

## HOUSE BILL No. 2678

By Committee on Insurance

2-13

---

1 AN ACT concerning insurance; relating to property damage claims;  
2 attorney fees; amending K.S.A. 40-908 and repealing the existing  
3 section.

4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 40-908 is hereby amended to read as follows: 40-  
7 908. That in all actions now pending, or hereafter commenced in which  
8 judgment is rendered against any insurance company on any policy ~~given~~  
9 ~~to insure any property in this state against~~ *claim for property damage*  
10 *caused by loss—by from* fire, tornado, lightning or hail, the court in  
11 rendering such judgment shall allow the plaintiff a reasonable sum as ~~an~~  
12 ~~attorney's fee~~ *attorney fees* for services in such action including  
13 proceeding upon appeal to be recovered and collected as a part of the  
14 costs: ~~Provided, however,~~ *except* that when a tender is made by such  
15 insurance company before the commencement of the action in which  
16 judgment is rendered and the amount recovered is not in excess of such  
17 tender no such costs shall be allowed.

18 Sec. 2. K.S.A. 40-908 is hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its  
20 publication in the statute book.