

Insurance Tax – Foreign

Taxpayer

Insurance companies not organized under Ohio law (i.e., located out of state).

Tax Base

Gross amount of premiums from policies for Ohio risks during preceding calendar year less specified deductions.

Rates

- The rate for foreign insurers is 1.4%.
- The minimum tax is \$250.

Major Exemptions

Annuities, deposit-type life insurance contract funds, Medicaid, government-paid portion of Medicare, and federal crop insurance.

Revenue (In Millions)

Fiscal Year	General Revenue Fund	Other*	Total
2001	\$220.6	\$11.7	\$232.3
2002	214.3	15.9	230.2
2003	216.4	17.4	233.8
2004	230.5	22.3	252.8
2005	242.9	21.1	264.0

Note: *Includes Fire Marshal Fund and Attorney General Claims Fund.

Disposition of Revenue

- Revenue from additional 0.75% tax on fire insurance to the Fire Marshal Fund (see **Special Provisions**).
- Remainder to the General Revenue Fund.

Payment Dates

- October 15: Advance payment of 1/2 of previous year's tax before credits.
- March 1: Payment of balance of taxes for current tax year.
- June 15: Final payment or refund.

Note: Tax year is the year in which the payments are filed. Payments are based upon the previous year's business activity.

Insurance Tax - Foreign**Special Provisions/Credits**

A tax credit for insurer groups with less than \$75 million in total country wide premiums was phased-in from tax year 1999 to 2003, with a maximum credit of \$200,000 as of 2003.

An additional 0.75% tax is levied on the gross premiums derived from fire insurance and that portion of the premium reasonably allocable to fire insurance included in other coverages.

Foreign insurers that are health insurance corporations are taxed at the rate of 1.0% of all premium payments, excluding payments received under Medicaid and the government-paid portion of Medicare.

Foreign insurers are subject to retaliatory provisions in all states; meaning taxes or fees imposed by one state or nation on an insurance company of any state doing business in that location are also imposed on that state or nation's companies doing business in the other state.

Sections of Ohio Revised Code

Chapter 5729 and section 3737.71.

Responsibility for Administration

Director, Ohio Department of Insurance.

History of Major Changes

- 1830 • 4.0% tax on profits from premiums (minimum tax of \$50).
- 1852 • Value of gross premiums subject to property tax.
- 1888 • Supplemental tax on gross premiums that, when added to the property tax, would equal 2.5% of gross premiums.
- 1902 • Direct 2.5% tax on gross premiums.
- 1997 • Tax rate for foreign insurers established at 1.4% for tax year 2003 and thereafter (decreased from 1.62% in 2002). A minimum tax of \$250 established for tax year 2003 and

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thereafter (minimum in 2002 was \$200).

- Tax credit for insurer groups with less than \$75 million in country wide premiums was phased-in from tax year 1999 to 2003. Prior to July 1, 1999, the threshold was \$50 million.

Comparisons with Other States (As of 04/06)

State	Tax Rate*
Florida	Foreign insurers, other than those maintaining a regional office in Florida, are subject to retaliatory provisions.
Illinois	Foreign insurers are subject to retaliatory provisions if home state (state in which foreign insurer is incorporated) rates are higher than Illinois.
Kentucky	Foreign insurers pay 2.0% of premiums received.
Massachusetts	Foreign insurers pay 2.0% plus surtax of 14% of the tax imposed. Foreign insurers are also subject to retaliatory provisions, but the 14% surtax does not apply to those retaliatory provisions.
Michigan	Foreign insurers are subject to retaliatory provisions and pay the greater of the retaliatory tax or the single business tax of 1.9%.

Note: **In general, the retaliatory tax rate imposed is either the domestic rate of the state taxing the foreign insurer, or the rate of the state in which the foreign insurer is incorporated, whichever is greater.*

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Comparisons with Other States (As of 04/06)

State	Tax Rate*
New Jersey	Foreign insurers are subject to retaliatory provisions if home state (state in which foreign insurer is incorporated) rates are higher than New Jersey. There is also a 3.0% gross premiums tax on every unauthorized foreign alien insurer.
Pennsylvania	Foreign insurers are subject to retaliatory provisions. Title insurance policies issued by a foreign insurer are subject to a gross premiums tax.
Texas	Foreign insurers are subject to retaliatory provisions. Reciprocal insurers that do not elect to be taxed under provisions applicable to title, life, and accident and health insurers are taxed at 1.7% of gross premiums.

In virtually all states, including **California, Indiana, New York, and West Virginia**, foreign insurers are subject to retaliatory provisions.

Note: **In general, the retaliatory tax rate imposed is either the domestic rate of the state taxing the foreign insurer, or the rate of the state in which the foreign insurer is incorporated, whichever is greater.*