

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 1376
AN ACT

To repeal sections 33.080, 325.055, 375.991, 379.035, 379.060, 379.520, 379.590, and 383.155, RSMo, and to enact in lieu thereof thirty-six new sections relating to property casualty insurance regulation, with penalty provisions.

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

Section A. Sections 33.080, 325.055, 375.991, 379.035, 2 379.060, 379.520, 379.590, and 383.155, RSMo, are repealed and 3 thirty-six new sections enacted in lieu thereof, to be known as 4 sections 33.080, 325.052, 325.055, 375.991, 379.035, 379.060, 5 379.135, 379.162, 379.163, 379.520, 379.590, 379.3000, 6 379.3005, 379.3010, 379.3015, 379.3020, 379.3025, 379.3030, 7 379.3035, 379.3040, 379.3042, 379.3045, 379.3050, 379.3055, 8 379.3100, 379.3105, 379.3110, 379.3115, 379.3120, 379.3125, 9 379.3130, 379.3135, 379.3140, 380.661, 380.671, and 383.155, to 10 read as follows:

33.080. 1. All fees, funds and moneys from whatsoever 2 source received by any department, board, bureau, 3 commission, institution, official or agency of the state 4 government by virtue of any law or rule or regulation made 5 in accordance with any law, excluding all funds received and 6 disbursed by the state on behalf of counties and cities, 7 towns and villages shall, by the official authorized to 8 receive same, and at stated intervals of not more than 9 thirty days, be placed in the state treasury to the credit 10 of the particular purpose or fund for which collected, and 11 shall be subject to appropriation by the general assembly 12 for the particular purpose or fund for which collected

13 during the biennium in which collected and appropriated.
14 The unexpended balance remaining in all such funds (except
15 such unexpended balance as may remain in any fund
16 authorized, collected and expended by virtue of the
17 provisions of the constitution of this state) shall at the
18 end of the biennium and after all warrants on same have been
19 discharged and the appropriation thereof has lapsed, be
20 transferred and placed to the credit of the general revenue
21 fund of the state by the state treasurer. Any official or
22 any person who shall willfully fail to comply with any of
23 the provisions of this section, and any person who shall
24 willfully violate any provision hereof, shall be deemed
25 guilty of a misdemeanor; provided, that all such money
26 received by the curators of the University of Missouri
27 except those funds required by law or by instrument granting
28 the same to be paid into the seminary fund of the state, is
29 excepted herefrom, and in the case of other state
30 educational institutions there is excepted herefrom, gifts
31 or trust funds from whatever source; appropriations; gifts
32 or grants from the federal government, private organizations
33 and individuals; funds for or from student activities; farm
34 or housing activities; and other funds from which the whole
35 or some part thereof may be liable to be repaid to the
36 person contributing the same; and hospital fees. All of the
37 above excepted funds shall be reported in detail quarterly
38 to the governor and biennially to the general assembly.

39 2. Notwithstanding any provision of law to the
40 contrary concerning the transfer of funds, [ten] twelve
41 million dollars shall be transferred from the insurance
42 dedicated fund established under section 374.150, and placed
43 to the credit of the [rebuild damaged infrastructure]
44 Missouri's stronger homes fund created in section [33.295]
45 379.3115 on [July 1, 2013] July 1, 2027 and amounts as

46 specified under section 379.3115 on an annual basis
47 commencing July 1, 2028 and ending on July 30, 2037.

2 325.052. 1. Except as otherwise specified in this
3 section, a public adjuster may receive a commission for
4 services provided under this chapter consisting of an hourly
5 fee, a flat fee, or a percentage of the total amount paid by
6 an insurer to resolve a claim.

7 2. The total commission received by a public adjuster
8 shall not, in any circumstance, exceed ten percent of the
9 amount of the total of the insurance settlement on the claim:

10 (1) If a state of emergency has been proclaimed for
11 this state or for an area within this state by the governor,
12 or by resolution of the general assembly under section
13 44.100; or

14 (2) If the President of the United States has issued a
15 major disaster declaration for this state or for an area
16 within this state under the Robert T. Stafford Disaster
17 Relief and Emergency Assistance Act, 42 U.S.C. Section 5121,
18 et seq., as amended.

19 3. A public adjuster shall not receive a fee or
20 commission based on a percentage of the total amount paid by
21 an insurer to settle a claim if, within ten days of
22 reporting the loss, the insurer either pays or commits in
23 writing to pay the insured the policy limits.

24 4. A public adjuster shall not accept any payment or
25 compensation that violates the provisions of this section.

26 5. A public adjuster is entitled to reasonable
27 compensation from the insured for services provided by a
28 public adjuster on behalf of the insured, based on the
29 actual time spent on a claim that is subject to this section
30 and expenses incurred by a public adjuster, until the claim
31 is paid or the insured receives a written commitment to pay
from the insurer.

32 6. Notwithstanding any authorization, contract, or
33 agreement the insured may have given to a public adjuster, a
34 public adjuster shall not sign or endorse any payment draft
35 or check on behalf of an insured.

36 7. Notwithstanding any authorization, contract, or
37 agreement the insured may have given to a public adjuster, a
38 public adjuster shall not represent himself or herself in
39 any communication as the insured. All communications from a
40 public adjuster shall clearly identify himself or herself as
41 a public adjuster.

42 8. All contracts with a public adjuster shall include
43 the following disclaimer, placed immediately above the
44 signature of the insured, in a bold, twelve-point font:

45 "YOU DON'T HAVE TO HIRE A PUBLIC ADJUSTER TO FILE A
46 CLAIM WITH YOUR INSURANCE COMPANY. IF YOU HIRE A
47 PUBLIC ADJUSTER, YOU WILL HAVE TO PAY ALL THE
48 COSTS. THAT WILL REDUCE THE AMOUNT OF MONEY YOU
49 GET FROM THE INSURANCE COMPANY TO REPAIR OR REBUILD
50 YOUR HOME OR REPLACE YOUR BELONGINGS.

51
52 IF YOU NEED HELP WITH YOUR CLAIM, THE MISSOURI
53 DEPARTMENT OF COMMERCE AND INSURANCE WILL HELP YOU
54 FOR FREE. YOU CAN CALL THE DEPARTMENT AT 800-726-
55 7390 OR FILE A COMPLAINT ONLINE AT
56 INSURANCE.MO.GOV/CONSUMERS."

57 9. Any violation of subsections 1 to 8 of this section
58 is a level two violation under section 374.049.

325.055. 1. No person, partnership, association or
2 corporation, directly or indirectly, acting as a public
3 adjuster or public adjuster solicitor licensed under the
4 provisions of sections 325.010 to 325.055, may solicit, or
5 enter into, an agreement for the repair or replacement of
6 damaged property on which said public adjuster or public
7 adjuster solicitor has been engaged to adjust or settle

8 claims for losses or damages arising out of policies of fire
9 or allied lines of insurances.

10 2. No person or entity may:

11 (1) Acting as a public adjuster, advertise or solicit
12 business by representing they will or can adjust, negotiate
13 or settle an insurance claim for which the contractor is
14 providing or may provide contracting services, regardless of
15 whether the contractor holds a license under this chapter or
16 is authorized to act on behalf of the insured under a power
17 of attorney or other agreement; or

18 (2) Advertise, market, offer, contract or otherwise
19 represent to unjustifiably increase or inflate the value of
20 an insurance claim or to waive, absorb, refund, rebate, pay
21 or not collect the deductible amount agreed to under or
22 imposed by the terms of the insurance policy.

