

1 ENGROSSED SENATE
2 BILL NO. 887

By: Anderson of the Senate

3 and

4 Carey of the House

5
6 [civil procedure - Uniform Foreign-Country Money
7 Judgments Recognition Act - codification - repealer -
8 effective date]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 718.1 of Title 12, unless there
13 is created a duplication in numbering, reads as follows:

14 This act shall be known and may be cited as the "Uniform
15 Foreign-Country Money Judgments Recognition Act".

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 718.2 of Title 12, unless there
18 is created a duplication in numbering, reads as follows:

19 As used in the Uniform Foreign-Country Money Judgments
20 Recognition Act:

21 1. "Foreign country" means a government other than:

22 a. the United States,

23 b. a state, district, commonwealth, territory, or insular
24 possession of the United States, or

1 c. any other government with regard to which the decision
2 in this state as to whether to recognize a judgment of
3 the courts of that government is initially subject to
4 determination under the Full Faith and Credit Clause
5 of the United States Constitution; and

6 2. "Foreign-country judgment" means a judgment of a court of a
7 foreign country.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 718.3 of Title 12, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Except as otherwise provided in subsection B of this
12 section, the Uniform Foreign-Country Money Judgments Recognition Act
13 applies to a foreign-country judgment to the extent that the
14 judgment:

15 1. Grants or denies recovery of a sum of money; and

16 2. Under the law of the foreign country where rendered, is
17 final, conclusive, and enforceable.

18 B. The Uniform Foreign-Country Money Judgments Recognition Act
19 does not apply to a foreign-country judgment, even if the judgment
20 grants or denies recovery of a sum of money, to the extent that the
21 judgment is:

22 1. A judgment for taxes;

23 2. A fine or other penalty; or
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1 3. A judgment for divorce, support, or maintenance, or other
2 judgment rendered in connection with domestic relations.

3 C. A party seeking recognition of a foreign-country judgment
4 has the burden of establishing that the Uniform Foreign-Country
5 Money Judgments Recognition Act applies to the foreign-country
6 judgment.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 718.4 of Title 12, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Except as otherwise provided in subsections B and C of this
11 section, a court of this state shall recognize a foreign-country
12 judgment to which the Uniform Foreign-Country Money Judgments
13 Recognition Act applies.

14 B. A court of this state may not recognize a foreign-country
15 judgment if:

16 1. The judgment was rendered under a judicial system that does
17 not provide impartial tribunals or procedures compatible with the
18 requirements of due process of law;

19 2. The foreign court did not have personal jurisdiction over
20 the defendant; or

21 3. The foreign court did not have jurisdiction over the subject
22 matter.

23 C. A court of this state need not recognize a foreign-country
24 judgment if:

- 1 1. The defendant in the proceeding in the foreign court did not
2 receive notice of the proceeding in sufficient time to enable the
3 defendant to defend;
- 4 2. The judgment was obtained by fraud that deprived the losing
5 party of an adequate opportunity to present its case;
- 6 3. The judgment or the cause of action on which the judgment is
7 based is repugnant to the public policy of this state or of the
8 United States;
- 9 4. The judgment conflicts with another final and conclusive
10 judgment;
- 11 5. The proceeding in the foreign court was contrary to an
12 agreement between the parties under which the dispute in question
13 was to be determined otherwise than by proceedings in that foreign
14 court;
- 15 6. In the case of jurisdiction based only on personal service,
16 the foreign court was a seriously inconvenient forum for the trial
17 of the action;
- 18 7. The judgment was rendered in circumstances that raise
19 substantial doubt about the integrity of the rendering court with
20 respect to the judgment; or
- 21 8. The specific proceeding in the foreign court leading to the
22 judgment was not compatible with the requirements of due process of
23 law.

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1 D. A party resisting recognition of a foreign-country judgment
2 has the burden of establishing that a ground for nonrecognition
3 stated in subsection B or C of this section exists.

