

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/House Bill No. 604, Page 41, Section 379.120, Line 24,

2 by inserting after all of said line the following:

3 "379.140. [In all suits brought upon policies of
4 insurance against loss or damage by fire hereafter issued or
5 renewed, the defendant shall not be permitted to deny that
6 the property insured thereby was worth at the time of the
7 issuing of the policy the full amount insured therein on
8 said property; and in case of total loss of the property
9 insured, the measure of damage shall be the amount for which
10 the same was insured, less whatever depreciation in value,
11 below the amount for which the property is insured, the
12 property may have sustained between the time of issuing the
13 policy and the time of the loss, and the burden of proving
14 such depreciation shall be upon the defendant; and in case
15 of partial loss, the measure of damage shall be that portion
16 of the value of the whole property insured, ascertained in
17 the manner prescribed in this chapter, which the part
18 injured or destroyed bears to the whole property insured.]

19 1. When real property incurs a total loss caused by a peril
20 covered under an insurance policy and such total loss is a
21 covered loss under the insurance policy, then the liability
22 of the insurance company writing the policy shall be the
23 amount of money for which the real property was insured,
24 less any deductible, as specified in the policy.

25 2. This section shall not apply to:

26 (1) Any partial loss;

- 27 (2) Any personal property that is not scheduled;
28 (3) Any detached or appurtenant structure;
29 (4) Any builder's risk policy;
30 (5) Any policy of mortgage insurance;
31 (6) Two or more buildings insured under a blanket
32 basis or limit of insurance;
33 (7) Any loss in which the insured or one acting on the
34 insured's behalf engaged in any fraudulent or criminal
35 activity that contributed to the loss;
36 (8) Any loss to property if the insured increased the
37 risk of loss insured against within sixty days of the date
38 of the loss without the consent of the insurer and the
39 increase in the risk of loss was a cause of the loss;
40 (9) Any replacement cost coverage provided for in a
41 policy or by endorsement, except that this section shall not
42 be construed to prohibit an insured from recovering any
43 replacement cost coverage pursuant to the terms and
44 conditions of a policy or endorsement; or
45 (10) Any loss that is covered by two or more policies.
46 3. If two or more policies provide coverage for a
47 total loss of real property caused by a peril, then the
48 insureds may recover the face amount of the policy with the
49 highest limit of coverage, and each policy shall contribute
50 to the payment of the loss in proportion to the amount of
51 insurance mentioned in each policy.
52 4. For a total loss to a commercial building that is
53 insured on a blanket basis for a stated amount that covers
54 two or more commercial buildings, the settlement of the
55 claim shall be based on the initial value assigned to each
56 affected commercial building before the loss, with any
57 balance remaining being settled according to the terms and
58 conditions of the policy.

379.150. [Whenever there is a partial destruction or damage to property covered by insurance, it shall be the duty of the party writing the policies to pay the assured a sum of money equal to the damage done to the property, or repair the same to the extent of such damage, not exceeding the amount written in the policy, so that said property shall be in as good condition as before the fire, at the option of the insured.] Any fire insurance policy issued or renewed on or after August 28, 2021, shall be construed to require that a partial loss caused by fire be adjusted in accordance with the following language which shall be considered part of the standard fire insurance policy for Missouri under the provisions of section 379.160: "It shall be optional with the company to settle the loss at the actual cash value or to repair, rebuild or replace the property destroyed or damaged with other of like kind or quality within a reasonable time, on giving notice of its intention within thirty days or after the receipt of the proof of loss herein required." However, if any fire policy provides coverage for a partial loss caused by fire, in a policy form determined and approved by the director to be at least as favorable to the insured as the standard fire insurance policy for Missouri, then the insurer issuing the policy shall adjust the loss in accordance with the policy form. Notwithstanding any administrative rule to the contrary, nothing in this section shall be construed to create a general contractor relationship by the company to the insured.

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

92 standard fire insurance policy. Said policy form may be
93 approved by the director of the department of commerce and
94 insurance of the state, and no policy shall be issued in
95 this state carrying risks by fire or lightning by any
96 company which does not embrace the form filed and approved
97 of, as herein provided. There may be printed upon such
98 policy the words "Standard Fire Insurance Policy for
99 Missouri" and there may be inserted before and after the
100 word "Missouri" a designation of any state or states or
101 territory in which such form is standard.

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

107 3. The appearance of an adjuster of any company at the
108 place of fire and loss in which said company is interested
109 by reason of an insurance on such property, shall be
110 considered evidence of notice and to be held as a waiver of
111 the same on the part of the company; provided, that on any
112 policies issued upon property, real or personal, or real and
113 personal, there may be attached a coinsurance clause; and
114 provided further, that when a coinsurance clause is attached
115 to any policy a reduction in rate shall be given therefor,
116 in accordance with coinsurance credits that are now or may
117 hereafter be filed as a part of the public rating record in
118 the office of the director of the department of commerce and
119 insurance in this state, by fire insurance companies, that
120 have been or shall hereafter be approved by the director of
121 the department of commerce and insurance; provided further,
122 that in all suits brought upon policies of insurance against
123 loss or damage by fire hereafter issued or renewed, the
124 defendant shall not be permitted to deny that the real

125 property insured thereby was worth at the time of the
126 issuing of the policy the full amount insured therein on
127 said real property [covering both real and personal
128 property]; and provided further, that nothing in this
129 section shall be construed to repeal or change the
130 provisions of section 379.140."; and

131 Further amend said bill, page 59, section 507.184, line
132 34, by inserting after all of said line the following:

133 "[379.145. 1. When fire insurance
134 policies shall be hereafter issued or renewed by
135 more than one company upon the same property,
136 and suit shall be brought upon any of said
137 policies, the defendant shall not be permitted
138 to deny that the property insured was worth the
139 aggregate of the several amounts for which it
140 was insured at the time the policy was issued or
141 renewed thereon, unless willful fraud or
142 misrepresentation is shown on part of the
143 insured in obtaining such additional insurance;
144 and in such suit the measure of damage shall be
145 as provided in section 379.140; provided, that
146 whatever depreciation in value below the amount
147 for which the property is insured may be shown,
148 as provided in section 379.140, shall be
149 deducted from the amount insured in each policy,
150 in the proportion which the amount in each such
151 policy bears to the aggregate of all the amounts
152 so insured on such property.

153 2. This and section 379.140 shall apply
154 only to real property insured.

155 3. Any condition in any policy of
156 insurance contrary to the provisions of this
157 chapter shall be illegal and void.]" ; and

158 Further amend the title and enacting clause accordingly.