

**RULES**  
**OF**  
**THE TENNESSEE DEPARTMENT OF INSURANCE**  
**DIVISION OF INSURANCE**  
**CHAPTER 0780-01-50**  
**RELATING TO THE TIMELY FILING OF PREMIUM TAX RETURNS**  
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**0780-01-50-.01 DEFINITIONS.**

- (1) "Commissioner," as used herein, means the commissioner of commerce and insurance.
- (2) "Department" means the department of commerce and insurance.
- (3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (4) "Gross premiums," as used in this chapter, means maximum gross premiums as provided in the policy contracts, new and renewal, including policy or membership fees, whether paid in part or in whole by cash, automatic premium loans, dividends applied in any manner whatsoever, and without deduction or exclusion of dividends in any manner; but excluding premiums returned on cancelled policies, or on account of reduction in rates, or reductions in the amount insured or experience rating refunds on life insurance policies and disability insurance policies.
- (5) "Immediately available funds," as used in this chapter, shall mean funds which are available to OPTins pursuant to rule 0780-01-50-.05.
- (6) "NAIC" means the National Association of Insurance Commissioners.
- (7) "OPTins" means the NAIC's Online Premium Tax for Insurance tax filing and payment program.
- (8) "Signature of attestation" means the taxpayer's certification that the tax return, and any accompanying forms or payments, have been examined and are, to the best of the taxpayer's knowledge, information, and belief, a true, correct, and complete tax return made in good faith, as evidenced by the taxpayer's mark either through an electronic verification on the OPTins tax form, or through submission of an electronic copy of a hand-signed form.

**Authority:** T.C.A. §§ 56-1-501, 56-1-701, 56-2-301, 56-4-205, 56-4-216, and 2015 Public Acts, Chapter Number 155. **Administrative History:** Original rule filed April 8, 1982; effective May 24, 1982. Emergency rule filed January 12, 2016 effective through July 10, 2016. Repeal and new rule filed April 8, 2016; effective July 7, 2016.

**0780-01-50-.02 PURPOSE.**

The purpose of this chapter is to establish the method required by the department for the filing of premium tax returns and the payment of premium taxes and other fees by electronic means.

**Authority:** T.C.A. §§ 56-1-501, 56-1-701, 56-2-301, 56-4-205, 56-4-216, and 2015 Public Acts, Chapter Number 155. **Administrative History:** Original rule filed April 8, 1982; effective May 24, 1982. Emergency rule filed January 12, 2016 effective through July 10, 2016. Repeal and new rule filed April 8, 2016; effective July 7, 2016.

**0780-01-50-.03 SCOPE.**

Every entity required to file returns, reports or other documents and make payments pursuant to the taxes listed in rule 0780-01-50-.04 shall file such returns, reports or other documents and make such payments of premium taxes, fees or other obligations identified herein in the electronic format as specified by this chapter, no later than the date such payment or remittance of funds is required, in funds which are immediately available to OPTins pursuant to rule 0780-01-50-.05 on the due date of payment no later than the close of business.

**Authority:** T.C.A. §§ 56-1-501, 56-1-701, 56-2-301, 56-4-205, 56-4-216, and 2015 Public Acts, Chapter Number 155. **Administrative History:** Original rule filed April 8, 1982; effective May 24, 1982. Emergency rule filed January 12, 2016 effective through July 10, 2016. Repeal and new rule filed April 8, 2016; effective July 7, 2016.

**0780-01-50-.04 IDENTIFICATION OF TAXES, FEES AND OTHER OBLIGATIONS COVERED.**

Payments for the following taxes, fees or other obligations will be subject to payment pursuant to this chapter:

- (1) Gross premium tax as found in T.C.A. § 56-4-205;
- (2) Workers' Compensation gross premium tax as found in T.C.A. § 56-4-206;
- (3) Additional payment for fire insurance as found in T.C.A. § 56-4-208;
- (4) Retaliatory tax as found in T.C.A. § 56-4-218;
- (5) Taxation on Health Maintenance Organizations as found in T.C.A. § 56-32-124;
- (6) Tax on title insurance risk rate charges as found in T.C.A. § 56-35-107;
- (7) Any other tax or fee, including the fee under rule 0780-01-50-.05(6) as may be associated with the payment of the above listed taxes.

