

230-RICR-20-60-9

TITLE 230 – DEPARTMENT OF BUSINESS REGULATION

CHAPTER 20 – INSURANCE

SUBCHAPTER 60 – MISCELLANEOUS

PART 9 – Service of Process

9.1 Authority

This Part is promulgated in accordance with R.I. Gen. Laws §§ 27-2-13, 27-2-14, 27-3-41, 27-6-23, 27-6-34, 27-9-22, 27-9-31, 27-16-1.4, 27-44-8, 27-43-3, 27-44-9, 27-71-3 and 42-14-17.

9.2 Scope

This Part applies to service of process on insurance companies and insurance related licensees doing business in the State of Rhode Island.

9.3 Purpose

The purpose of this Part is to provide an efficient and orderly process by which persons who have a claim against an insurance company or licensee doing business in this state may effectuate service of process.

9.4 Definitions

A. As used in this Part

1. “Advisory organization” means an organization as defined by R.I. Gen. Laws §§ 27-6-33, 27-9-30 and 27-44-9.
2. “Captive insurer” means an insurer licensed pursuant to R.I. Gen. Laws § 27-43-3.
3. “Domestic insurance company” means an insurance company domiciled in Rhode Island and licensed pursuant to R.I. Gen. Laws Chapter 27-1.
4. “FAIR plan” means the Fair Access to Insurance Requirements organization established pursuant to R.I. Gen. Laws § 27-33-2.
5. “Foreign insurance company” means an insurance company domiciled in another state or jurisdiction and licensed in the State of Rhode Island pursuant to R.I. Gen. Laws Chapter 27-2.

6. "Fraternal benefit society" means an incorporated society licensed pursuant to R.I. Gen. Laws § 27-25-27.
7. "Insurance commissioner" means the Director of the Department of Business Regulation or his or her designee.
8. "Insurance division" means the Division of the Department of Business Regulation that regulates insurance.
9. "Life settlements provider and broker" means a person who is licensed to enter into life settlement contracts pursuant to R.I. Gen. Laws § 27-71-3 (provider) or licensed to negotiate life settlement contracts pursuant to R.I. Gen. Laws § 27-71-3 (broker).
10. "MMJUA" means the Medical Malpractice Joint Underwriting Association established under R.I. Gen. Laws Chapter 42-14.1.
11. "Rating organization" means a person or entity licensed pursuant to R.I. Gen. Laws §§ 27-6-23, 27-9-22 and 27-44-8.
12. "Reciprocal exchange or interinsurer" means an exchange or interinsurer licensed pursuant to R.I. Gen. Laws § 27-17-6.
13. "Surplus lines insurance companies" means all insurers included on the approved surplus lines list maintained by the Division of Insurance in accordance with R.I. Gen. Laws § 27-3-38.
14. "Unlicensed insurer" means any person or entity insuring risks within the State of Rhode Island pursuant to R.I. Gen. Laws § 27-16-1.2.

9.5 Service of Process

- A. In order to effectuate service of process the following items must be included in the documents delivered to the Department:
 1. The exact name of the entity being served;
 2. One (1) copy of the Summons and Complaint or Subpoena;
 3. A check in the amount of twenty-five dollars (\$25.00) for each entity being served payable to General Treasurer, State of Rhode Island;
 4. A cover letter with an email address if confirmation of receipt is requested.
- B. Department will accept service of process on behalf of licensed foreign insurers (R.I. Gen. Laws § 27-2-14), reciprocal exchanges and interinsurers (R.I. Gen. Laws § 27-17-5), fraternal benefit societies (R.I. Gen. Laws § 27-35-35) and nonresident reinsurance intermediaries (R.I. Gen. Laws § 27-52-3) as follows:

1. By regular mail delivered to:

Insurance Division

1511 Pontiac Avenue

Bldg. 69-2

Cranston, Rhode Island 02920
 2. By personal delivery of the summons and complaint and/or subpoena to the Department offices.
 - a. If service is accomplished in person, the person effectuating service shall deposit the summons and complaint and/or subpoena in the receptacle so designated at the Department's offices.
 - b. The Department will check the receptacle on a daily basis to retrieve and process the summons and complaint and/or subpoena so deposited.
 - c. The Department will not be able to accommodate requests to personally retrieve and/or sign for service of process.
- C. Upon receipt of the summons and complaint the Insurance Division will note the date of receipt and will forward process in accordance with the designation made by the insurer.
- D. If the person serving process includes a request for confirmation by email and a valid email address, the Department will notify the server by email of the date of receipt of the summons and complaint and/or subpoena and the date upon which the service was forwarded to the insurance company.
- E. A minimum of thirty (30) days notice of deposition and/or court appearance should be given with regard to subpoenas to allow time for processing by the Insurance Division and forwarding to the insurance company.
- F. The Insurance Division will only accept service on behalf of insurers licensed to write business in Rhode Island.
 1. The Insurance Division maintains a complete list of all licensed insurers on its website: <https://dbr.ri.gov/divisions/insurance/licensed.php>.
 2. Many insurers operate under a trade, group or holding company name but the name of the actual insurer(s) is different from the trade, group or holding company name. Persons wishing to serve a licensed insurer

should carefully check for the legal corporate name of the licensed insurer prior to attempting to effectuate service.

3. The Insurance Division will return all process addressed to any name other than the legal name of a licensed insurer and will retain the fee as a processing cost.
- G. All process must be accompanied by a check in the amount of twenty-five dollars (\$25.00) made payable to "General Treasurer, State of Rhode Island." If the Department returns process because a name other than the legal name of a licensed insurer is used, the Department will retain the twenty-five dollars (\$25.00) as compensation for processing of the documents.
- H. The Department serves only as the agent for service of process of the initial pleading and should not be included on any pleading(s) served subsequent to service of the summons.

