes were imposed or assessed.

Part 3: Calculation of total retaliatory tax credits claimed and amount to be credited as an overpayment or refunded or both [§§ 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 to 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: Use line 18 to either:

- credit the balance as an overpayment on line 19, or
- claim it as a refund (without interest) on line 20, or both.

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
TDAB – CT DESK AUDIT
W A HARRIMAN CAMPUS
ALBANY NY 12227-5299**

Private delivery services: If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