4 SECTION 5. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 718.5 of Title 12, unless there
6 is created a duplication in numbering, reads as follows:

7 A. A foreign-country judgment may not be refused recognition
8 for lack of personal jurisdiction if:

9 1. The defendant was served with process personally in the
10 foreign country;

11 2. The defendant voluntarily appeared in the proceeding, other
12 than for the purpose of protecting property seized or threatened
13 with seizure in the proceeding or of contesting the jurisdiction of
14 the court over the defendant;

15 3. The defendant, before the commencement of the proceeding,
16 had agreed to submit to the jurisdiction of the foreign court with
17 respect to the subject matter involved;

18 4. The defendant was domiciled in the foreign country when the
19 proceeding was instituted or was a corporation or other form of
20 business organization that had its principal place of business in,
21 or was organized under the laws of, the foreign country;

22 5. The defendant had a business office in the foreign country
23 and the proceeding in the foreign court involved a cause of action
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1 arising out of business done by the defendant through that office in
2 the foreign country; or

3 6. The defendant operated a motor vehicle or airplane in the
4 foreign country and the proceeding involved a cause of action
5 arising out of that operation.

6 B. The list of bases for personal jurisdiction in subsection A
7 of this section is not exclusive. The courts of this state may
8 recognize bases of personal jurisdiction other than those listed in
9 subsection A of this section as sufficient to support a foreign-
10 country judgment.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 718.6 of Title 12, unless there
13 is created a duplication in numbering, reads as follows:

14 A. If recognition of a foreign-country judgment is sought as an
15 original matter, the issue of recognition shall be raised by filing
16 an action seeking recognition of the foreign-country judgment.

17 B. If recognition of a foreign-country judgment is sought in a
18 pending action, the issue of recognition may be raised by
19 counterclaim, cross-claim, or affirmative defense.

20 SECTION 7. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 718.7 of Title 12, unless there
22 is created a duplication in numbering, reads as follows:

23 If the court in a proceeding under Section 6 of this act finds
24 that the foreign-country judgment is entitled to recognition under

1 the Uniform Foreign-Country Money Judgments Recognition Act then, to
2 the extent that the foreign-country judgment grants or denies
3 recovery of a sum of money, the foreign-country judgment is:

4 1. Conclusive between the parties to the same extent as the
5 judgment of a sister state entitled to full faith and credit in this
6 state would be conclusive; and

7 2. Enforceable in the same manner and to the same extent as a
8 judgment rendered in this state.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 718.8 of Title 12, unless there
11 is created a duplication in numbering, reads as follows:

12 If a party establishes that an appeal from a foreign-country
13 judgment is pending or will be taken, the court may stay any
14 proceedings with regard to the foreign-country judgment until the
15 appeal is concluded, the time for appeal expires, or the appellant
16 has had sufficient time to prosecute the appeal and has failed to do
17 so.

18 SECTION 9. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 718.9 of Title 12, unless there
20 is created a duplication in numbering, reads as follows:

21 An action to recognize a foreign-country judgment must be
22 commenced within the earlier of the time during which the foreign-
23 country judgment is effective in the foreign country or fifteen (15)

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1 years from the date that the foreign-country judgment became
2 effective in the foreign country.

3 SECTION 10. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 718.10 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 In applying and construing the Uniform Foreign-Country Money
7 Judgments Recognition Act, consideration must be given to the need
8 to promote uniformity of the law with respect to its subject matter
9 among states that enact it.

10 SECTION 11. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 718.11 of Title 12, unless there
12 is created a duplication in numbering, reads as follows:

13 The Uniform Foreign-Country Money Judgments Recognition Act does
14 not prevent the recognition under principals of comity or otherwise
15 of a foreign-country judgment not within the scope of the Uniform
16 Foreign-Country Money Judgments Recognition Act.

17 SECTION 12. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 718.12 of Title 12, unless there
19 is created a duplication in numbering, reads as follows:

20 The Uniform Foreign-Country Money Judgments Recognition Act
21 applies to all actions commenced on or after the effective date of
22 the Uniform Foreign-Country Money Judgments Recognition Act in which
23 the issue of recognition of a foreign-country judgment is raised.

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1 SECTION 13. REPEALER 12 O.S. 2001, Sections 710, 711,
2 712, 713, 714, 715, 716, 717, and 718, are hereby repealed.

3 SECTION 14. This act shall become effective November 1, 2009.
4 Passed the Senate the 26th day of February, 2009.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2009.

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Presiding Officer of the House
of Representatives

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