



# Texas Annual Insurance Tax Report

(Independently Procured Insurance)

*You have certain rights under Chapters 552 and 559, Government Code, to review, request and correct information we have on file about you. Contact us at the address or phone number listed on this form.*

a. T Code **71140** • *Type or print.*

c. Taxpayer number	d. Filing period	e.	f. Due date
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Taxpayer name and tax report mailing address (Make necessary name and address changes below.)

g.

**h. IMPORTANT**

Blacken this box if your mailing address has changed. Show changes beside the preprinted information. 1

*For Comptroller use only*

i.PM	j.FM	k.NO Sch
<input type="checkbox"/>	<input type="checkbox"/>	1 <input type="checkbox"/>

## Important Information Regarding Independently Procured Insurance

The Non-Admitted and Reinsurance Reform Act (NRRRA) passed as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act in 2010. Texas laws that relate to independently procured insurance were revised to comply with the provisions of the NRRRA that became effective on July 21, 2011. The federal law defines independently procured insurance as insurance procured directly by an insured from a nonadmitted insurer and provides that the home state of the insured controls for purposes of regulation and taxation. The law also encourages the states to join a tax compact or agreement that would allow for the sharing of taxes due on policies that cover risks in multiple states. Texas has not joined any compact or agreement at this time; however, if Texas joins a compact in the future, additional information will be provided.

**Who Must File:** An insured whose **home state** is Texas and who procures insurance directly from a nonadmitted insurer, **without an agent's involvement**, is liable for the independently procured tax on the policy.

Insureds whose policies were obtained through surplus lines agents/agencies, and who are no longer subject to this tax, should contact the Comptroller's office at 1-800-252-1387 to discuss whether their account can be closed.

Refer to Publication 98-376, "Tax on Independently Procured Insurance," at [www.comptroller.texas.gov/taxes/publications/98-376.pdf](http://www.comptroller.texas.gov/taxes/publications/98-376.pdf) and to the instructions on the reverse side of this form for additional information.

## Premium Tax Calculation

• **Your report cannot be processed without the supplement (Form 25-122).**

1. Total premiums allocated to Texas (net of return premiums) from all supplements (Form 25-122) ("Premium" includes any premiums, membership fees, dues or other consideration for insurance.) (Whole dollars only) ..... 1.  \_\_\_\_\_
2. Premium tax rate ..... 2.  \_\_\_\_\_
3. Total tax due (Multiply Item 1 by Item 2) ..... 3.  \_\_\_\_\_

Form 25-103 (Rev.12-18/29)

**\*\*\* Return this entire form.\*\*\***

4. Penalty and interest due (See instructions.) ..... 4. \_\_\_\_\_
5. TOTAL AMOUNT DUE AND PAYABLE (Item 3 plus Item 4) ..... 5.  \_\_\_\_\_

Taxpayer name	l.	m.
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T Code     Taxpayer number     Period

I declare that the information in this document and all attachments is true and correct to the best of my knowledge and belief.

Authorized agent

**sign here**

Preparer's name (Type or print.)

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Daytime phone (Area code & number)      Date

Make the amount in Item 5 payable to State Comptroller	Mail to Comptroller of Public Accounts P.O. Box 149356 Austin, TX 78714-9356
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For information about Insurance Tax, call 1-800-252-1387. Details are also available online at [www.comptroller.texas.gov](http://www.comptroller.texas.gov).

## Instructions for Completing the Texas Annual Insurance Tax Report

*(Independently Procured Insurance)*

### When to File

The report and payment are due once a year, on or before May 15, following the calendar year in which the insurance was procured, continued or renewed.

### General Instructions

- If any preprinted information is not correct, mark out the item and write in the correct information.
- Complete the Texas Annual Insurance Tax Report - Supplement (Form 25-122).
- Item c. Taxpayer Number: If the insured files a report for other taxes administered by this agency, please enter that 11-digit number in this box. If a taxpayer number has not been established for the insured by this agency and the insured is an individual, enter the insured's Social Security number in Item c. Other entities should enter the Federal Employer Identification Number (FEIN) assigned to their organization.

