



# CT-33-R

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New York State Department of Taxation and Finance

# Claim for Retaliatory Tax Credits

Tax Law — Article 33

All filers must enter tax period:

beginning  ending

Name <input type="text"/>	Employer identification number <input type="text"/>
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File this form with Form CT-33, Life Insurance Corporation Franchise Tax Return, CT-33-NL, Non-Life Insurance Corporation Franchise Tax Return, or CT-33-A, Life Insurance Corporation Combined Franchise Tax Return.

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

For tax years before 2006, attach separate computation.	A 2006	B 2007	C 2008
1 Tax less credits (except for section 1511(c) retaliatory tax credit).....	1.		
2 Section 1511(c) retaliatory tax credit claimed in 2006 and 2007.....	2.		
3 Balance (subtract line 2 from line 1) .....	3.		
4 90% of retaliatory taxes paid in 2008 on 2006 premiums and income (line 4 may not exceed line 3, column A) .....	4.		
5 90% of retaliatory taxes paid in 2008 on 2007 premiums and income (line 5 may not exceed line 3, column B) .....	5.		
6 90% of retaliatory taxes paid in 2008 on 2008 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)

For tax years before 2006, attach separate computation.	A 2006	B 2007	C 2008
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 2006 and 2007 .....	10.		
11 Balance (subtract line 10 from line 9) .....	11.		
12 90% of retaliatory taxes paid to other states in 2008 because of 2006 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 2008 because of 2007 2807-t assessments (may not exceed lesser of line 8, column B, or line 11, column B) ...	13.		
14 90% of retaliatory taxes paid to other states in 2008 because of 2008 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) .....	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.

## Instructions

### Part 1 — Computation of 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 Part 1 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 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 Part 2 to claim a credit for up to 90% of the retaliatory taxes paid to other states because of the assessment imposed by section 2807-t of the Public Health Law. 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 16** — Enter the total amounts of retaliatory tax credits claimed this year from lines 7 and 15 pursuant to 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. Enter this amount in the appropriate box on Form CT-33, line 101; Form CT-33-NL, line 47; or Form CT-33-A, 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. If you wish to have the amount on line 18 credited as an overpayment, enter this amount on line 19 of this form and on Form CT-33, line 27b; Form CT-33-NL, line 21b; or Form CT-33-A, line 32b. If you wish to have the amount on line 18 refunded, enter this amount on line 20 of this form, and on Form CT-33, line 27a; Form CT-33-NL, line 21a; or Form CT-33-A, line 32a.

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