

**§ 44.7262-1**

**26 CFR Ch. I (4-1-01 Edition)**

attached to such form a statement setting forth the reason for claiming the refund, the month in which such tax was paid, the date of payment, and whether any previous claim for refund covering the amount involved or any part thereof has been filed. There shall also be attached to the Form 843 the certificate prescribed below. In the case of a credit, the statement and certificate shall be attached to the monthly return on which the credit is claimed.

(c) *Credit or refund not allowed.* No credit or refund will be allowed under this section if the wager is laid off with a person or organization not liable for tax under section 4401 with respect to such laid-off wager. No interest shall be allowed on any amount of tax credited or refunded under this section.

(d) *Certificate required.* The certificate prescribed for use in support of a credit or refund with respect to a laid-off wager shall be in the following form:

**CERTIFICATE**

(In support of credit or refund with respect to laid-off wagers under section 6419(b) of the Internal Revenue Code.)

I hereby certify that I, or the \_\_\_\_\_ (Corporation, partnership, or syndicate) of which I am an officer or member, doing business at \_\_\_\_\_, (Address) registered with the District Director of Internal Revenue at \_\_\_\_\_, \_\_\_\_\_ under Registration No. \_\_\_\_\_ as a person accepting wagers within the meaning of section 4401 of the Internal Revenue Code, accepted laid-off wagers, in the amounts and on the dates indicated below, from \_\_\_\_\_, (Name) of \_\_\_\_\_, (Address) during the month of \_\_\_\_\_, 19\_\_\_\_\_.

Date	Amount of laid-off wager	Subject of laid-off wager (Identify horse and track, particular contest, or contestant, etc.)
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(Attach supplemental sheets for additional entries, if necessary.)

The undersigned further certifies that he, or the corporation, partnership, or syndicate of which he is a member will make return of and account for the tax, under section 4401 of the Internal Revenue Code, with respect to the laid-off wagers so accepted.

It is understood by the undersigned that this certificate is given for the purpose of en-

abling the person from whom the laid-off wagers were accepted to claim credit with respect to the tax due on such laid-off wagers or to claim credit or refund of the tax, if any, paid on such laid-off wagers.

It is further understood that the fraudulent use of this certificate will subject the undersigned and all guilty parties to a fine of not more than \$10,000 or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signed) \_\_\_\_\_  
 (Date) \_\_\_\_\_  
 (Title) \_\_\_\_\_  
 (Owner, President Partner, Member, etc.)

**§ 44.7262-1 Failure to pay special tax.**

Any person liable for the special tax who does any act which makes him liable for such tax, without having paid the tax, is, besides being liable for the tax, subject to a fine of not less than \$1,000 and not more than \$5,000.

**PART 46—EXCISE TAX ON POLICIES ISSUED BY FOREIGN INSURERS AND OBLIGATIONS NOT IN REGISTERED FORM**

**Subpart A—Introduction**

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- 46.0-1 Introduction.
- 46.0-2 General definitions and use of terms.

**Subpart B—Tax on Policies Issued by Foreign Insurers**

- 46.4371-1 Applicability of subpart.
- 46.4371-2 Imposition of tax on policies issued by foreign insurers; scope of tax.
- 46.4371-3 Rate and computation of tax.
- 46.4371-4 Records required with respect to foreign insurance policies.
- 46.4374-1 Payment of tax.

**Subpart C—Excise Tax on Obligations Not in Registered Form**

- 46.4701-1 Tax on issuer of registration-required obligation not in registered form.

AUTHORITY: 26 U.S.C. 7805.

SOURCE: T.D. 8497, 25 FR 6461, May 6, 1960, unless otherwise noted.

**Subpart A—Introduction**

**§ 46.0-1 Introduction.**

The regulations in this part 46 relate to the taxes on policies issued by foreign insurers imposed by chapter 34 of the Internal Revenue Code and the tax

on the issuer of registration-required obligations not issued in registered form imposed by chapter 39 of the Internal Revenue Code. See part 40 of this chapter for regulations relating to returns, payments, and deposits of taxes imposed by chapters 34 and 39.

[T.D. 8442, 57 FR 48185, Oct. 22, 1992]

**§ 46.0-2 General definitions and use of terms.**

As used in the regulations in this part, unless otherwise expressly indicated:

(a) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(b) The Internal Revenue Code of 1954 means the Act approved August 16, 1954 (68A Stat.), entitled "An Act to revise the internal revenue laws of the United States", as amended.

(c) District director means the district director of internal revenue. The term also includes the Director of International Operations in all cases where the authority to perform the functions which may be performed by a district director has been delegated to the Director of International Operations.

(d) Calendar quarter means a period of 3 calendar months ending on March 31, June 30, September 30, or December 31.

**Subpart B—Tax on Policies Issued by Foreign Insurers**

**§ 46.4371-1 Applicability of subpart.**

The provisions of this subpart apply only to premiums paid on or after January 1, 1966. See Subpart H, Part 47 of this chapter for provisions relating to premiums paid or charged before January 1, 1966. If any portion of the tax imposed by section 4371 was paid on the basis of the premium charged before January 1, 1966, in accordance with the provisions of § 47.4371-2 of this chapter (documentary stamp tax), then, to the extent that such portion was paid by stamp, no further tax is due under the provisions of this subpart.

**§ 46.4371-2 Imposition of tax on policies issued by foreign insurers; scope of tax.**

(a) *Certain insurance policies, and indemnity, fidelity, or surety bonds.* Section 4371(1) imposes a tax upon each policy of insurance (other than those referred to in paragraph (b) of this section), upon each indemnity, fidelity, or surety bond, or upon each certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance or an obligation in the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed, if issued:

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer (unless the policy or other instrument is signed or countersigned by an officer or agent of the insurer in a State, Territory, or the District of Columbia in which the insurer is authorized to do business); and either

(2) To or for, or in the name of, a domestic corporation, domestic partnership, or an individual resident of the United States, against or with respect to hazards, risks, losses, or liabilities wholly or partly within the United States; or

(3) To or for, or in the name of, a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States with respect to hazards, risks, or liabilities wholly within the United States.

For definition of the term "indemnity bond," see section 4372(c).

(b) *Life insurance, sickness, and accident policies, and annuity contracts.* Unless the insurer is subject to tax under section 819, section 4371(2) imposes a tax upon each policy of insurance or annuity contract, or upon each certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance or an annuity contract is made, continued, or renewed, if issued:

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer (unless the policy or other instrument is signed or countersigned by an officer or agent of