

FIRST REGULAR SESSION

# SENATE BILL NO. 212

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time January 20, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

0801S.011

## AN ACT

To repeal section 379.160, RSMo, and to enact in lieu thereof one new section relating to fire insurance coverage.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 379.160, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 379.160, to read as follows:

379.160. 1. Each fire insurance company doing business in the state of Missouri is hereby required to file the form of policy for use by it in the state of Missouri, covering the responsibilities of the companies as well as the duties of the assured, to be classed and known as the standard fire insurance policy. Said policy form may be approved by the director of insurance of the state, and no policy shall be issued in this state carrying risks by fire or lightning by any company which does not embrace the form filed and approved of, as herein provided. **With respect to a commercial insurance policy providing commercial casualty insurance as defined in section 379.882, such standard fire insurance policy may exclude coverage for loss by fire or other perils insured against if the fire or other peril is caused directly or indirectly by terrorism.** There may be printed upon such policy the words "Standard Fire Insurance Policy for Missouri" and there may be inserted before and after the word "Missouri" a designation of any state or states or territory in which such form is standard.

2. All such policies shall have an address of the company in the United States fully printed thereon, to which, in case of loss, the assured may send notice of such loss, and to which notice shall be given within sixty days after the loss.

3. The appearance of an adjuster of any company at the place of fire and loss in which said company is interested by reason of an insurance on such property, shall be considered evidence of notice and to be held as a waiver of the same on the part of the company; provided, that on any policies issued upon property, real or personal, or real and personal, there may be attached a coinsurance clause; and provided further, that when a coinsurance

clause is attached to any policy a reduction in rate shall be given therefor, in accordance with coinsurance credits that are now or may hereafter be filed as a part of the public rating record in the office of the director of insurance in this state, by fire insurance companies, that have been or shall hereafter be approved by the director of insurance; provided further, that in all suits brought upon policies of insurance against loss or damage by fire hereafter issued or renewed, the defendant shall not be permitted to deny that the property insured thereby was worth at the time of the issuing of the policy the full amount insured therein on said property covering both real and personal property; and provided further, that nothing in this section shall be construed to repeal or change the provisions of section 379.140.

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