

515.101 Conditions and stipulations invalidating policy avoidance pleadings applicability.

1. Any condition or stipulation in an application, policy, or contract of insurance making the policy void before the loss occurs shall not prevent recovery on the policy by the insured, if the plaintiff shows that the failure to observe such provision or the violation thereof did not contribute to the loss.

2. Any such condition or stipulation in an application, policy, or contract of insurance that refers to any of the following shall not be changed or affected by the provisions of subsection 1:

a. Any other insurance, valid or invalid.

b. Vacancy of the insured premises.

c. The title or ownership of the property insured.

d. Liens or encumbrances on the property insured created by the voluntary act of the insured and within the insured's control.

e. Suspension or forfeiture of the policy during default or failure to pay any written obligation given to the insurance company for the premium.

f. The assignment or transfer of such policy of insurance before the loss occurs without the consent of the insurance company.

g. The removal of the property insured.

h. A change in the occupancy or use of the property insured, if such change or use makes the risk more hazardous.

i. The fraud of the insured in the procurement of the contract of insurance.

3. Subsections 1 and 2 shall not be construed to change limitations or restrictions related to the pleading or proving of any defense by any insurance company to which the company is subject by law.

4. The provisions of subsections 1, 2, and 3 apply to all contracts of insurance on real and personal property.

[C97, § 1743; S13, § 1743; C24, 27, 31, 35, 39, § **8980**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 515.101]

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