

FIRST REGULAR SESSION

# SENATE BILL NO. 458

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STEELMAN.

Read 1st time February 17, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S1849.021

## AN ACT

To repeal sections 380.031, 380.511 and 380.591, RSMo 1994, relating to Missouri mutual insurance company, and to enact in lieu thereof four new sections relating to the same subject.

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

Section A. Sections 380.031, 380.511 and 380.591, RSMo 1994, are repealed and four new sections enacted in lieu thereof, to be known as sections 380.031, 380.161, 380.511 and 380.591, to read as follows:

380.031. Any Missouri mutual insurance company operating [under] **pursuant to** the provisions of sections 380.011 to 380.151 shall be exempt from all provisions of other insurance laws of this state unless such laws shall expressly declare that they are applicable to such Missouri mutual insurance companies; **except that nothing in this section shall exempt any such company from the provisions of sections 375.296, 375.420, 379.140, 379.145, 379.150 and 379.160, RSMo.**

**380.161. There shall be no liability on the part of, and no cause of action of any nature including defamation shall arise against, any insurer organized under this chapter, its authorized representatives, agents or employees, for any statement made in any written notice of denial of a claim, specifying the reasons for denial of a claim; provided that such company, authorized representative, agent or employee is acting without malice and in good faith in making such statement.**

380.511. 1. Any company operating [under] **pursuant to** sections 380.201 to 380.591 shall be exempt from all provisions of other insurance laws of this state except as otherwise specifically designated in this chapter; **except that nothing in this section shall exempt any**

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**such company from the provisions of sections 375.296, 375.420, 379.140, 379.145, 379.150 and 379.160, RSMo.** No law hereafter passed shall apply to any company operating [under] **pursuant to** the provisions of sections 380.201 to 380.591 unless such law shall expressly declare that it is applicable to such company.

2. Any company operating [under] **pursuant to** the provisions of sections 380.201 to [380.590] **380.591** writing automobile insurance, however, shall be subject to the provisions of sections 375.445, 375.936 to 375.948, 379.110 to 379.120, 379.203, 303.170, 303.180, 303.200 and 303.210, RSMo, with respect to said business.

380.591. 1. No suit or action for any loss under an assessable policy shall be commenced until such loss becomes due in accordance with the policy, and in no event until sixty days have elapsed after proof of loss has been given the company. No such suit or action shall be sustainable in any court unless all the requirements of the policy have been complied with, nor unless commenced within twelve months next after the loss; **provided that, if the company issuing such policy has been notified in writing of such loss within the twelve-month period of time, any action for recovery under such policy shall be subject to the statutes of limitations pursuant to chapter 516, RSMo, or as otherwise provided by law.** The limitations permitted under the provisions of this section shall be clearly and prominently declared on the face page of any assessable policy.

2. Any action based upon a policy issued on a nonassessable basis shall be subject to the statutes of limitations applicable to a similar cause of action.

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