

ALABAMA DEPARTMENT OF INSURANCE
ADMINISTRATIVE CODE

CHAPTER 482-1-144

ELECTRONIC FILING OF PREMIUM TAX RETURNS AND SURPLUS LINE BROKER
TAX RETURNS ELECTRONIC PAYMENT OF PREMIUM TAXES, SURPLUS LINE
BROKER TAXES, AND FEES

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482-1-144-.01 Purpose.

The purpose of this chapter is to establish requirements for the electronic filing of premium tax and surplus line broker tax returns and for payment of premium taxes, certain fees, and surplus line broker taxes by electronic funds transfer.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-144-.02 Authority.

This chapter is promulgated by the Commissioner of Insurance pursuant to the general authority in Code of Ala. 1975, §27-2-17 and the specific authority in §§8-1A-18 and 41-1-23.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-144-.03 Applicability.

This chapter applies to all insurers, surplus line brokers, and other persons or entities required to file Premium Tax Returns and Surplus Line Broker Tax Returns and pay Premium Taxes, Surplus Line Broker Taxes, and Fees as described in this chapter.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-144-.04 Definitions.

The following definitions apply for purposes of this chapter:

(a) DOMESTIC INSURER, FOREIGN INSURER, and INSURER. As defined in Code of Ala. 1975, §§27-4A-2(4), -(5), and -(6), respectively.

(b) EFT. An electronic funds transfer using the method(s) employed in the Electronic Filing System from time to time.

(c)1. FEES. The following fees imposed under the Alabama Insurance Code apart from Premium Tax and Surplus Line Broker Tax:

(i) The fee for annual renewal of a certificate of authority for a foreign or domestic insurer.

(ii) The fee for the filing of an annual statement by a foreign or domestic insurer.

(iii) The fee for renewal of a certificate of authority by an HMO, fraternal benefit society, or mutual aid association.

(iv) The fee for the filing of an annual statement by a foreign or domestic HMO, a fraternal benefit society, or a mutual aid association.

(v) The examination fee for an annual statement filed by a foreign or domestic insurer.

(vi) The examination fee for an annual statement filed by a foreign or domestic HMO, a fraternal benefit society, or a mutual aid association.

2. "Fees" for purposes of this chapter do not include licensing fees paid by surplus line brokers.

(d) NAIC. National Association of Insurance Commissioners.

(e) ELECTRONIC FILING SYSTEM. The system(s) designated by the Commissioner of Insurance from time to time for the electronic filing of Premium Tax Returns and Surplus Line Broker Tax Returns and EFT payment of Premium Tax, Surplus Line Broker Tax, and Fees as required by this chapter.

(f) OPTins SYSTEM. The Online Premium Tax for *Insurance* Internet-based premium tax filing system ("OPTins") maintained by the NAIC.

(g) PREMIUM TAX. The tax on insurance premiums received by insurers as imposed in accordance with the Insurance Premium Tax Reform Act of 1993, Code of Ala. 1975, §§27-4A-1 et seq. Excluded from this definition of "Premium Tax" are Fees and the Surplus Line Broker Tax, as otherwise defined in this chapter, and taxes or fees on insurers or the business of insurance paid to other departments or agencies of the State government or to municipal corporations.

(h) PREMIUM TAX RETURN. The premium tax return or statement submitted to the Department on a quarterly or annual basis in the form prescribed by the Department.

(i) SURPLUS LINE BROKER TAX. The surplus line broker tax imposed in accordance with Code of Ala. 1975, §27-10-31.

(j) SURPLUS LINE BROKER TAX RETURN. The tax return or statement submitted by all licensed surplus line brokers to the Department on an annual basis, or voluntarily on a monthly or quarterly basis, in the form prescribed by the Department.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-144-.05 Designation Of OPTins System, Alternate Systems.

(a) At the effective date of this chapter, the OPTins System is designated as the Electronic Filing System, including the system for EFT payment of Premium Taxes, Fees, and Surplus Line Broker Taxes, for purposes of this chapter.

