

STATE OF WISCONSIN
OFFICE OF THE COMMISSIONER OF INSURANCE

SCHEDULE OF TAXES AND FEES
(Nondomestic Life and Accident and Health Insurers)

INSTRUCTIONS

Retaliatory/reciprocal premium taxes for nondomestic life and accident and health insurers are computed on an aggregate basis. Fees are retaliated for separately on an item-by-item basis.

When computing the Wisconsin minimum tax, dividends left to accumulate at interest cannot be deducted either when placed on deposit or when withdrawn and are not to be included with dividends paid in cash unless the withdrawal is made within one year after the date such dividend became due on the policy. Previously accumulated dividends applied to purchase paid-up additions must be reported as premium income.

Returns on the basis of the regulations of the state of domicile must be shown. If the gross premiums reported do not agree with Schedule "T", show reconciliation in detail on a separate sheet.

Applicable sections of the Wisconsin Statutes read as follows:

- S. 76.62 **License fees; calculation of.** All license fees and taxes levied under any provision of law upon gross premiums other than life insurance premiums against any insurer shall be uniformly calculated on the amount of gross premiums received for direct insurance less return premiums and cancellations and returns from savings and gains on all insurance other than reinsurance by the insurer during the preceding year in this state.
- S. 76.635 **Certified capital investment credit.** (2) Credit. An insurer that makes a certified capital investment may credit against the fees due under s. 76.60, 76.63, 76.65 or 76.67, for 10 years beginning with the year of the investment, either 10% of that investment or the amount by which the sum of the insurer's certified capital investments and the insurer's qualified investments exceeds the insurer's qualified investments in the taxable year before the insurer first claimed the credit under this section, whichever is less.
- (3) Carry-forward. If the credit under sub. (2) is not entirely offset against the fees under s. 76.60, 76.63, 76.65, 76.66 or 76.67 otherwise due, the unused balance may be carried forward and credited against those fees in the following years to the extent that it is not offset by those fees otherwise due in all the years between the year in which the investment was made and the year in which the carry-forward credit is claimed.
- S. 76.64 **Quarterly installments.** Insurers shall pay installments of the total estimated payment under ss. 76.60, 76.63, 76.65, and 76.66 on or before April 15, June 15, September 15, and December 15. Every insurer shall make a return for the preceding calendar year on or before March 1 setting forth the information that the commissioner of insurance reasonably requires on forms prescribed by the commissioner. On or before March 1, the insurer shall pay any additional amount due for the preceding calendar year. Overpayment will be credited on the amount due April 15.
- S. 76.645 **Penalties.** (1) Late Payment. An insurer that fails to make quarterly payments under s. 76.64 of at least 25% of either the total tax paid for the previous calendar year or 80% of the actual tax for the current calendar year is liable, in addition to the amount due, for interest of 1.5% of the amount due and unpaid for each month or part of a month that the amount due, together with any interest, remains unpaid.
- (2) Negligence. An insurer that fails to pay an amount due, or file a return required, under s. 76.64, unless the insurer shows that the failure is due to reasonable cause and not due to willful neglect, is liable for the greater of the following amounts:
- (a) Five Hundred Dollars
- (b) Five percent of the amount due for each month or fraction of a month during which the failure continues, but not more than 25% of the amount due.