23 3. For purposes of this section, the following terms
24 shall mean:

25 (1) "Contractor", a person or entity in the business
26 of contracting or offering to contract with the owner of
27 residential, agricultural or commercial real estate to
28 repair or replace roof systems or to erect, demolish, alter
29 or repair improvements or to perform any other repair,
30 replacement, construction, or reconstruction work on any
31 residential, agricultural or commercial structure situated
32 upon residential, agricultural or commercial real estate as
33 a general contractor or a subcontractor;

34 (2) "Negotiate", the process of discussing or
35 exchanging offers with an insurance company on an insured's
36 behalf to reach an agreement with the insurance company on a
37 settlement amount for a covered loss;

38 (3) "Roof system", includes roof coverings, roof
39 sheathing, roof weatherproofing, and insulation.

40 4. The director shall adopt rules necessary to
41 implement and enforce this section. Any rule or portion of
42 a rule, as that term is defined in section 536.010, that is
43 created under the authority delegated in this section shall
44 become effective only if it complies with and is subject to
45 all of the provisions of chapter 536 and, if applicable,
46 section 536.028. This section and chapter 536 are
47 nonseverable and if any of the powers vested with the
48 general assembly pursuant to chapter 536 to review, to delay
49 the effective date, or to disapprove and annul a rule are
50 subsequently held unconstitutional, then the grant of
51 rulemaking authority and any rule proposed or adopted after
52 August 28, 2026, shall be invalid and void.

53 5. The director is authorized to pursue enforcement
54 actions and order relief as set forth in sections 374.046 to
55 374.049.

 375.991. 1. As used in sections 375.991 to 375.994,
2 the term "statement" means any communication, notice
3 statement, proof of loss, bill of lading, receipt for
4 payment, invoice, account, estimate of damages, bills for
5 services, diagnosis, prescription, hospital or doctor
6 records, x-rays, test results or other evidence of loss,
7 injury or expense.

 2. For the purposes of sections 375.991 to 375.994, a
8 person commits a "fraudulent insurance act" if such person
9 knowingly presents, causes to be presented, or prepares with
10 knowledge or belief that it will be presented, to or by an
11 insurer, purported insurer, broker, or any agent thereof,
12 any oral or written statement including computer generated
13 documents as part of, or in support of, an application for
14 the issuance of, or the rating of, an insurance policy for
15 commercial or personal insurance, or a claim for payment or
16 other benefit pursuant to an insurance policy for commercial
17

18 or personal insurance, which such person knows to contain
19 materially false information concerning any fact material
20 thereto or if such person conceals, for the purpose of
21 misleading another, information concerning any fact material
22 thereto.

23 3. A "fraudulent insurance act" shall also include but
24 not be limited to knowingly filing false insurance claims
25 with an insurer, health services corporation, or health
26 maintenance organization by engaging in any one or more of
27 the following false billing practices:

28 (1) "Unbundling", an insurance claim by claiming a
29 number of medical procedures were performed instead of a
30 single comprehensive procedure;

31 (2) "Upcoding", an insurance claim by claiming that a
32 more serious or extensive procedure was performed than was
33 actually performed;

34 (3) "Exploding", an insurance claim by claiming a
35 series of tests was performed on a single sample of blood,
36 urine, or other bodily fluid, when actually the series of
37 tests was part of one battery of tests; [or]

38 (4) "Duplicating", a medical, hospital or
39 rehabilitative insurance claim made by a health care
40 provider by resubmitting the claim through another health
41 care provider in which the original health care provider has
42 an ownership interest; or

43 (5) "Inflating", the intentional overstatement of the
44 reasonable cost of goods or services or exaggeration of the
45 extent of damage, injury, or loss by an insured, contractor,
46 health care provider, or other service provider to increase
47 the amount of an insurance claim payment or to offset the
48 amount of the deductible the insured would otherwise be
49 responsible for under the terms of the policy.

50 Nothing in sections 375.991 to 375.994 shall prohibit health
51 care providers from making good faith efforts to ensure that
52 claims for reimbursement are coded to reflect the proper
53 diagnosis and treatment.

54 4. If, by its own inquiries or as a result of
55 complaints, the department of commerce and insurance has
56 reason to believe that a person has engaged in, or is
57 engaging in, any fraudulent insurance act or has violated
58 any provision of chapters 375 to 385, it may administer
59 oaths and affirmations, serve subpoenas ordering the
60 attendance of witnesses or proffering of matter, [and]
61 collect evidence, and issue an order to cease and desist, or
62 issue a curative or summary order as set forth under section
63 374.046. The director may refer such evidence as is
64 available concerning violations of this chapter to the
65 proper prosecuting attorney or circuit attorney who may,
66 with or without such reference, initiate the appropriate
67 criminal proceedings.

68 5. If the matter that the department of commerce and
69 insurance seeks to obtain by request is located outside the
70 state, the person so requested may make it available to the
71 department or its representative to examine the matter at
72 the place where it is located. The department may designate
73 representatives, including officials of the state in which
74 the matter is located, to inspect the matter on its behalf,
75 and it may respond to similar requests from officials of
76 other states.

77 6. A fraudulent insurance act for a first offense is a
78 class E felony. Any person who is found guilty of a
79 fraudulent insurance act who has previously been found
80 guilty of a fraudulent insurance act shall be guilty of a
81 class D felony.

82 7. Any person who pleads guilty or is found guilty of
83 a fraudulent insurance act shall be ordered by the court to
84 make restitution to any person or insurer for any financial
85 loss sustained as a result of such violation. The court
86 shall determine the extent and method of restitution.

87 8. Nothing in this section shall limit the power of
88 the state to punish any person for any conduct that
89 constitutes a crime by any other state statute.

 379.035. When such incorporators propose to form a
2 corporation for the purposes designated in section 379.010,
3 on the joint stock plan, the articles of incorporation or
4 association comprised in the declaration in section 379.030
5 shall set forth:

6 (1) The name assumed by such corporation, and by which
7 it shall be known;

8 (2) The place where the principal office for the
9 transaction of its business shall be located;

10 (3) The specific kind or kinds of business which it
11 proposes to transact;

12 (4) The amount of its capital stock, and the number of
13 shares into which it shall be divided, and the manner in
14 which it shall be paid up or secured;

15 (5) The manner in which the corporate powers granted
16 by this chapter shall be exercised, showing the number of
17 directors, which shall not be less than ~~nine~~ five nor more
18 than twenty-five; and such other particulars as may be
19 necessary to make manifest the objects and purposes of the
20 corporation, and the manner in which it is to be conducted.

 379.060. When such incorporators propose to form a
2 corporation for the purpose of doing business on the mutual
3 plan, the charter comprised in the declaration mentioned in
4 section 379.030 shall set forth:

5 (1) The name assumed by such corporation, and by which
6 it shall be known;

7 (2) The place where the principal office for the
8 transaction of its business shall be located;

9 (3) The specific kind or kinds of business which it
10 proposes to transact;

11 (4) The number of persons from whom proposals for
12 insurance shall be received, the amount of premiums to be
13 received on deposit, and the amount of cash to be paid on
14 the same, before the company shall begin to do business and
15 issue policies;

16 (5) The manner in which the corporate powers granted
17 by sections 379.010 to 379.160 are to be exercised, showing
18 the number of directors and trustees, which shall not be
19 more than thirteen nor less than nine five, and their
20 respective powers and duties, and such other particulars as
21 may be necessary to make manifest the object and purposes of
22 the association, and the manner in which it is to be
23 conducted.

379.135. 1. Upon payment by an insurer of all or any
2 part of a claimant's property damage claim, legal title to
3 the portion of the claim paid shall vest in the insurer to
4 the extent of such payment. No assignment or other action
5 by the claimant shall be required for the insurer to enforce
6 its legal title. The claimant shall retain legal title only
7 to that portion of the property damage claim not paid by the
8 insurer.