(b) From time to time after the effective date of this chapter, the Commissioner may designate another Electronic Filing System in lieu of, or as an alternative to, the OPTins System for purposes of the requirements of this chapter.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-144-.06 Electronic Filing Of Premium Tax Returns and Surplus Line Broker Tax Returns.

(a) Commencing as provided in Rule 482-1-144-.10, all Premium Tax Returns shall be electronically filed through the OPTins System and such filing, when properly and timely made, shall constitute a filing of the Premium Tax Return with the Commissioner. Upon implementation as provided in Rule 482-1-144-.10, the Department will not accept Premium Tax Returns in paper format.

(b) Commencing as provided in Rule 482-1-144-.10, all Surplus Line Broker Tax Returns shall be electronically filed through the OPTins System and such filing, when properly and timely made, shall constitute a filing of the Surplus Line Broker Tax Return with the Commissioner. Upon implementation as provided in Rule 482-1-144-.10, the Department will not accept Surplus Line Broker Tax Returns in paper format.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

**482-1-144-.07 Payment Of Premium Taxes, Fees, Surplus Line
Broker Taxes By Electronic Funds Transfer.**

Commencing as provided in Rule 482-1-144-.10, Premium Taxes, Fees, and Surplus Line Broker Taxes due to the State of Alabama shall be paid by EFT through the Electronic Filing System. Upon implementation as provided in Rule 482-1-144-.10, the Department will not accept payment of Premium Taxes, Fees, or Surplus Line Broker Taxes by check or in any manner except by EFT.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

**482-1-144-.08 Time For Filing And Payment, Determining Timely
Filing And Payment.**

(a) The requirements for electronic filing of Premium Tax Returns and Surplus Line Broker Taxes and EFT payment of Premium Taxes, Fees, and Surplus Line Broker Taxes as prescribed in this chapter do not change or affect the time for filing and payment.

(b) The date and time a filer files the Premium Tax Return or Surplus Line Broker Tax Return and causes payment of Premium Taxes and Fees or Surplus Line Broker Taxes by EFT, as shown by the Electronic Filing System, shall be the date and time used to determine the timeliness of filing and payment.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-144-.09 Filer Responsibilities, Hardship Exemption.

(a) Insurers and other persons and entities required to file Premium Tax Returns or Surplus Line Broker Tax Returns and pay Premium Taxes and Fees or Surplus Line Broker Taxes are responsible for taking all steps necessary for access to and use of the Electronic Filing System, including payment of any transaction fees.

(b) Upon written application of any person or entity subject to the requirements of this chapter, the Commissioner, in his discretion, may grant an exemption from compliance with the electronic filing and EFT payment requirements of this chapter if the Commissioner finds, upon review of the application, that compliance with this chapter would constitute a financial or organizational hardship upon the insurer. Such an exemption may be granted at any time and from time to time for a specified period or periods.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-144-.10 Implementation Schedule.

(a) Electronic filing of quarterly Premium Tax Returns and EFT payment of Premium Taxes and any Fees paid on a quarterly basis is effective with quarterly Premium Tax Returns to be filed for the first quarter of 2009, due no later than May 15, 2009.

(b) Electronic filing of annual Premium Tax Returns and EFT payment of Premium Taxes and Fees is effective with annual Premium Tax Returns for calendar year 2009, due no later than March 1, 2010.

(c) Electronic filing of annual Surplus Line Broker Tax Returns and EFT payment of Surplus Line Broker Taxes is effective with annual Surplus Line Broker Tax Returns for calendar year 2009, due no later than March 1, 2010.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-144-.11 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this chapter which can be given effect without the invalid provisions or application. To this end all provisions of this chapter are declared to be severable.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-144-.12 Effective Date.

This chapter shall become effective January 1, 2009, upon its approval by the Commissioner of Insurance, and upon its having been on file as a public document in the office of the Secretary of State for ten days, subject to the implementation schedule in Rule 482-1-144-.10.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, 8-1A-18, 41-1-23.

History: New: Filed November 21, 2008; effective January 1, 2009. Filed with LRS December 4, 2008. Rule is not subject to the Alabama Administrative Procedure Act.