- S. 76.65 **Life insurers; license fee.** Every insurer doing a life insurance business with this state, except fraternal as defined in s. 614.01, shall pay into the state treasury as an annual license fee for transacting such business the amounts following:
- (2) Foreign Insurers. If any such insurer is organized outside of this state, it shall pay into the state treasury, as such annual license fee, 2% upon the excess of the gross premiums received in money or otherwise during the preceding calendar year on all policies or contracts of insurance on the lives of resident of this state after deducting all sums apportioned to premium-paying policies on the lives of residents of this state from annual distribution of profits, savings, earnings or surplus which before the expiration of the calendar year next succeeding such apportionment have been either paid in cash or applied in part payment of premiums.
- S. 76.66 **Retaliatory taxation of nondomestic insurers.** (1) In this section, "taxes" means the taxes imposed on nondomestic insurers under ss. 76.60, 76.63, 76.65 (2), and 601.93 less offsets allowed against those taxes under s. 646.51 (7) or the amounts imposed on domestic insurers by another state or foreign country for similar purposes.
- (2) If another state or foreign country requires a domestic insurer doing business in that state or country to pay taxes greater in the aggregate than the aggregate amount of taxes that a nondomestic insurer doing business in this state would pay, each insurer domiciled in that state or foreign country shall pay to this state for the same year the amount that a domestic insurer doing a similar business would be required to pay to the other state or foreign country.
- S. 76.67 **Reciprocal taxation of foreign insurers.** (1) In this section, "taxes" means the taxes imposed on foreign insurers under ss. 76.60, 76.63, 76.65 (2), and 601.93 less offsets allowed against those taxes under s. 646.51 (7) or the amounts imposed on domestic insurers by another state or foreign country for similar purposes.
- (2) If any domestic insurer is licensed to transact insurance business in another state, this state may not require similar insurers domiciled in that other state to pay taxes greater in the aggregate than the aggregate amount of taxes that a domestic insurer is required to pay to that other state for the same year less the credit under s. 76.635, 76.636, 76.637, 76.638, and 76.655, except that the amount imposed shall not be less than the total of the amounts due under ss. 76.65 (2) and 601.93 and, if the insurer is subject to s. 76.60, 0.375% of its gross premiums, as calculated under s. 76.62, less offsets allowed under s. 646.51 (7) or under s. 76.635, 76.636, 76.637, 76.638, and 76.655 against that total, and except that the amount imposed shall not be less than the amount due under s. 601.93.
- S. 601.55 **Nondomestic insurers; additional requirements.** If another state or a foreign country requires domestic insurers doing business in that state or foreign country to deposit security, to pay a fee or tax not included in the computation under s. 76.66, to pay a fine or penalty or to comply with an obligation, prohibition or restriction that is in addition to or greater than requirements imposed by this state on nondomestic insurers doing a similar business in this state, this state may, as a condition for issuing a license to an insurer domiciled in that state or foreign country, impose a similar security requirement, fee, tax, fine, penalty, obligation, prohibition or restriction.

Part B. Premium Tax Calculation

- Line B1. Premium used for the Wisconsin Minimum Tax must tie to Schedule T and the State Page less any premium exempt from state taxation. For the State of Domicile Basis, use the definition of taxable premium used by your company's state of domicile. Any difference between Schedule T premium and taxable premium not explained and documented will be disallowed. Include state of domicile forms if helpful.
- Line B13. Other deductions will be disallowed unless explained and documented.
- Line B16. Do not change the tax rates for the Wisconsin Minimum Tax (2% for life and 0% for A&H) unless your company is an alien insurer not declaring a state of entry (see note * on form).

Line B24. Examples of items to include here are income and franchise taxes that are added to the state of domicile premium tax. If your company's state of domicile requires a Wisconsin-domestic company to file an income or franchise tax return, your company will be required to file such a return on a Wisconsin basis. When possible, your company should file a copy of the form filed with your state of domicile with any reconciliation needed to convert the tax due to a Wisconsin basis. The Commissioner will honor the filing dates required by the state of domicile. If the balances due for such taxes are subject to estimated payment requirements in your company's state of domicile, balances due Wisconsin will be subject to the quarterly installment requirements and penalties under ss. 76.64 and 76.645, Wis. Stat.

Line B26. Credits allowed here are for payments to the Wisconsin Security Fund. **Do not include negative amounts related to assessment refunds. If refunds need to be recaptured, the Commissioner will add these recaptures to the premium tax.**

Wisconsin Minimum Tax Basis

A company is allowed 20% of the assessment for the five tax years following the calendar year of the payment. Excess credits are not carried forward and are lost after the five years. A schedule of credits must be attached.

See note ** at the bottom of the Part B. Under the provisions of s. 646.51 (7) (b), Wis. Stat., assessments based on life business are eligible for the credit. Assessments based on A&H business will only be allowed for a proportion of the assessment. That proportion will equal the premium on business with fixed rates written in the calendar year on which the assessment was based divided by all classes of business written in such year. Credits will not be allowed on A&H business unless the company can document that a fixed class of business was written in such year.