9 2. As used in this section, "assignment agreement"
10 means any instrument by which post-loss benefits under any
11 policy of insurance covering property, including, but not
12 limited to, any right of action against the insurer or any
13 proceeds acquired from the insurer are assigned,
14 transferred, or acquired in any other manner, in whole or in

15 part, to or from a person providing services, including, but
16 not limited to, communicating with an insurer or on an
17 insured's behalf or inspecting, estimating, protecting,
18 repairing, restoring, or replacing the property or
19 mitigating against further damage to the property.

20 3. (1) A person shall not solicit or accept
21 assignment, in whole or in part, of any post-loss insurance
22 benefit for property damage under a contract of insurance.
23 An assignment agreement is against public policy and is null
24 and void, and any contract entered into in violation of this
25 section shall be void and unenforceable.

26 (2) The provisions of this subsection shall not apply
27 to an assignment, transfer, pledge, or conveyance granted to
28 a financial institution, mortgagee, lienholder, or a
29 subsequent purchaser of property.

30 (3) The provisions of this subsection shall not apply
31 to any covenant not to execute or contract to limit recovery
32 under section 537.065.

33 4. A violation of subsection 3 of this section shall
34 be considered a level 2 violation under section 374.049.

35 5. Nothing in this section shall be construed to
36 prohibit an insured from authorizing or directing payment
37 to, or paying, a person for services, materials, or any
38 other thing which may be, or is, covered under an insurance
39 policy. Insurers shall issue payment directly to a person
40 for services, materials, and other items that are covered
41 under an insurance policy, when the insured agrees that any
42 person providing such services should be paid directly,
43 subject to applicable liens.

379.162. 1. This section shall apply to all
2 homeowners' policies issued, continued, or renewed on or
3 after July 1, 2027.

4 2. As used in this section, the following words and
5 terms shall mean:

6 (1) "Homeowner's policy", a homeowner's insurance
7 policy, a dwelling-owner's insurance policy or a residential
8 fire insurance policy covering real property within this
9 state. For purposes of this section, this term shall not
10 include a manufactured home or mobile homeowner's policy, a
11 tenant's or renter's policy, or a condo owner's policy;

12 (2) "Insurer", all insurance companies, reciprocals,
13 interinsurance exchanges licensed under this chapter, and
14 the property insurance inspection and placement program (the
15 "FAIR" Plan), issuing and renewing residential property
16 insurance policies;

17 (3) "Qualified inspector", a person who is:

18 (a) A roofing inspector that is accredited by the
19 National Roof Certification and Inspection Association
20 (NRCIA) or a nationally recognized equivalent; or

21 (b) A professional engineer or architect licensed
22 under chapter 327; or

23 (c) A roofing contractor who has been in the roofing
24 business for not less than ten years and who has evidence of
25 the following:

26 a. A business registration with the Missouri secretary
27 of state;

28 b. A valid Missouri sales tax number; and

29 c. Possesses a local contractor's license, where
30 required by a local municipality or county; or

31 (d) Any other individual or entity recognized by the
32 insurer as possessing the necessary qualifications to
33 properly complete a general inspection of the roof of a
34 residential structure insured under a homeowner's policy.

35 3. An insurer may not refuse to issue, cancel, or
36 nonrenew a homeowner's policy insuring a residential

37 structure with a roof that is less than fifteen years old
38 solely because of the age of the roof.

39 4. For a roof that is fifteen years of age or older,
40 an insurer shall allow a homeowner to have a roof inspection
41 performed by a qualified inspector at the homeowner's
42 expense before requiring the replacement of the roof of a
43 residential structure as a condition of issuing, continuing,
44 or renewing a homeowner's policy.

45 5. The insurer shall not refuse to issue, cancel, or
46 refuse to renew a homeowner's policy solely because of the
47 roof's age if an inspection of the roof of the residential
48 structure performed by a qualified inspector indicates that
49 the roof has five years or more of useful life remaining.

50 6. For purposes of this section, a roof's age shall be
51 calculated using the last date on which one hundred percent
52 of the roof's surface area was built or replaced or the
53 initial date of a partial roof replacement when subsequent
54 partial roof builds or replacements were completed that
55 resulted in one hundred percent of the roof's surface area
56 being built or replaced.

57 7. This section shall not:

58 (1) Limit the ability of an insurer to refuse to
59 issue, cancel, or nonrenew any homeowner's policy on any
60 other grounds, including, but not limited to, that the
61 structure does not otherwise meet underwriting criteria
62 applicable to replacement cost or law and ordinance coverage
63 or for other reasons not prohibited under Missouri law.

64 (2) Prohibit an insurer from limiting its liability
65 under a policy or endorsement through a deductible or to
66 direct physical loss caused by a covered peril.

379.163. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Replacement cost coverage", "replacement cost
4 value", or "RCV", the coverage that ultimately pays the
5 estimated cost to repair or replace covered property at the
6 time of the loss or damage without deduction for
7 depreciation. "Replacement cost value" is not the market
8 value, but it is instead the cost to repair or replace
9 covered property to its pre-loss condition;

10 (2) "Residential property insurance policy", a
11 homeowner's insurance, dwelling-owner's insurance,
12 residential fire insurance, condo owner's insurance, or
13 manufactured home or mobile homeowner's insurance written
14 upon property within this state;

15 (3) "Withheld recoverable depreciation" or
16 "replacement cost holdback", the portion of an insurance
17 claim payment that an insurer does not pay until the
18 policyholder completes necessary repairs or replacement of
19 damaged covered property. Once the repairs or replacements
20 are completed, the policyholder is eligible to receive the
21 withheld amount subject to the terms of the insurance policy.

22 2. An insurer that issues a residential property
23 insurance policy with replacement cost coverage for roof
24 damage may refuse to pay a claim for withheld recoverable
25 depreciation or a replacement cost holdback under the policy
26 for a roof claim until the insurer receives reasonable proof
27 of payment by the policyholder of any deductible applicable
28 to the roof claim.

29 3. Reasonable proof of payment includes a canceled
30 check, money order receipt, credit card statement, or copy
31 of an executed installment plan contract or other financing
32 arrangement that requires full payment of the deductible
33 over time.

379.520. Whenever any such corporation desires to
2 avail itself of the provisions of sections 379.515 to

3 379.580 and to reorganize and extend and continue its
4 corporate existence under the general laws of this state
5 after the time limited by law or its charter for the
6 termination of its corporate existence, the directors
7 thereof shall within one year prior to such time draw up and
8 submit to its stockholders, if it be a stock company, or to
9 its policyholders if it be a mutual company, or to its
10 stockholders and its policyholders in its mutual department
11 if it be a stock and mutual company, articles of
12 association, which shall set forth

13 (1) The name of the company;

14 (2) The place where the principal office for the
15 transaction of business shall be located;

16 (3) The specific kinds of business it proposes to
17 transact;

18 (4) The period of time for which its corporate
19 existence shall be extended and continued;

20 (5) The manner in which the corporate powers granted
21 under the general insurance statutes shall be exercised,
22 showing the number of directors, which shall not be more
23 than twenty-five nor less than nine five, and such other
24 particulars as may be necessary to make manifest the objects
25 and purposes of the corporation; provided, however, that the
26 name of the corporation shall not be changed, nor shall the
27 objects or plan of business embrace any other or more than
28 under the general insurance statutes of this state can be
29 carried on by any one corporation.

