



# Instructions

## General information

The tax under Article 33-A is imposed on any individual, partnership, corporation, society, association, joint-stock company, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary capacity, who purchases or renews a taxable insurance contract from an insurer not authorized to transact business in New York State under a certificate of authority from the Superintendent of Insurance. The tax rate is 3.6% of premiums paid or payable, less returns thereon, on taxable insurance contracts when the risk is located or resident in New York State, and applies to all contracts purchased or renewed.

A taxable insurance contract includes contracts described in section 1113(a), paragraphs (4) through (14), (16), (17), (19), (20), and (22) of the New York State Insurance Law. This includes the following types of insurance: fire, miscellaneous property, water damage, burglary and theft, glass, boiler and machinery, elevator, animal, collision, personal injury liability, property damage liability, fidelity and surety, motor vehicle and aircraft physical damage, marine and inland marine, credit, and residual value insurance. Premiums subject to tax include both (1) 100% of premiums paid or payable to unauthorized insurers when the risk is totally located or resident within New York State, and (2) an allocated portion of premiums, paid or payable to unauthorized insurers, when the risk is located or resident both within and outside New York State.

## Exemptions

The tax imposed by this article does not apply to:

- any taxable insurance contract procured through a New York licensed excess line broker
- premiums received as consideration for reinsurance contracts
- the government of the United States or any instrumentality thereof
- New York State and its political subdivisions
- the United Nations and any other international organizations of which the United States is a member
- any foreign government
- any taxable insurance contract of the type described under the Insurance Law in section 2117(b), (c), and (d).

## Claim for refund

File Form CT-8 for a refund if the insurance contract is canceled prior to the expiration of the insurance period and tax has been paid on the premium.

## Due date

Any individual, partnership, corporation, society, association, joint-stock company, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary capacity subject to Article 33-A is required to file this return within 60 days of the end of the calendar quarter during which the taxable insurance contract took effect or was renewed.

## Specific instructions

**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, and round any amount less than 50 cents to the next lower dollar.

**Negative amounts** — Show any negative amounts in parentheses.

## Part I — Tax computation

**Line 1** — Enter premiums paid or payable to an unauthorized insurer on risks located entirely within New York State.

**Line 2** — Enter the allocated portion of premiums paid or payable to an unauthorized insurer on risks located both within and outside New York State. The allocation of premiums will be determined under the principles used in Appendix 4 of Part 27 of Title 11 of the *Official Compilation of Codes, Rules and Regulations of the State of New York*. Attach computation of allocation. See *Part II Allocation*.

**Line 8** — 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 from the original due date to the date paid.

**Line 9** — Compute additional charges for late filing and late payment on the amount of tax required to be shown on the return, after deduction of any payment made on or before the due date (**with** regard to any extension of time for filing).

- A. If you do not file a return when due, 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 or payment (section 1085).

Note: If you wish, we will compute the interest (line 8) and penalty (line 9) for you. Call the Business Tax Information Center at 1 800 972-1233.

## Part II — Allocation

**Line 12** — Enter total amount of premiums on risks located within and outside New York State.

**Line 13** — A summary of Appendix 4 shows the allocation for the following types of insurance contracts:

Insurance contract	Allocation method
Real property .....	Insured value of structures in New York State
Personal property .....	Insured value of property permanently or principally situated in New York State
Aircraft or motor vehicle .....	Insured value of property permanently located or principally used in New York State
Fidelity, forgery, bankers blanket, and indemnity bonds .....	Number of insured employees in New York State
Performance and other surety bonds .....	Total bond value of contracts in New York State
Manufacturers and contractors liability .....	Payroll in New York State
Product liability .....	Number of units manufactured in New York State
Recreational liability .....	Amount of gate receipts in New York State
Aircraft or motor vehicle liability .....	Number of aircraft or motor vehicles principally garaged or hungared or principally used in New York State
Professional liability .....	Number of insureds in New York State
Environmental impairment.....	Number of units of exposure in New York State

Attach a statement showing your allocation. For additional information on allocation see section 27.9 and Appendix 4 of Part 27 of Title 11 of the *Official Compilation of Codes, Rules and Regulations of the State of New York*, or TSB-M-90(9)C. Allocation by a different method may be acceptable (for example, product liability insurance may be allocated by receipts from sales of the product in New York State).



### Need help?

**Telephone assistance** is available from 8:30 a.m. to 4:25 p.m. (eastern time), Monday through Friday.

Tax information: 1 800 972-1233

Forms and publications: 1 800 462-8100

From outside the U.S. and outside Canada: (518) 485-6800

Fax-on-demand forms: 1 800 748-3676

Internet access: <http://www.tax.state.ny.us>

Hearing and speech impaired (telecommunications device for the deaf (TDD) callers only): 1 800 634-2110 (8:30 a.m. to 4:25 p.m., eastern time)



**Persons with disabilities:** In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 225-5829.



**If you need to write,** address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, Taxpayer Correspondence, W A Harriman Campus, Albany NY 12227.