

SENATE BILL No. 16

By Committee on Judiciary

1-13

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

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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 K.S.A. 40-908 is hereby repealed.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.