379.590. When any such company desires to avail itself
2 of the provisions of sections 379.585 to 379.625, the
3 directors thereof shall draw up articles of association
4 which shall set forth

5 (1) The name of the company;

6 (2) The place where the principal office for the
7 transaction of business shall be located;

8 (3) The specific kind of business it proposes to
9 transact;

10 (4) The manner in which the corporate powers granted
11 under the general insurance statutes shall be exercised,
12 showing the number of directors, which shall not be more
13 than thirteen nor less than [nine] five, and such other
14 particulars as may be necessary to make manifest the objects
15 and purposes of the corporation; provided, however, that the
16 name of the corporation shall not be changed, nor shall the
17 object or plan of business embrace any others than those
18 designated in the existing charter, nor embrace more than
19 under the general insurance statutes of this state can be
20 carried on by any one corporation.

379.3000. Sections 379.3000 to 379.3055 may be cited
2 as the "Missouri Disaster Mediation Act".

379.3005. 1. The provisions of sections 379.3000 to
2 379.3055 provide for a nonadversarial alternative dispute
3 resolution program for a facilitated claim resolution
4 process prompted by the critical need for effective, fair,
5 and timely handling of insurance claims arising out of
6 damage to residential property caused by an event for which
7 there is a state of disaster declared within sixty days of
8 the event.

2. Sections 379.3000 to 379.3055 shall only apply when
9 the director issues an order initiating the alternative
10 dispute resolution program authorized under the Missouri
11 disaster mediation act and:
12

(1) If a state of emergency has been proclaimed for
13 this state or for an area within this state by the governor,
14 or by a resolution of the general assembly under section
15 44.100; or
16

17 (2) If the President of the United States has issued a
18 major disaster declaration for this state or for an area
19 within this state under the Robert T. Stafford Disaster
20 Relief and Emergency Assistance Act, 42 U.S.C. Section 5121,
21 et seq., as amended.

22 3. The mediation program under sections 379.3000 to
23 379.3055 shall be available to Missouri residents with first-
24 party insurance claims resulting from damage to residential
25 property that serves as a Missouri resident's primary
26 dwelling located within this state. Sections 379.3000 to
27 379.3055 shall not apply to commercial insurance, property
28 insurance covering multiple family dwellings, motor vehicle
29 insurance, or liability coverage contained within property
30 insurance policies.

31 4. After the program has been initiated by order of
32 the director, it shall remain available to first-party
33 claimants until the director makes a determination that the
34 need has decreased due to sufficient progress of recovery
35 efforts and issues an order terminating same.

379.3010. For purposes of sections 379.3000 to
2 379.3055, except where otherwise provided, the following
3 terms mean:

4 (1) "Administrator", the director or the director's
5 designee;

6 (2) "Director", the director of the department of
7 commerce and insurance;

8 (3) "Disputed claim", any matter on which there is a
9 dispute as to the cause of loss or amount of loss under a
10 residential property insurance policy, for which the insurer
11 has denied payment, in part or whole, with respect to claims
12 arising from a disaster. Unless the parties agree to
13 mediate a disputed claim involving a lesser amount, a
14 "disputed claim" involves the insured requesting five

15 thousand dollars or more to settle the dispute, or the
16 difference between the positions of the parties is five
17 thousand dollars or more. "Disputed claim" does not include
18 a dispute with respect to which the insurer has reported
19 allegations of fraud, based on a referral by the insurer's
20 special investigative unit, to the director. A disputed
21 claim does not include the following:

22 (a) A dispute with respect to which the insurer has
23 reported allegations of fraud, based on a referral by the
24 insurer's special investigative unit, to the director; or

25 (b) A dispute in which there has been a denial, in
26 whole or in part, of coverage for the loss because of
27 exclusions in the residential property insurance policy,
28 terms in the policy, conditions in the policy, or if
29 coverage was not in force at the time of the loss;

30 (4) "Insured", the named insured under a residential
31 property insurance policy;

32 (5) "Insurer", all insurance companies, reciprocals,
33 interinsurance exchanges licensed under this chapter, and
34 including Lloyds insurers, surplus lines insurers, and the
35 property insurance inspection and placement program (the
36 "FAIR" Plan), issuing and renewing residential property
37 insurance policies;

38 (6) "Mediation", the alternative dispute resolution
39 program established under sections 379.3000 to 379.3055; an
40 informal process conducted or overseen by a mediator with
41 the objective of helping parties voluntarily settle a
42 disputed claim;

43 (7) "Mediator", a neutral person who acts to encourage
44 and facilitate the resolution of a disputed claim. A
45 mediator shall not make an award or render a judgment as to
46 the merits of the claim. A mediator shall not impose the
47 mediator's judgment on the issues for that of the parties;

48 (8) "Party or parties", the insured and the insurer;
49 (9) "Residential property insurance policy or
50 policies", a homeowner's insurance, dwelling-owner's
51 insurance, residential fire insurance, condo owner's
52 insurance, manufactured home or mobile homeowner's
53 insurance, tenant's or renter's insurance, or any other
54 contract of insurance covering owner-occupied single-family
55 habitational property.

379.3015. 1. Insurers shall notify their insureds in
2 this state who have claimed damage to their residential
3 properties because of a disaster of their right to mediate
4 disputed claims. This requirement applies to all disputed
5 claims, including instances where partial or full payment
6 has been issued by the insurer to the insured.

7 2. The insurer shall, by mail or electronic mail,
8 transmit the notice described in this section to an insured
9 within five days after the time the insured or the
10 administrator notifies the insurer, by mail or electronic
11 mail, of a dispute regarding the insured's claim. The
12 following conditions apply:

13 (1) If the insurer has not been notified of a disputed
14 claim before the time an insurer notifies the insured that a
15 claim has been denied in whole or in part, the insurer shall
16 mail a notice of the right to mediate to the insured in the
17 same mailing as the notice of denial;

18 (2) The insurer is not required to send a notice of
19 the right to mediate if a claim is denied because the amount
20 of the claim is less than the insured's deductible;

21 (3) The transmission that contains the notice of the
22 right to mediate shall include any consumer brochure on
23 mediation developed by the director; and

24 (4) Notification shall be provided to the insured in
25 writing or by electronic transmission and shall be legible

26 and conspicuous. If provided in printed form, the notice
27 shall be printed in at least twelve-point type. If provided
28 electronically, the notice shall be displayed in a format
29 that is reasonably calculated to be readable and accessible
30 to the insured. The first paragraph of the notice shall
31 contain the following statement:

32 "THE GENERAL ASSEMBLY OF MISSOURI HAS ENACTED A LAW
33 TO FACILITATE FAIR AND TIMELY HANDLING OF
34 RESIDENTIAL PROPERTY INSURANCE CLAIMS ARISING OUT
35 OF CATASTROPHIC WEATHER EVENTS. THIS LAW GIVES YOU
36 THE RIGHT TO ATTEND A MEDIATION CONFERENCE WITH
37 YOUR INSURANCE COMPANY TO SETTLE ANY DISPUTE YOU
38 HAVE ABOUT YOUR INSURANCE CLAIM. AN INDEPENDENT
39 MEDIATOR, WHO HAS NO CONNECTION WITH YOUR INSURANCE
40 COMPANY, WILL BE IN CHARGE OF THE MEDIATION
41 CONFERENCE. THERE IS NO COST TO YOU FOR USING THIS
42 MEDIATION PROCESS.

43
44 YOU DO NOT NEED TO HIRE A PUBLIC ADJUSTER OR AN
45 ATTORNEY TO USE THE MEDIATION PROCESS. IF YOU HAVE
46 A PUBLIC ADJUSTER OR AN ATTORNEY, YOU WILL HAVE TO
47 PAY THOSE COSTS."

