

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1568

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LUETKENHAUS.

Read 1st time January 22, 2002, and 1000 copies ordered printed.

Read 2nd time January 23, 2002, and referred to the Committee on Insurance, February 7, 2002.

Reported from the Committee on Insurance March 4, 2002, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 14, 2002.

TED WEDEL, Chief Clerk

4070L.01P

AN ACT

To repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

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

Section A. Section 375.330, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 375.330, to read as follows:

375.330. 1. No insurance company formed under the laws of this state shall be permitted to purchase, hold or convey real estate, excepting for the purpose and in the manner herein set forth, to wit:

(1) Such as shall be necessary for its accommodation in the transaction of its business; provided that before the purchase of real estate for any such purpose, the approval of the director of the department of insurance must be first had and obtained, and in no event shall the [value of such real estate, together with all appurtenances thereto, purchased] **initial investment in such real estate, together with the cost of improvements located or constructed on such real estate, acquired or held** for such purpose:

(a) If a stock company, exceed the amount of its capital stock;

(b) If a fire or casualty company, but not a stock company, exceed sixty percent of its surplus or ten percent of its admitted assets, as shown by its last annual statement preceding the

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

13 date of acquisition, as filed with the director of the department of insurance, whichever is the
14 lesser; or

15 (c) If any other type or kind of insurance company, exceed sixty percent of its surplus
16 or five percent of its admitted assets, as shown by its last annual statement, whichever is the
17 lesser; or

18 (2) Such as shall have been mortgaged in good faith by way of security for loans
19 previously contracted, or for moneys due; or

20 (3) Such as shall have been conveyed to it in satisfaction of debts contracted in the
21 course of its dealings; or

22 (4) Such as shall have been purchased at sales upon the judgments, decrees or mortgages
23 obtained or made for such debts; or

24 (5) Such as shall be necessary and proper for carrying on its legitimate business under
25 the provisions of the Urban Redevelopment Corporations Act; or

26 (6) Such as shall have been acquired under the provisions of the Urban Redevelopment
27 Corporations Act permitting such company to purchase, own, hold or convey real estate; or

28 (7) Such real estate, or any interest therein, as may be acquired or held by it by purchase,
29 lease or otherwise, as an investment for the production of income, which real estate or interest
30 therein may thereafter be held, improved, developed, maintained, managed, leased, sold or
31 conveyed by it as real estate necessary and proper for carrying on its legitimate business; or

32 (8) A reciprocal or interinsurance exchange may, in its own name, purchase, sell,
33 mortgage, hold, encumber, lease, convey, or otherwise affect the title to real property for the
34 purposes and objects of the reciprocal or interinsurance exchange. Such deeds, notes, mortgages
35 or other documents relating to real property may be executed by the attorney in fact of the
36 reciprocal or interinsurance exchange. This provision shall be retroactive and shall apply to real
37 estate owned or sold by a reciprocal insurer prior to August 28, 1990.

38 2. The investments acquired under subdivision (7) of subsection 1 of this section may
39 be in either existing or new business or industrial properties, or for new residential properties or
40 new housing purposes.

41 3. Provided, no such insurance company shall invest more than ten percent of its
42 admitted assets, as shown by its last annual statement preceding the date of acquisition, as filed
43 with the director of the department of insurance of the state of Missouri, in the total amount of
44 real estate acquired under subdivision (7) of subsection 1, nor more under subdivision (7) of
45 subsection 1 than one percent of its admitted assets or ten percent of its capital and surplus,
46 whichever is greater, in any one property, nor more under subdivision (7) of subsection 1 than
47 one percent of its admitted assets or ten percent of its capital and surplus, whichever is greater,
48 in total properties leased or rented to any one individual, partnership or corporation.

49 4. It shall not be lawful for any company incorporated as aforesaid to purchase, hold or
50 convey real estate in any other case or for any other purpose; and all such real estate acquired in
51 payment of a debt, by foreclosure or otherwise, and real estate exchanged therefor, shall be sold
52 and disposed of within ten years after such company shall have acquired absolute title to the
53 same, unless the company owning such real estate or interest therein shall elect to hold it
54 pursuant to subdivision (7) of subsection 1.

55 5. The director of the department of insurance may, for good cause shown, extend the
56 time for holding such real estate acquired in paying of a debt, by foreclosure or otherwise, and
57 real estate exchanged therefor, and not held by the company under subdivision (7) of subsection
58 1, for such period as he may find to be to the best interests of the policyholders of said company.

59 6. If a life insurance company depositing under section 376.170, RSMo, becomes the
60 owner of real estate pursuant to this section, the company may execute its own deed for the real
61 estate to the director of the department of insurance, as trustee. The deed may be deposited with
62 the director as proper security, under and according to the provisions of sections 376.010 to
63 376.670, RSMo, the value to be subject to the approval of the director.