

SECOND REGULAR SESSION

# HOUSE BILL NO. 1671

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WIELAND.

5196L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 379.140, RSMo, and to enact in lieu thereof one new section relating to insurance payments for covered loss or damage.

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

Section A. Section 379.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 379.140, to read as follows:

379.140. In all suits brought upon policies of insurance against loss or damage by [fire] **any peril covered under the terms of the policy** 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; and in case of total loss of the property insured, the measure of damage shall be the amount for which the same was insured, less whatever depreciation in value, below the amount for which the property is insured, the property may have sustained between the time of issuing the policy and the time of the loss, and the burden of proving such depreciation shall be upon the defendant; and in case of partial loss, the measure of damage shall be that portion of the value of the whole property insured, ascertained in the manner prescribed in this chapter, which the part injured or destroyed bears to the whole property insured.

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.