48 3. The notice shall also include the following:

49 (1) Detailed instructions on how the insured is to
50 request mediation, including the name, address, telephone
51 number, and website address for requesting a mediation with
52 the administrator;

53 (2) The insurer's address and telephone number for
54 requesting additional information; and

55 (3) Contact information for the consumer affairs
56 division of the department of commerce and insurance.

379.3020. 1. If an insured requests mediation before
2 receipt of the notice of the right to mediate or if the date
3 of the notice cannot be established, the insurer shall be
4 notified by the administrator of the existence of the

5 dispute before the administrator processes the insured's
6 request for mediation. An insured must request mediation
7 within sixty days after the denial of the claim.

8 2. The failure to request mediation within this time
9 period shall only bar the right to demand mediation. It
10 shall not prejudice any other legal right or remedy of the
11 insured nor shall it prohibit the insurer from voluntarily
12 accepting the request for mediation.

13 3. If an insurer receives a request for mediation, the
14 insurer shall electronically transmit the request to the
15 administrator within three business days after receipt of
16 the request. If the director receives any request, it shall
17 electronically transmit those requests to the administrator
18 within three business days after receipt. The administrator
19 shall notify the insurer within three business days after
20 receipt of a request that has been filed with the director.

21 4. In the insured's request for mediation, the insured
22 shall provide the following information, if known:

23 (1) Name, address, and daytime telephone number of the
24 insured and location of the property if different from the
25 address given;

26 (2) The claim and policy number for the insured;

27 (3) A brief description of the nature of the dispute;

28 and

29 (4) The name of the insurer and the name, address, and
30 phone number of the contact person for scheduling mediation.

379.3025. 1. The director may contract with qualified
2 administrators to oversee the mediation program by means of
3 a formal bid process. A qualified administrator may also be
4 selected by the director without a formal bid process if a
5 state of emergency has been declared pursuant to section
6 44.100. All bid processes must comply with either sections
7 34.040 or 34.045.

8 2. The expenses and fees of the mediator and of the
9 administrator as established by the director are borne by
10 the insurer. All other mediation costs, fees, or expenses
11 shall be borne by the party incurring such costs, fees, or
12 expenses unless otherwise provided in a settlement agreement.

13 3. The director shall establish fee schedules for
14 monies to be paid directly to the administrator by the
15 insurer for the services of the administrator, the mediator,
16 and for timely and untimely mediation cancellations, with
17 the cancellation fees to be borne by the canceling party.
18 Fee schedules shall be established through promulgation of
19 emergency rules to be in effect no later than January 1,
20 2027. Such rules establishing fee schedules may be amended
21 as necessary, including as specified by section 536.025 if a
22 state of emergency has been declared pursuant to section
23 44.100.

24 4. The director, the administrator, and mediators
25 appointed by the director shall have such official immunity
26 pursuant to section 537.600 and as exists at common law.

379.3030. 1. The administrator shall select a
2 mediator and schedule the mediation conference.

3 2. To be approved, the mediator who provides
4 alternative dispute resolution services independently or
5 through an organization shall have appropriate training or
6 equivalent experience in conducting the type of alternative
7 dispute resolution service the individual or organization
8 provides, under Missouri supreme court rule 17.

379.3035. 1. The rules adopted by the director shall
2 include a requirement of the mediator to advise the parties
3 of the mediation process and their rights and duties in the
4 mediation process.

5 2. A mediator shall terminate the mediation conference
6 if the mediator determines that either party is unable or

7 unwilling to participate meaningfully in the process or upon
8 mutual agreement of the parties.

9 3. An insurer's representative attending a mediation
10 conference shall:

11 (1) Bring, in paper or electronic medium, a copy of
12 the policy and the entire claims file to the conference; and

13 (2) Know the facts and circumstances of the claim and
14 be knowledgeable of the provisions of the policy.

15 4. An insurer shall be deemed to have failed to appear
16 if the insurer's representative lacks authority to settle
17 the claim within the limits of the policy.

18 5. The mediator shall be in charge of the mediation
19 conference and shall establish and describe the procedures
20 to be followed.

21 6. A party may move to disqualify a mediator for good
22 cause prior to the conference. If the grounds for
23 disqualification are known before the mediation conference,
24 the request to disqualify a mediator shall be directed to
25 the administrator. For purposes of this section, good cause
26 consists of a conflict of interest between a party and the
27 mediator, the inability of the mediator to handle the
28 mediation conference competently, or other reasons that
29 would reasonably be expected to impair the mediation
30 conference.

379.3040. 1. Within five business days after the
2 conclusion of the mediation conference, the mediator shall
3 file with the administrator a mediator's status report, on a
4 form prescribed by the administrator, indicating whether or
5 not the parties reached a settlement.

6 2. Mediation is nonbinding unless all the parties
7 specifically agree otherwise in writing.

8 3. If the parties reach a settlement, the mediator
9 shall include a copy of the settlement agreement with the
10 status report.

11 4. Within five business days after the conclusion of
12 the mediation, if agreed to by the parties, the insurer
13 shall disburse the settlement funds in accordance with the
14 terms of the settlement agreement. The insured has three
15 business days after receipt of the settlement funds within
16 which to notify the director and the insurer of the
17 insured's decision to rescind the settlement agreement. The
18 rescission shall only be valid if the insured has not
19 received the settlement funds by electronic means or has not
20 cashed or deposited any check or draft disbursed to the
21 insured in payment of the settlement funds.

22 5. If a settlement agreement is reached, and is not
23 rescinded, it shall act as a release of all specific claims
24 that were presented in the mediation conference. Any
25 subsequent claim under the policy shall be presented as a
26 separate claim.

379.3042. If the insured decides not to participate in
2 the mediation program or if the parties are unsuccessful at
3 resolving the claim, the insured may choose to proceed under
4 the appraisal process set forth in the insurance policy, by
5 litigation, or by any other dispute resolution procedure
6 available under Missouri law.

379.3045. If the insured rescinds a settlement
2 agreement in accordance with sections 379.3000 to 379.3055,
3 the director may review the settlement agreement to
4 determine if the agreement was fair to the parties to the
5 agreement. If the director, after completing a review and
6 within ten business days after receiving notice of the
7 rescission, deems that the settlement agreement was fair to
8 the parties, the insured, upon notice from the director, may

9 withdraw the rescission within five business days after
10 receipt of the order from the director, and the settlement
11 agreement is reinstated as if no rescission had taken
12 place. The director's review and findings shall not be
13 offered or accepted as evidence in any subsequent
14 proceedings brought under sections 379.3000 to 379.3055.

379.3050. 1. All statements made and documents
2 produced at a mediation conference shall be deemed
3 confidential settlement communications.

4 2. All documents and records produced or exchanged
5 prior to or during the mediation conference shall be
6 considered closed records under chapter 610. These
7 documents and records shall not be subject to subpoena.

8 3. No person who serves as administrator or mediator,
9 nor any agent or employee of that person, shall be
10 subpoenaed or otherwise compelled to disclose any matter
11 disclosed in the process of setting up or conducting the
12 mediation.

13 4. Any communication relating to the dispute made
14 during the resolution process by any party, the
15 administrator, mediator, or any other person present at the
16 mediation shall be a confidential communication. No
17 admission, representation, statement or other confidential
18 communication made in setting up or conducting the mediation
19 conference not otherwise discoverable or obtainable shall be
20 admissible as evidence nor shall it be subject to discovery.

21 5. If the director or an employee or designee of the
22 director attends a mediation proceeding, the director,
23 employee, or designee shall not be compelled to testify
24 about what transpired at the mediation or about any other
25 matter in connection with the mediation.

