

276. (Attorney Fees.) In any action against an unauthorized foreign or alien insurer upon a contract of insurance issued or delivered in this state to a resident thereof or to a corporation authorized to do business therein, if the insurer has failed for thirty days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was vexatious and without reasonable cause, the court may allow to the plaintiff a reasonable attorney fee and include such fee in any judgment that may be rendered in such action. Such fee shall not exceed twelve and one-half per cent of the amount which the court or jury finds the plaintiff is entitled to recover against the insurer, but in no event shall such fee be less than twenty-five dollars. Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

277. The provisions of this Article shall not apply to any action, suit or proceeding against any unauthorized foreign or alien insurer arising out of a contract of

- (a) Reinsurance of the liability of an admitted insurer;
- (b) Insurance against perils of navigation, transit or transportation upon hulls, freights or disbursements, or other ship owner interest; upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from or importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination and including war risks; and marine builder's risks, dry docks and marine railways, including insurance of ship repairer's liability, and protection and indemnity insurance, but excluding insurance covering bridges or tunnels.
- (c) Aircraft insurance;
- (d) Insurance on property or operations of railroads engaged in interstate commerce;
- (e) Insurance effectuated in accordance with Section 97 of this Article; or
- (f) Insurance against legal liability arising out of the ownership, operation or maintenance of any property having a permanent situs outside of this state; or
- (g) Insurance against loss of or damage to any property having a permanent situs outside this state where