

## **2019 ANNUAL PREMIUM TAX FILING INFORMATION/FAQ** (For year ending December 31, 2019)

**The Department highly encourages electronic filing through OPTins. Instructions for electronic filing can be found at [www.optins.org](http://www.optins.org)**

If you file a paper premium tax return, please send filing, required documentation, original signature page, and payment to the address below:

Overnight Mail Address:

Nebraska Department of Insurance  
1135 M St, Suite 300  
Lincoln, NE 68508

Postal Service Address:

Nebraska Department of Insurance  
PO Box 82089  
Lincoln, NE 68501-2089

**Who needs to file a premium tax return?** All insurance companies licensed in Nebraska at any time during the tax year. Licensed companies who transacted no insurance business in the State during the tax year are still required to file. Insurers whose annual tax due is four thousand dollars or more are required to file quarterly. (Neb. Rev. Stat. §77-908, Neb. Rev. Stat. §77-918)

### **What are premium tax filing due dates?**

**Annual returns** - Due on or before March 1.

**Quarterly returns** – Due on or before due April 15, June 15, and September 15.

(Neb. Rev. Stat. §77-908, Neb. Rev. Stat. §77-918)

### **What documentation is required to be submitted with all returns?**

- A. **Property & Casualty, Title, and Risk Retention Groups** – Nebraska Exhibit of Premiums & Losses (state page) and Schedule T
- B. **Life & Health Companies** – Nebraska Direct Business Page (state page) and Schedule T
- C. **All companies** - Supporting documentation for any credit/deduction taken

## How to submit payment:

**Electronic filings** (preferred method) - Payment will be made electronically through OPTins. A separate filing should be made for each company within a group.

**Paper filings** - Send a check made out to the Nebraska Department of Insurance for the amount due along with the return. The company NAIC number must be included on the check. A separate check should be included for each company within a group.

## What are the penalties for late filings?

Insurers who fail to pay any premium or retaliatory tax when due shall pay an interest at the rate of 5% as prescribed by Neb Rev Stat. §45-104.02 and Revenue Ruling 99-18-1. Any insurer who fails to make payments within the prescribed time period shall also be subject to the penalties prescribed in Neb Rev Stat. §77-911.

## Are premium taxes retaliatory?

Nebraska implements a retaliatory tax law which provides that any taxes or other fees, in the aggregate, as would be imposed on Nebraska insurers which exceed those Nebraska imposes on insurers domiciled in other states shall result in a retaliatory tax. Taxes imposed by political subdivisions are considered imposed by the state.

## What is included in taxable premium?

Taxable premiums include premiums paid on the lives of persons residing in this state and premium paid for risks located in this state whether the insurance was written in the state or not; including that portion of a group premium which represents the premium for insurance on Nebraska residents or risks located in Nebraska included within the group when the number of lives in the group exceeds five hundred.

Gross Direct Premiums are considered net of return premiums and include all premiums, membership fees, assessments, dues and other payments of similar description, whether collected in cash or notes, and all other premiums credited to premium income, such as premiums in the course of collection and premiums charged to agent accounts. Do not include premiums received on reinsurance assumed and do not deduct premiums paid on reinsurance ceded.

All amounts on the tax return should be rounded to the nearest dollar.  
(Neb. Rev. Stat. §77-908)

## What is the premium tax rate?

<u>Line of Business</u>	<u>Rate</u>
• Property & Casualty	1%
• Title	1%
• Individual Accident & Health	1%
• Group Accident & Health	0.5%
• Captive Insurers	0.25%

<u>Other Taxes and Assessments</u>	<u>Rate</u>
• Fire Tax (Foreign Insurers)	0.75%
• Fire Tax (Domestic Insurers)	0.375%
○ The fire Tax is based on gross direct writing premiums and assessments received by a company for fire insurance business done in Nebraska	
• Insurance Fraud Assessment	\$100
• Workers Compensation Court Cash Fund	1% of gross premiums for workers' compensation insurance written in the state.
• Workers Compensation Trust Fund	2% of workers' compensation benefits paid by company during preceding calendar year.

### **What tax credits are allowed?**

**PLEASE NOTE:** when entering the amount of tax credits on the form, you should not enter more credit than the highest tax liability due on either the Nebraska basis or state of domicile basis.

- Guaranty Fund Assessments – Assessments are deductible at the rate of 20% per year beginning with the calendar year following the year in which the assessment is paid. Copies of each contribution certificate must be attached to support the deduction.  
(Neb. Rev. Stat. §44-2407 (d), 44-2716)
- New Markets Job Growth Investment Tax Credit – a copy of Form 3800N must be attached to support the deduction.  
(Neb. Rev. Stat. §77-1101 – 77-1119)
- Nebraska Historic Tax Credit, Nebraska Job Creation and Mainstreet Revitalization Act – a copy of Type A or Type B Tax Credit Certificates must be attached to support the deduction. Credit will NOT be allowed without a completion certificate attached.  
(Neb. Rev. Stat. §77-2901 – 77-2912)
- Community Development Assistance Act contribution – a copy of Form 1099 NTC must be attached to support the deduction.  
(Neb. Rev. Stat. §77-2734.03)
- Affordable Housing Tax Credit – a copy of form 3800N must be attached to support the deduction.  
(Neb. Rev. Stat. §77-2501 – 77-2507)

## What are the Guaranty Fund Assessments Applicable to the 2019 Tax Year?

### Property and Casualty Assessments

		<u>Tax Year</u>
11/15/14	Class "A" Administrative Assessment	2015-2019
12/07/15	Red Rock Insurance Company (Work Comp Assessment)	2016-2020
12/07/15	Freestone Insurance Company (Work Comp Assessment)	2016-2020
12/07/15	Lumbermen's Mutual Casualty Company (Work Comp)	2016-2020
10/13/16	Class "A" Administrative Assessment	2017-2021
10/16/17	Class "A" Administrative Assessment	2018-2022
10/17/17	Lumbermen's Mutual Casualty Co (Work Comp)	2018-2022
10/17/17	Red Rock Insurance Company (Work Comp Assessment)	2018-2022
10/17/17	CastlePoint National Insurance Company	2018-2022

### Life and Health Assessments

		<u>Tax Year</u>
08/25/14	Benicorp Insurance Company	2015-2019
08/25/14	Medical Savings Insurance Company	2015-2019
08/25/14	Executive Life of New York Company	2015-2019
01/30/15	CoOpportunity Health	2016-2020
04/14/17	Penn Treaty/American Network Insurance Company	2018-2022

**Please refer to Nebraska Statutes and the NAIC 2019 Retaliatory Guide for more details.**

**Questions regarding premium tax can be directed to Martha Hettenbaugh at [Martha.hettenbaugh@nebraska.gov](mailto:Martha.hettenbaugh@nebraska.gov) or 402-471-2201.**