26 6. Nothing in this section shall be construed to
27 require either party to divulge legally privileged
28 information or documents.

379.3055. 1. The director shall promulgate all
2 necessary rules and regulations for the administration of
3 sections 379.3000 to 379.3055. Any rule or portion of a
4 rule, as that term is defined in section 536.010, that is
5 created under the authority delegated in this section shall
6 become effective only if it complies with and is subject to
7 all of the provisions of chapter 536 and, if applicable,
8 section 536.028. This section and chapter 536 are
9 nonseverable and if any of the powers vested with the
10 general assembly pursuant to chapter 536 to review, to delay
11 the effective date, or to disapprove and annul a rule are
12 subsequently held unconstitutional, then the grant of
13 rulemaking authority and any rule proposed or adopted after
14 August 28, 2026, shall be invalid and void.

15 2. The director shall establish emergency rules and
16 proposed rules including, but not limited to, the following:

17 (1) Fee schedules for the payment of moneys;
18 (2) The conduct of mediation conferences where the
19 rule is not in conflict with Missouri supreme court rule 17;
20 (3) A mediator advising the parties of the mediation
21 process and the parties' rights and duties in the process;
22 and

23 (4) Any other rule that the director believes is
24 required for the implementation of the mediation program.

25 3. The rules implemented under this section may be
26 amended as necessary, including emergency rules promulgated
27 under section 536.025, if a state of emergency has been
28 declared under section 44.100.

29 4. Sections 379.3000 to 379.3055 shall become
30 effective on January 1, 2027, and expire June 30, 2038.

1 379.3100. Sections 379.3100 to 379.3140 shall be known
2 and may be cited as the "Missouri Stronger Homes Act".

3 379.3105. For purposes of sections 379.3100 to
4 379.3040, except where otherwise provided, the following
5 terms mean:

6 (1) "Department", the department of commerce and
7 insurance;

8 (2) "Director", the director of the department;

9 (3) "Eligible property", a residential, single-family,
10 owner-occupied real property within this state;

11 (4) "Homeowner's policy", a homeowner's insurance
12 policy, a dwelling owner's insurance policy, or a
13 residential fire insurance policy covering real property
14 within this state. "Homeowner's policy" shall not include a
15 mobile homeowner's policy, a tenant's or renter's policy, or
16 a condo owner's policy;

17 (5) "Insured", the named insured under a residential
18 property insurance policy;

19 (6) "Insurer", all insurance companies, reciprocals,
20 and interinsurance exchanges licensed under this chapter,
21 and the property insurance inspection and placement program
22 (the "FAIR" Plan), issuing and renewing residential property
23 insurance policies;

24 (7) "Program", the Missouri stronger homes program
25 created under section 379.3110;

26 (8) "Risk reduction standards", guidelines and
27 technical specifications designed to minimize the likelihood
28 or impact of wind and hail weather events. Such standards
29 include but are not limited to the use of designated
30 construction materials and products which demonstrate
31 enhanced resistance to wind or hail, in addition to the
utilization of certain design, engineering, inspection,
installation methods, and other maintenance protocols

32 necessary to ensure the proper performance of materials and
33 products;

34 (9) "Residential property owner", any individual
35 person who holds legal title to real property that has been
36 improved by a dwelling structure intended for residential,
37 single-family occupancy.

2 379.3110. 1. There is hereby created within the
1 department the "Missouri Stronger Homes Program".

3 2. Sections 379.3100 to 379.3140 do not create an
4 entitlement for property owners or obligate this state to
5 fund the inspection, construction, or retrofitting of
6 residential property in this state.

7 3. Grant moneys shall be provided under sections
8 379.3100 to 379.3140 to assist Missouri residents in
9 retrofitting and constructing insurable properties to resist
10 loss due to tornado, other catastrophic windstorm events, or
11 hail.

12 4. Implementation of the program is subject to the
13 receipt of federal grants or funds from other sources of
14 grants or funds, including those funds specified in section
15 379.3115. The department shall use its best efforts to
16 obtain grants or funds from the federal government or other
17 funding sources to supplement the financial resources of the
18 program.

19 5. The program shall apply for financial grants to
20 construct or retrofit eligible property to resist damage due
21 to a tornado, other catastrophic windstorm events, or hail
22 as prescribed in section 379.3135.

23 6. The program may also make grants or funding
24 available to nonprofit entities for projects to construct or
25 retrofit insurable properties to resist loss due to tornado,
26 other catastrophic windstorm events, or hail if such grants
27 or funding to nonprofit entities are allowable under

28 Missouri law. A nonprofit entity shall agree to administer
29 the grants or funds in the same manner as the program is
30 required to administer grants or funds, and the nonprofit
31 entity shall provide documentation to the director in a
32 timely manner upon request.

33 7. All mitigation efforts shall be based upon the
34 securing of all required local permits and applicable
35 inspections in keeping with local building codes and the
36 risk reduction standards of this program. Mitigation
37 projects are subject to random reinspection of all projects.

38 8. The director shall establish a maximum grant award
39 amount by rule and adjust such amount as necessary to
40 reflect changes in construction costs. The maximum amount
41 of any grant awarded to an individual residential property
42 owner shall not exceed fifteen thousand dollars.

379.3115. 1. There is hereby created in the state
2 treasury the "Missouri Stronger Homes Fund", which shall
3 consist of moneys appropriated or collected under this
4 section.

5 2. The fund shall be a continuing fund, not subject to
6 fiscal year limitations, and shall consist of any moneys
7 deposited to the fund from the receipt of federal grants or
8 funds, or from other sources of grants or funds. All moneys
9 accruing to the credit of the fund are hereby appropriated
10 and may be budgeted and expended by the department of
11 commerce and insurance for the purpose of assisting the
12 Missouri stronger homes program in performing all duties
13 that relate to the program under sections 379.3100 to
14 379.3140. Expenditures from the fund shall be drawn by the
15 state treasurer, based on claims submitted by the
16 department, and filed with the office of administration.

17 3. Moneys collected under this section shall be
18 deposited in the fund. Moneys in this fund shall not lapse,

19 unless otherwise specified under federal funding or federal
20 grant, or a grant or funds from another source, or be
21 transferred to the insurance examination fund or general
22 revenue and shall not be redistributed.

23 4. Notwithstanding any other provision of the law to
24 the contrary, twelve million dollars shall be transferred
25 from the insurance dedicated fund established under section
26 374.150 and placed to the credit of the Missouri stronger
27 homes fund on July 1, 2027. Beginning July 1, 2028, and
28 annually thereafter until July 1, 2037, up to twenty percent
29 of the remaining balance in the insurance dedicated fund as
30 of June thirtieth of the preceding fiscal year, in an amount
31 not to exceed two million dollars in any one year, shall be
32 transferred to and placed to the credit of the Missouri
33 stronger homes fund.

34 5. The state treasurer shall be custodian of the fund
35 and shall approve disbursements from the fund in accordance
36 with sections 30.170 and 30.180. Upon appropriation, moneys
37 in the fund shall be used solely for the purposes of this
38 section. The state treasurer shall invest moneys in the
39 fund in the same manner as other funds are invested. Any
40 interest and moneys earned on such investments shall be
41 credited to the fund.

42 6. The provisions of this section shall expire on June
43 30, 2038.

44 7. Any moneys remaining in the Missouri stronger homes
45 fund at the expiration of the program on July 1, 2038, shall
46 revert and be transferred back to the insurance dedicated
47 fund established under section 374.150.