9.6 Insurers and Entities for which Department Is Not Authorized to Accept Service of Process

- A. The Department is not statutorily authorized to and will not accept service of process on the following entities. These entities must be served through the agent for service of process designated by the entity as indicated below.
 1. Domestic Insurance Companies
 - a. All domestic insurance companies in the State of Rhode Island shall designate an agent for service of process with offices located within the State of Rhode Island. This includes, but is not limited to, a statement that the insurer will accept process at its corporate headquarters located within the State of Rhode Island.
 - b. Insurers shall inform the Insurance Division of their designation of an agent for service of process. The Insurance Division shall be notified promptly of all changes to this designation. If such a notification was made prior to the effective date of this Part, that notification will suffice and insurers need only inform the Insurance Division of changes to the designation.
 2. Approved Surplus Lines Insurers
 - a. Pursuant to R.I. Gen. Laws § 27-3-41 a surplus lines broker shall not place any risk through an approved surplus lines company unless that approved surplus lines company has previously in writing:
 - (1) Designated an agent for service of process with offices located within the State of Rhode Island; or

- (2) Appointed the surplus lines broker himself as an alternative agent for service of process.
 - b. Approved surplus lines insurers shall inform the Insurance Division of their designation of an agent for service of process. The Insurance Division shall be notified promptly of all changes to this designation. If such a notification was made prior to the effective date of this Part, that notification will suffice and approved surplus lines insurers need only inform the Insurance Division of changes to the designation.
3. Advisory Organizations
 - a. Pursuant to R.I. Gen. Laws §§ 27-6-34 and 27-9-31 all advisory organizations in the State of Rhode Island shall designate an agent for service of process with offices located within the State of Rhode Island.
 - b. Advisory organizations shall inform the Insurance Division of their designation of an agent for service of process. The Insurance Division shall be notified promptly of all changes to this designation.
4. Rating Organizations
 - a. Pursuant to R.I. Gen. Laws § 27-6-23(c)(3) all rating organizations in the State of Rhode Island shall designate an agent for service of process with offices located within the State of Rhode Island.
 - b. Rating organizations shall inform the Insurance Division of their designation of an agent for service of process. The Insurance Division shall be notified promptly of all changes to this designation.
5. FAIR Plan
 - a. The Rhode Island FAIR Plan shall designate an agent for service of process with offices located within the State of Rhode Island.
 - b. The Rhode Island FAIR Plan shall inform the Insurance Division of its designation of an agent for service of process. The Insurance Division shall be notified promptly of all changes to this designation.
6. MMJUA
 - a. The Rhode Island MMJUA shall designate an agent for service of process with offices located within the State of Rhode Island.

- b. The Rhode Island MMJUA shall inform the Insurance Division of its designation of an agent for service of process. The Insurance Division shall be notified promptly of all changes to this designation.

7. Guaranty Funds

- a. The Rhode Island Guaranty Funds, established pursuant to R.I. Gen. Laws §§ 27-34-8 and 27-34.3-8, shall designate an agent for service of process with offices located within the State of Rhode Island.
- b. The Rhode Island Guaranty Funds shall inform the Insurance Division of their designation of an agent for service of process. The Insurance Division shall be notified promptly of all changes to this designation.

8. Captive Insurers

- a. Pursuant to R.I. Gen. Laws § 27-43-3(b)(4) all captive insurers operating in the State of Rhode Island shall designate an agent for service of process with offices located within the State of Rhode Island.
- b. Captive insurers shall inform the Insurance Division of their designation of an agent for service of process. The Insurance Division shall be notified promptly of all changes to this designation.

9. Life Settlement Providers and Brokers

- a. Pursuant to R.I. Gen. Laws § 27-71-3(l) all life settlement providers and brokers in the State of Rhode Island shall designate an agent for service of process with offices located within the State of Rhode Island.
- b. Life settlement providers and brokers shall inform the Insurance Division of their designation of an agent for service of process. The Insurance Division shall be notified promptly of all changes to this designation.

10. Pursuant to R.I. Gen. Laws § 27-16-1.4 the Secretary of State is statutorily appointed as the agent for service of process for any person or entity operating in violation of R.I. Gen. Laws Chapter 27-16.

- a. Persons engaged in the unlicensed business of insurance may also be served in any other manner in accordance with R.I. Gen. Laws § 27-16-9.

- b. The Department does not have the statutory authority to act as agent for service of process for unlicensed or unapproved insurers.

9.7 Obligations of Licensees

- A. All licensed foreign insurers, reciprocal exchanges and interinsurers, fraternal benefit societies and nonresident reinsurance intermediaries shall inform the Insurance Division of exactly where process received by the Insurance Division on the insurer's behalf shall be forwarded and all changes that designation.
- B. All licensed foreign insurers reciprocal exchanges and interinsurers, fraternal benefit societies and nonresident reinsurance intermediaries shall respond promptly to all service forwarded by the Insurance Division as their agent for service of process.
- C. All insurance licensees shall be familiar with Rhode Island Superior Court Rule 4(d) which provides for waiver of service of process by persons attempting to effectuate service.
 - a. The Insurance Division expects that insurance licensees will promptly respond to all requests for waiver of service of process and do everything necessary to assure that no party to a lawsuit incur unnecessary costs associated with service of process.
 - b. Insurance licensees should note that it is their duty to avoid unnecessary costs associated with service of summons pursuant to Rhode Island Superior Court Rule 4(d)(2).

9.8 Severability

If any provision of this Part or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this Part which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Part are severable.

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**TITLE 230 - DEPARTMENT OF BUSINESS REGULATION (INCLUDES
THE OFFICE OF THE HEALTH INSURANCE COMMISSIONER)**

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PART 9 - SERVICE OF PROCESS

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