

SENATE BILL No. 377

By Senator Journey

1-17

9 AN ACT concerning insurance; pertaining to the allowance of attorney
10 fees in actions involving casualty insurance; amending K.S.A. 40-908
11 and repealing the existing section.
12

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

14 Section 1. K.S.A. 40-908 is hereby amended to read as follows: 40-
15 908. ~~That~~ (a) In all actions now pending, or hereafter commenced in
16 which judgment is rendered against any insurance company on any policy
17 ~~given to insure~~ *providing property insurance coverage or casualty insur-*
18 *ance coverage* on any property in this state ~~against loss by fire, tornado,~~
19 ~~lightning or hail,~~ the court in rendering such judgment shall allow the
20 plaintiff a reasonable sum as an attorney's fee for services in such action
21 including proceeding upon appeal to be recovered and collected as a part
22 of the costs: ~~Provided, however, That~~ *except that* when a tender is made
23 by such insurance company before the commencement of the action in
24 which judgment is rendered and the amount recovered is not in excess
25 of such tender, no such costs shall be allowed.

26 (b) *As used in this section:*

27 (1) *"Casualty insurance coverage" means coverage against legal lia-*
28 *bility, including that for death, injury or disability or damage to real or*
29 *personal property.*

30 (2) *"Property insurance coverage" means coverage for the direct or*
31 *consequential loss or damage to property of every kind.*

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 K.S.A. 40-908 is hereby repealed.

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