379.3120. 1. To be eligible for a grant under the
2 Missouri stronger homes program, residential property owners
3 applying for a grant shall meet the eligibility requirements
4 set forth by the director by rule for each grant type. The

5 requirements shall include, but are not limited to, the
6 following:

7 (1) The eligible property shall be located within this
8 state and shall be the primary residence of the applicant,
9 or, if new construction, the construction shall be located
10 within this state and the applicant shall provide other
11 documentation to demonstrate qualification for the grant, as
12 specified by rules promulgated by the director;

13 (2) The eligible property to be mitigated shall be an
14 owner-occupied, single-family, primary residence and cannot
15 be a condominium, multifamily dwelling, or a mobile home;

16 (3) The eligible property shall be in a livable
17 condition, safe for habitation or use, and otherwise
18 eligible for a certificate of residential occupancy, unless
19 damaged by a tornado, other catastrophic windstorm event, or
20 hail;

21 (4) The grant funds cannot be used for general
22 maintenance or repairs to the eligible property, but may be
23 used in conjunction with repairs or reconstruction
24 necessitated by damages from a tornado or other catastrophic
25 windstorm event or hail;

26 (5) A certified evaluator shall prequalify the
27 eligible property as mitigable and identify all improvements
28 required to achieve the risk reduction standard approved by
29 the director. The residential property owner shall select
30 the evaluator from a list provided by the director and shall
31 pay the evaluator's fee;

32 (6) The residential property owner shall obtain bids
33 from at least three certified contractors approved by the
34 director;

35 (7) The residential property owner shall construct or
36 retrofit the home to the risk reduction standard approved by
37 the director;

38 (8) The residential property owner shall provide proof
39 of an active, in-force homeowner's policy insuring against
40 wind and hail damage to the home, unless good cause is
41 demonstrated by the applicant; and

42 (9) If the eligible property is in a special flood
43 hazard area, the residential property owner shall provide
44 proof of an in-force flood insurance policy. The flood
45 policy may be from the National Flood Insurance Program
46 (NFIP) or a private insurer.

47 2. Grant applications shall be filed electronically
48 with the department in the form and manner prescribed by the
49 director, along with any applicable transaction fees.

50 3. Grant applications and documents, materials, and
51 other information submitted to the department by residential
52 property owners or insurers in support of a grant
53 application shall be closed records under chapter 610.
54 These records shall not be subject to open records requests,
55 subpoenas, and shall not be subject to discovery or be
56 admissible as evidence in any private civil action. The
57 director is authorized to use the documents, materials, or
58 other information in furtherance of any regulatory or legal
59 action brought as a part of the director's duties.

60 4. Grants to residential property owners shall be used
61 to construct or retrofit an eligible property to resist loss
62 due to a tornado or other catastrophic windstorm event or
63 hail as prescribed in the risk reduction standards adopted
64 by the director.

65 5. Retrofit projects should be completed within six
66 months of the date the residential property owner receives
67 notice of the grant approval. New construction shall be
68 completed within the time frame approved by the director.
69 Failure to complete the project within the prescribed time
70 frames may result in forfeiture of the grant.

71 6. Grant funds shall only be paid after a certificate
72 has been issued for the eligible property meeting the risk
73 reduction standard approved by the director. Grant funds
74 shall be paid by the department or another designated
75 agency, on behalf of the residential property owner,
76 directly to the contractor who performed the mitigation work.

77 7. Applications shall be accepted on a first-come,
78 first-served basis within each income tier established by
79 the director, with priority given to lower-income
80 applicants, applicants who live in locations that, based on
81 historical data, have a higher susceptibility to
82 catastrophic weather events, and applicants meeting any
83 other criteria the director determines are appropriate to
84 meet the purpose of the program.

85 8. Any entity providing funds to the program shall be
86 permitted to establish additional rules and guidelines under
87 which those funds may be used, as long as such rules and
88 guidelines do not violate any state or federal law.

89 9. The department may conduct random inspections of
90 funds, records, and properties to detect any fraud.

379.3125. 1. A residential property owner shall hire
2 a certified contractor who is capable of performing work
3 that satisfies the standards prescribed by this act and the
4 rules adopted thereto.

5 2. The department shall not endorse or otherwise
6 provide preferential treatment to any contractor.

7 3. A residential property owner is responsible for any
8 amount owed to a contractor that exceeds awarded grant
9 moneys.

10 4. To be eligible to work on a project funded by the
11 stronger homes program as a contractor, a contractor shall
12 meet all requirements including, but not limited to,
13 maintaining a current copy of all applicable certificates,

- 14 licenses, and proof of insurance coverages with the
15 department. In addition, a contractor shall:
- 16 (1) If required under Missouri law, hold a valid and
17 active contractor's license or registration in Missouri and
18 be free from all disciplinary action by any applicable
19 licensing board or boards;
- 20 (2) Be registered to do business in Missouri with the
21 secretary of state;
- 22 (3) Have a valid state tax identification number in
23 this state;
- 24 (4) Have an in-force general liability policy with at
25 least five hundred thousand dollars in liability coverage;
- 26 (5) Have workers' compensation and employer's
27 liability insurance in accordance with chapter 287;
- 28 (6) Successfully register as a vendor or supplier with
29 the office of administration;
- 30 (7) Maintain accurate contact information with the
31 Missouri stronger homes program;
- 32 (8) Agree to follow all procedures and rules as
33 prescribed by the director;
- 34 (9) Not have a financial interest in any project
35 funded by the Missouri stronger homes program for which the
36 contractor performs work other than receiving payment on
37 behalf of the residential property owner from the program
38 and shall report to the program any potential conflicts of
39 interest before work commences;
- 40 (10) Not be an evaluator for any project funded by the
41 program; and
- 42 (11) Any other requirements as specified by the
43 director by rule.

2 379.3130. To be eligible to work on a project funded
by the stronger homes program as an evaluator, the evaluator

3 shall meet all requirements including, but not limited to,
4 the following:

5 (1) Maintaining a current copy of all applicable
6 certificates and licenses with the program office;

7 (2) Agreeing to follow the program's procedures and
8 rules as prescribed by the director;

9 (3) Maintaining accurate contact information with the
10 program;

11 (4) Not having any financial interest in any project
12 that the evaluator inspects for designation purposes for the
13 stronger homes program;

14 (5) Not being a contractor or supplier of any
15 materials or products or systems installed in any home the
16 evaluator inspects for designation purposes for the stronger
17 homes program;

18 (6) Not being a sales agent or realtor for any home
19 being designated for the stronger homes program;

20 (7) Informing the program of any potential conflicts
21 of interest; and

22 (8) Any other requirements as specified by the
23 director by rule.

379.3135. 1. For homeowner's insurance policies
2 issued, continued, or renewed on or after January 1, 2027,
3 insurers shall provide a premium discount or insurance rate
4 reduction in an amount and manner as specified in this
5 section.

6 2. A premium discount or rate reduction shall be
7 available under the terms specified in this section to any
8 insured who retrofits the eligible property located in this
9 state to resist loss due to tornado, other catastrophic
10 windstorm events, or hail.

11 3. Insurers shall be required to offer a premium
12 discount or rate reduction only when the insurer has deemed

13 the adjustments to be actuarially justified and there is
14 sufficient and credible evidence of cost savings, which can
15 be attributed to the construction standards set forth in
16 this section.

17 4. Insurers may also offer additional adjustments in
18 deductible, other risk differentials, or a combination
19 thereof, collectively referred to as other adjustments.

20 5. To obtain the premium discount, rate reduction, or
21 other adjustment provided in this section, an eligible
22 property shall be retrofitted to the risk reduction
23 standards adopted by the director. An eligible property
24 shall be certified as conforming to the risk reduction
25 standards only after evaluation and certification by an
26 evaluator as specified in section 379.3130.

