

IN THE SENATE

SENATE BILL NO. 1176

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO COMMON LAW; AMENDING SECTION 73-116, IDAHO CODE, TO PROVIDE FOR
3 THE APPLICATION OF CERTAIN LEGAL AUTHORITY AND TO PROVIDE THAT A CERTAIN
4 RESTATEMENT OF THE LAW SHALL NOT BE RECOGNIZED.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 73-116, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 73-116. COMMON LAW IN FORCE. (1) The common law of England, so far as
9 it is not repugnant to, or inconsistent with, the constitution or laws of the
10 United States, in all cases not provided for in these compiled laws, is the
11 rule of decision in all courts of this state.

12 (2) In any action governed by the law of this state concerning the
13 rights and obligations arising in connection with, under, or from a liabil-
14 ity insurance policy, the constitution of the United States and the consti-
15 tution of the state of Idaho, the law expressed in the statutes and rules of
16 this state, and the common law and case law precedent from this state shall
17 apply. The American law institute's "Restatement of the Law, Liability In-
18 surance" is not a source of Idaho law and shall not be afforded recognition as
19 an authoritative reference regarding Idaho's liability insurance law.