FEDERAL PRIVACY ACT. Disclosure of your Social Security number is required and authorized under law for the purpose of tax administration and identification of any individual affected by applicable law [42 U.S.C., Section 405(c)(2)(C)(i); Texas Government Code, sections 403.011, 403.015, and 403.078]. Release of information on this form in response to a public information request will be governed by the Public Information Act, Chapter 552, Government Code.

### Exemptions and Preemptions

See Publication 94-142, "Surplus Lines Tax Exemptions/Preemptions," at [www.comptroller.texas.gov/taxes/publications/94-142.pdf](http://www.comptroller.texas.gov/taxes/publications/94-142.pdf).

**Exempt premiums** are premiums for an independently procured insurance policy that covers risks or exposures that are properly allocated to federal waters, international waters or risks or exposures that are under the jurisdiction of a foreign government.

This tax does not apply to an individual life or individual disability policy.

**Federal preemptions** to state taxation for independently procured insurance include premiums for policies that are issued to the following entities:

- the Federal Deposit Insurance Corporation (FDIC), when it acts as the receiver of a failed financial institution that holds the property being insured;
- the National Credit Union Administration;
- a federally chartered credit union; and
- Indian Tribal Nations



Electronic reporting and payment options are available 24 hours a day, 7 days a week. Have this form available when you log on. [www.comptroller.texas.gov/taxes/file-pay/](http://www.comptroller.texas.gov/taxes/file-pay/)

### The home state is defined by the NRRRA as:

- (A) IN GENERAL. - Except as provided in subparagraph (B), the term "home state" means, with respect to an insured
- (i) the state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or
  - (ii) if 100% of the insured risk is located out of the state referred to in clause (i), the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.
- (B) AFFILIATED GROUPS. - If more than one insured from an affiliated group are named insureds on a single nonadmitted insurance contract, the term "home state" means the home state, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

### Specific Instructions

**Item 1 - Determining Texas Premiums:** For new or renewal policies procured directly from a nonadmitted insurer that were effective on or after July 21, 2011, when Texas is the home state of the insured:

- 100% of the tax is due Texas on a policy that covers risks in Texas only.
- 100% of the tax is due Texas on a policy that covers risks in more than one state.
- If Texas is the home state of the insured but the policy covers risks that are 100% located outside of Texas, then the state to which the greatest percentage of the premium is allocated becomes the home state. The policy would then be subject to regulation and taxation by that home state and not by the state of Texas.

Endorsements and audits on independently procured policies are subject to the laws that apply to the original policy; however, they should be reported for the tax year in which the endorsement or audit

occurs. Using the original policy's effective date may result in the application of penalty and/or interest for late filing. The tax for endorsements and audits that generate return premiums due a policyholder must be calculated using the same tax rate that was originally charged.

**Item 4 - Penalty and Interest:** If tax is paid 1-30 days late, enter 5% of the amount in Item 3. If tax is paid 31-60 days late, enter 10% of the amount in Item 3. If tax is paid more than 60 days late, enter 10% penalty PLUS interest on the amount in Item 3. Calculate interest at the rate published online at [www.comptroller.texas.gov/taxes/file-pay/interest.php](http://www.comptroller.texas.gov/taxes/file-pay/interest.php) or call the Comptroller's office at 1-877-447-2834 for the applicable interest rate.

**Item 5 - Total Amount Due and Payable:** The total amount due and payable can be paid by the insured or by another party designated by the insured.

b.



# Texas Annual Insurance Tax Report - Supplement

(Independently Procured Insurance)

d. Filing period	e.
<input type="checkbox"/>	<input type="checkbox"/>

a. T Code ■ **71240**

c. Taxpayer number	Taxpayer name
<input type="checkbox"/>	<input type="checkbox"/>

**This supplement cannot be processed without the report (Form 25-103).**

• Type or print.

