



Claim for Retaliatory Tax Credits

Tax Law – Sections 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 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.)

For tax years before 2023, attach separate calculation.	A 2023	B 2024	C 2025
1 Tax less credits (except for § 1511(c) retaliatory tax credit)	1		
2 Tax Law § 1511(c) retaliatory tax credit claimed in 2023 and 2024.....	2		
3 Balance (subtract line 2 from line 1)	3		
4 90% of retaliatory taxes paid in 2025 on 2023 premiums and income (line 4 may not exceed line 3, column A)	4		
5 90% of retaliatory taxes paid in 2025 on 2024 premiums and income (line 5 may not exceed line 3, column B)	5		
6 90% of retaliatory taxes paid in 2025 on 2025 premiums and income (line 6 may not exceed line 1, column C)	6		
7 Total § 1511(c) retaliatory tax credit claimed this year (add lines 4, 5, and 6)	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)

For tax years before 2023, attach separate calculation.	A 2023	B 2024	C 2025
8 Amount of assessment paid under § 2807-t	8		
9 Tax less credits (except for § 1511(i) retaliatory tax credit)	9		
10 Tax Law § 1511(i) retaliatory credit claimed in 2023 and 2024	10		
11 Balance (subtract line 10 from line 9)	11		
12 90% of retaliatory taxes paid to other states in 2025 because of 2023 § 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 2025 because of 2024 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 2025 because of 2025 § 2807-t assessments (may not exceed lesser of line 8, column C, or line 9, column C)	14		
15 Total § 1511(i) retaliatory tax credit claimed this year (add lines 12, 13, and 14)	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)	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: 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).
- You may only apply 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, you must recalculate the retaliatory tax credit, insurance franchise tax, and metropolitan transportation business tax (MTA surcharge) for the tax year that the retaliatory taxes were reduced.

To report these changes, you **must** either:

- amend your return for the year when you claimed the retaliatory taxes as a credit, or
- provide a schedule of the recalculation of the credit, tax, and MTA surcharge liability to the Audit Division. Mail the schedule to the address under *Retaliatory prints*.

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

You must file the amended return, or mail the schedule, 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. In all instances, you must pay the additional tax and surcharge owed when you amend your return or mail the schedule. See Tax Law §§ 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. You may 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: You may use the *balance of retaliatory tax credits* (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*.

