

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 493

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO PRODUCT LIABILITY; AMENDING CHAPTER 14, TITLE 6, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 6-1411, IDAHO CODE, TO PROVIDE THAT A MAN-
3 UFACTURER SHALL NOT BE LIABLE IF THE CLAIMANT FAILS TO PROVE BY A PREPON-
4 DERANCE OF THE EVIDENCE THAT THE DEFENDANT MANUFACTURED, OR HAD MANU-
5 FACTURED ON HIS BEHALF, THE ACTUAL PRODUCT THAT WAS THE CAUSE OF HARM FOR
6 WHICH THE CLAIMANT SEEKS TO RECOVER COMPENSATORY DAMAGES.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 14, Title 6, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 6-1411, Idaho Code, and to read as follows:

12 6-1411. PRODUCT LIABILITY -- PRODUCT IDENTIFICATION. Notwithstanding
13 any other provision of law, in any civil action for harm caused by a product,
14 irrespective of the substantive theory or theories underlying the claim, a
15 manufacturer shall not be liable if the claimant fails to prove by a prepon-
16 derance of the evidence that the defendant manufactured, or had manufactured
17 on his behalf, the actual product that was the cause of harm for which the
18 claimant seeks to recover compensatory damages.