1. Policy number	2. Name of insurer	
<input type="checkbox"/>	<input type="checkbox"/>	
3. Gross premium charged (Whole dollars only)	4. Premium allocated to Texas (Whole dollars only)	5. Effective date of policy
<input type="checkbox"/> \$	<input type="checkbox"/> \$	<input type="checkbox"/>
6. Type of insurance		
<input type="checkbox"/>		

1. Policy number	2. Name of insurer	
<input type="checkbox"/>	<input type="checkbox"/>	
3. Gross premium charged (Whole dollars only)	4. Premium allocated to Texas (Whole dollars only)	5. Effective date of policy
<input type="checkbox"/> \$	<input type="checkbox"/> \$	<input type="checkbox"/>
6. Type of insurance		
<input type="checkbox"/>		

1. Policy number	2. Name of insurer	
<input type="checkbox"/>	<input type="checkbox"/>	
3. Gross premium charged (Whole dollars only)	4. Premium allocated to Texas (Whole dollars only)	5. Effective date of policy
<input type="checkbox"/> \$	<input type="checkbox"/> \$	<input type="checkbox"/>
6. Type of insurance		
<input type="checkbox"/>		

1. Policy number	2. Name of insurer	
<input type="checkbox"/>	<input type="checkbox"/>	
3. Gross premium charged (Whole dollars only)	4. Premium allocated to Texas (Whole dollars only)	5. Effective date of policy
<input type="checkbox"/> \$	<input type="checkbox"/> \$	<input type="checkbox"/>
6. Type of insurance		
<input type="checkbox"/>		

1. Policy number	2. Name of insurer	
<input type="checkbox"/>	<input type="checkbox"/>	
3. Gross premium charged (Whole dollars only)	4. Premium allocated to Texas (Whole dollars only)	5. Effective date of policy
<input type="checkbox"/> \$	<input type="checkbox"/> \$	<input type="checkbox"/>
6. Type of insurance		
<input type="checkbox"/>		

1. Policy number	2. Name of insurer	
<input type="checkbox"/>	<input type="checkbox"/>	
3. Gross premium charged (Whole dollars only)	4. Premium allocated to Texas (Whole dollars only)	5. Effective date of policy
<input type="checkbox"/> \$	<input type="checkbox"/> \$	<input type="checkbox"/>
6. Type of insurance		
<input type="checkbox"/>		

**You have certain rights** under Chapters 552 and 559, Government Code, to review, request and correct information we have on file about you. Contact us at the address or phone number listed on the report.

Total premiums allocated to Texas for this page only. (Forward to Form 25-103, Item 1)	\$
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**Instructions for Completing the  
Texas Annual Insurance Tax Report - *Supplement***  
*(Independently Procured Insurance)*

**GENERAL INSTRUCTIONS:**

- To report more than six policies, please use additional supplement forms.
- TYPE or PRINT.
- Do not write in shaded areas.
- Forward the taxable Texas premium totals for all supplement forms to Form 25-103, Item 1.

**SPECIFIC INSTRUCTIONS:**

- Item 1 - Policy number.** Enter the unique identification number assigned to a policy, contract, binder or other evidence of coverage.
- Item 2 - Name of Insurer.** Enter the exact name of the insurance company that is providing coverage as it appears on the policy, contract, binder or other evidence of coverage.
- Item 3 - Gross Premium Charged.** Enter the total amount of premium charged by the insurer for the coverage provided under the policy, regardless of the location of the risks being insured under the policy.
- Item 4 - Premium allocated to Texas.**
- Enter the amount of premium from Item 3, where Texas is the home state of the insured.
- Item 5 - Effective Date of Policy.** Enter the date on which the insurance was procured, continued or renewed. Endorsements and audits on independently procured insurance policies must be reported for the tax year based on the date in which the endorsement or audit occurs.
- Item 6 - Type of Insurance.** Enter the specific type of insurance provided under the policy.