

SENATE BILL No. 16

By Committee on Judiciary

1-13

SB16-Balloon-King
Prepared by: Jason Thompson,
Office of Revisor of Statutes
January 26, 2015

1 AN ACT concerning insurance; relating to attorney fees in certain actions;
2 amending K.S.A. 40-908 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

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 K.S.A. 40-908 is hereby repealed.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

Strike "policy...hail" in lines 8-10
Insert "insurance claim made on a property
coverage, whether for real or personal property"

pursuing that claim

Strike "attorney fees" in line 11
Insert "an attorney fee"

Insert comma