

HOUSE BILL No. 2189

By Committee on Judiciary

1-24

9 AN ACT concerning attorney fees; amending K.S.A. 40-908 and repeal-
10 ing the existing section.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 40-908 is hereby amended to read as follows: 40-
14 908. ~~That~~ *Except as provided further*, in all actions now pending, or here-
15 after commenced in which judgment is rendered against any insurance
16 company on ~~any~~ a policy given to insure any property in this state against
17 loss by fire, tornado, lightning or hail, the court in rendering such judg-
18 ment shall allow the plaintiff a reasonable sum as ~~an attorney's fee~~ *attor-*
19 *ney fees* for services in such action including proceeding upon appeal to
20 be recovered and collected as a part of the costs: ~~Provided, however, That~~
21 *if the actual loss in such action occurred by fire, tornado, lightning or*
22 *hail*. When a tender is made by such insurance company before the com-
23 mencement of the action in which judgment is rendered and the amount
24 recovered is not in excess of such tender no such costs shall be allowed.

25 Sec. 2. K.S.A. 40-908 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.