

NOTE

This Bulletin was superseded and incorporated into [Insurance Regulation 73](#)

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Department of Business Regulation

1511 Pontiac Avenue
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Reimbursement of Deductible After Subrogation

R.I. Gen. Laws § 27-8-12 and Regulation 73(7)(c) require an insurance company, when it has collected a casualty loss from a third party through subrogation, to pay its insured the full amount of the deductible portion of the casualty loss, or the amount collected if less than the full deductible, less the insured's prorated share of the insurance company's subrogation expenses, if any.

In situations where the insured is partially at fault, the insurance company must pay the insured the deductible, or the amount collected if less than the full deductible, less the insured's prorated share of the subrogation expenses, if any. The subrogation expenses, as opposed to the insured's deductible, are subject to pro-rating based on the insured's percentage of fault.

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