27 6. An insured claiming a premium discount, rate
28 reduction, or other adjustment under this section shall
29 maintain sufficient certification records and construction
30 records for the eligible property, including, but not
31 limited to, a certification of compliance with the risk
32 reduction standards adopted by the director, receipts from
33 contractors, and receipts for materials. Copies of the
34 certification and construction records shall be presented to
35 the insurer or potential insurer of an eligible property
36 before the premium discount, rate reduction, or other
37 adjustment becomes effective for the eligible property.

38 7. Insurers that write homeowner's insurance policies
39 that are subject to the premium discount or rate reduction
40 in this section shall submit rating plans under section
41 379.321, accompanied by actuarial justification
42 substantiating the premium discounts or rate reductions
43 described in this section. A premium discount, rate
44 reduction, or other adjustment shall apply only to policies
45 that provide wind or hail coverage. A premium discount,

46 rate reduction, or other adjustment shall apply only to the
47 premium representative of wind or hail damage to eligible
48 property.

49 8. If an insurer already offers an actuarially
50 justified hail resistance discount, that hail-related
51 discount shall be deemed as having met the requirements of
52 sections 379.3100 to 379.3140 as it pertains to hail-related
53 discounts or rate reductions and no additional hail-related
54 discount or rate reduction shall be required.

55 9. If an insurer already offers an actuarially
56 justified discount for meeting risk reduction standards,
57 that discount shall be deemed as having met the requirements
58 of this act as it pertains to wind-related discounts or rate
59 reductions and no additional wind-related discount or rate
60 reduction shall be required.

61 10. Insurers shall apply the premium discount, rate
62 reduction, or other adjustment to the premium at the policy
63 renewal that follows the submission of the certification to
64 the insurer. At the time of a policy renewal for which a
65 premium discount, rate reduction, or other adjustment has
66 previously been made, the insurer may request documentation
67 or recertification that the risk reduction standards as
68 described in this section continue to be met.

69 11. In addition to the requirements of this section,
70 an insurer may voluntarily offer any other mitigation
71 adjustment that the insurer deems appropriate.

379.3140. 1. The director may promulgate all
2 necessary rules and regulations for the administration of
3 sections 379.3100 to 379.3140, including, but not limited
4 to, establishing the risk reduction standards, specifying
5 instructions or requirements on grants and funds received by
6 the department, and establishing other requirements relating
7 to eligibility and certifications. Any rule or portion of a

8 rule, as that term is defined in section 536.010, that is
9 created under the authority delegated in this section shall
10 become effective only if it complies with and is subject to
11 all of the provisions of chapter 536 and, if applicable,
12 section 536.028. This section and chapter 536 are
13 nonseverable and if any of the powers vested with the
14 general assembly pursuant to chapter 536 to review, to delay
15 the effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of
17 rulemaking authority and any rule proposed or adopted after
18 August 28, 2026, shall be invalid and void.

19 2. Sections 379.3100 to 379.3140 shall expire on June
20 30, 2038.

380.661. Any company operating under the provisions of
2 sections 380.011 to 380.151 and sections 380.201 to 380.611
3 shall comply with the provisions of sections 379.3000 to
4 379.3055.

380.671. 1. Any company operating under the
2 provisions of sections 380.011 to 380.151 and sections
3 380.201 to 380.611 may develop programs eligible for
4 financial grants under the provisions of sections 379.3100
5 to 379.3140.

6 2. Any company operating under the provisions of
7 sections 380.011 to 380.151 and sections 380.201 to 380.611
8 shall not be required to submit rating plans under section
9 379.321, or otherwise submit actuarial justifications
10 substantiating any discount or rate associated with the
11 program described in sections 379.3100 to 379.3140.

383.155. 1. A joint underwriting association may be
2 created, or directed to resume operations, upon
3 determination by the director after a public hearing that
4 medical malpractice liability insurance is not reasonably
5 available for health care providers in the voluntary

6 market. The association shall contain as members all
7 companies authorized to write and engaged in writing, on a
8 direct basis, any insurance or benefit, the premium for
9 which is included under the definition of "net direct
10 premiums". Membership in the association shall be a
11 condition of continued authority to do business in this
12 state.

13 2. A plan of operation shall be adopted to be
14 effective concurrently with the effective date of the
15 association.

16 3. The association shall, pursuant to the provisions
17 of sections 383.150 to 383.195 and the plan of operation,
18 with respect to medical malpractice insurance, have the
19 authority on behalf of its members:

20 (1) To issue, or to cause to be issued, policies of
21 insurance to applicants, including incidental coverages and
22 subject to limits as specified in the plan of operation but
23 not to exceed one million dollars for each claimant under
24 one policy and three million dollars for all claimants under
25 one policy in any one policy year;

26 (2) To underwrite such insurance and to adjust and pay
27 losses with respect thereto, or to appoint a service company
28 to perform those functions;

29 (3) To assume reinsurance from its members; and

30 (4) To cede reinsurance.

31 4. Within forty-five days following the creation of
32 the association, the directors of the association shall
33 submit to the director for his or her review, a proposed
34 plan of operation, consistent with the provisions of
35 sections 383.150 to 383.195.

36 5. The plan of operation shall provide for economic,
37 fair and nondiscriminatory administration and for the prompt
38 and efficient distribution of medical malpractice insurance,

39 and shall contain other provisions including, but not
40 limited to, preliminary assessment of all members for
41 initial expenses to commence operations, establishment of
42 necessary facilities, management of the association,
43 assessment of members to defray losses and expenses,
44 reasonable and objective underwriting standards, acceptance
45 and cession of reinsurance, appointment of a servicing
46 company and procedures for determining amounts of insurance
47 to be provided by the association. The preliminary
48 assessment shall be an advance to be recouped under the
49 provisions of subsection 5 of section 383.160.

50 6. The composition of the board and the terms of
51 directors of the board shall be established by the plan of
52 operation.

53 7. The plan of operation shall be subject to approval
54 by the director after consultation with the members of the
55 association, representatives of the public and other
56 affected individuals and organizations. If the director
57 disapproves all or any part of the proposed plan of
58 operation, the directors shall within fifteen days submit
59 for review a revised plan of operation. If the directors
60 fail to do so, the director shall promulgate a plan of
61 operation or part thereof, as the case may be. The plan of
62 operation approved or promulgated by the director shall
63 become effective and operational upon his or her order.

64 8. Amendments to the plan of operation may be made by
65 the directors of the association, subject to the approval of
66 the director or shall be made at his direction.

67 9. There shall be no liability imposed on the part of
68 and no cause of action of any nature shall arise against any
69 member insurer or any member of the board of directors for
70 any omission or action taken by them in the performance of
71 their powers and duties under sections 383.150 to 383.195.

72 10. (1) The directors of the board may suspend the
73 operations of the association if the directors determine
74 that medical malpractice insurance is reasonably available
75 to health care providers in the voluntary market if there
76 are two or fewer individual physicians insured annually for
77 at least two consecutive years.

78 (2) Suspension of operations of the association is to
79 be in accordance with its plan of operation, or any
80 amendment thereto. The plan of operation shall establish
81 the process for suspension of operations and shall include
82 provisions for the administration of association funds until
83 the director determines either to resume operations under
84 subsection 1 of this section, or to terminate operations in
85 compliance with section 383.195.

86 (3) During any period of suspension, the association
87 shall not collect dues or fees from its members unless and
88 until the director authorizes an assessment or authorizes
89 the resumption of operations as provided herein.

90 (4) As used in this section, "reasonably available"
91 shall mean that medical malpractice insurance products are
92 offered to health care providers through voluntary markets
93 by insurance carriers in the ordinary course of business.