State of Domicile or Entry Basis

The method used to claim credits for payments to the Wisconsin Security Fund will be based on what a Wisconsin-domestic company is allowed in your company's state of domicile. A schedule must be attached. Any other credits allowed a Wisconsin-domestic in your state of domicile may be included here. Such credits will be disallowed if not explained and documented.

Part A: Summary of Taxes and Fees

Line A1a. Per s. 76.655, Wis. Stat., companies are allowed a credit for a proportion of the assessments paid to the Wisconsin Health Insurance Risk-Sharing Plan (HIRSP). The proportion is equal to \$5,000,000 divided by the aggregate assessments paid by all companies for each fiscal year. Companies have been sent notices of each Fiscal Year's credit by HIRSP. This credit must be entered on this line. This credit would be in addition to any similar credit allowed by your state of domicile and included on Line B26. under the State of Domicile column for life and health companies, or Line C11., the State of Domicile Basis Tax Calculation for property and casualty companies.

Line A2. Enter credits pursuant to the following statutes:

- s. 76.635 Credits for investment in certified capital companies
- s. 76.636 Credit for certain development zone activities
- s. 76.637 Economic development credit
- s. 76.638 Early stage seed investment credit
- s. 76.639 Low-income housing credit

Attach documentation confirming these credits.

Line A8.&A9. These lines are for retaliatory fees collected under s. 601.55, Wis. Stat. These fees are generally not included in the quarterly payment requirements under s. 76.64, Wis. Stat. However, if the state of domicile includes such fees in quarterly payment requirements, the Commissioner may include such a fee on Line A1 for administrative purposes (i.e., the New York MTA). The Commissioner realizes that other states require payments of such fees at varying dates. The general practice of the Commissioner is to require the inclusion on this form any fee:

- For which the method of calculation (per the company's state of domicile) would be available before the March 1 due date for the filing of this form. It is realized that the company may not have knowledge of some Wisconsin-specific data needed for the Wisconsin-basis calculation (such as total premium written in Wisconsin); however, the Commissioner will provide such information during the audit of the tax form.
- And payment of the fee would be required before the December 31 following the March 1 due date for the filing of this form.

Additional instructions are contained within the Schedule of Taxes and Fees and must be followed in completing this form.

SCHEDULE OF TAXES AND FEES

PART B: PREMIUM TAX CALCULATION

Insurer Name	State of Domicile or Entry
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A nondomestic insurer doing business in Wisconsin shall pay the same amount in aggregate "taxes" (as defined in ss. 76.66 and 76.67, Wis. Stat.) that a Wisconsin insurer doing a similar business would be required to pay to the nondomestic insurer's domiciliary state. The amount due, however, shall not be less than the Wisconsin minimum tax, before the application of the Certified Capital Investment Credit.

PREMIUMS

- B1. Gross premiums received current year including dividends applied in payment of renewal premiums (net of return premiums)
- B2. Dividends applied to purchase paid-up additional insurance
- B3. Dividends applied to shorten premium-paying period
- B4. Premiums for insurance on employees and agents:
 - a. Agent and employe contributions
 - b. Insurer contributions
- B5. Premiums waived under disability and other contract provisions.....
- B6. Previously accumulated dividends used to purchase additional paid-up insurance.....
- B7. Other (explain)

- B8. Total Life and Accident & Health (Lines B1. through B7)

Wisconsin Minimum Tax		State of Domicile or Entry Basis	
1 Life	2 Accident & Health	3 Life	4 Accident & Health
	NA		
	NA		
	NA		

DEDUCTIONS

- B9. Dividends paid or credited to policyholders—current year
 - a. Reduction of premiums
 - b. Insurer contributions
 - c. Cash
 - d. Left to accumulate
 - e. Applied to purchase paid-up additional insurance
 - f. Applied to shorten premium-paying period
- B10. Premiums for insurance on employees and agents:
 - a. Agent and employe contributions
 - b. Insurer contributions

	NA	NA	
		NA	
		NA	
	NA	NA	
	NA	NA	