**Authority:** T.C.A. §§ 56-1-501, 56-1-701, 56-2-301, 56-4-205, 56-4-206, 56-4-208, 56-4-216, 56-4-218, 56-32-124, 56-35-107 and 2015 Public Acts, Chapter Number 155. **Administrative History:** Emergency rule filed January 12, 2016 effective through July 10, 2016. Repeal and new rule filed April 8, 2016; effective July 7, 2016.

**0780-01-50-.05 FILING RETURNS AND PAYMENT OF TAXES.**

- (1) Every entity required to file a return, report or other document with the department, in conjunction with the taxes listed in rule 0780-01-50-.04, shall file any such return, report or other document with the department electronically, no later than the date such return, report or other document is required by law to be filed with the department. Such return, report or document filed electronically with the department shall be filed through OPTins and signed by the taxpayer by means of an acceptable signature of attestation.
  - (a) Filings made to OPTins on or before the day the tax payment is due shall be deemed received by the department on the date received by OPTins.
- (2) Every entity required to file a return shall also pay any taxes owed through OPTins by any means accepted by OPTins.
  - (a) Payments remitted through Automated Clearing House Debit (ACH-debit) payable to OPTins on or before the day the tax payment is due shall be deemed received by the department and paid to the department on the date the ACH-debit is initiated.
  - (b) Payments made through Automated Clearing House Credit (ACH-credit) payable to OPTins shall be deemed received by the department and paid to the department, so long as the ACH-credit is received by OPTins on or before the day the tax payment is due.
  - (c) The commissioner may waive rule 0780-01-50-.05(2)(a) and (b) in the event OPTins has been subject to some kind of catastrophic event.
- (3) Failure to timely make such payment in immediately available funds shall subject the taxpayer to penalty and interest as provided by law for delinquent or deficient tax payments pursuant to T.C.A. § 56-4-216. If payment is timely made in other than immediately available funds, such that payment is not received by the state on the date payments are due, penalty and interest shall be added to the amount of tax due from the due date of the tax payment to the date that funds from the tax payment become available to the state.
- (4) If a tax payment due date falls on a Saturday, Sunday or banking holiday, the electronic payment must be made so that the funds are immediately available on the first business day after the due date.
- (5) The requirement to make electronic payments does not change the requirement to file returns, reports and documents associated with said payments in the manner prescribed by rule 0780-01-50-.05(1).
- (6) Every entity required to file a return shall be responsible for paying a convenience fee of up to Ten Dollars (\$10.00) per filing to cover the department's actual costs incurred by accepting electronic filings through OPTins. Such convenience fee shall be assessed in addition to any applicable penalty and interest. Such convenience fee shall be in addition to the premium tax.
- (7) In the event an entity believes the correct calculation of its taxes contemplated in rule 0780-01-50-.04 is different from the taxes calculated by OPTins, that entity retains the right to dispute the tax calculation after payment of the tax as assessed.

(Rule 0780-01-50-.05, continued)

**Authority:** T.C.A. §§ 56-1-501, 56-1-701, 56-2-301, 56-4-205, 56-4-216, and 2015 Public Acts, Chapter Number 155. **Administrative History:** Emergency rule filed January 12, 2016 effective through July 10, 2016. Repeal and new rule filed April 8, 2016; effective July 7, 2016.

**0780-01-50-.06 SEVERABILITY PROVISION.**

If any provision of this chapter or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby

**Authority:** T.C.A. §§ 56-1-501, 56-1-701, 56-2-301, 56-4-205, 56-4-216, and 2015 Public Acts, Chapter Number 155. **Administrative History:** Emergency rule filed January 12, 2016 effective through July 10, 2016. Repeal and new rule filed April 8, 2016; effective July 7, 2016.