

BILL SUMMARY
1st Session of the 52nd Legislature

Bill No.:	SB 887
Version:	Engrossed
Author:	Representative Carey Senator Anderson
Date:	March 16, 2009
Impact:	\$0

Bill Summary

The engrossed version of SB887 repeals the old version of Uniform Foreign Money-Judgments Recognition Act – adopted in Oklahoma in 1994 – and replaces it with a new version. The new version has been updated to reflect the increase in international trade and the litigation that has accompanied it.

The Foreign Money-Judgments Recognition Act provides for the enforcement of foreign country judgments in a state court in the United States.

The primary differences between the current law in Oklahoma and the new, proposed law are:

- The new Act expressly provides that a party seeking recognition of a foreign judgment has the burden to prove that the judgment is subject to the Uniform Act. Burden of proof is not addressed in current Oklahoma law;
- Conversely, the new Act imposes the burden of proof for establishing a specific ground for non-recognition upon the party raising it. Again, burden of proof is not addressed in current Oklahoma law;
- The new Act addresses the specific procedure for seeking enforcement. If recognition is sought as an original matter, the party seeking recognition must file an action in the court to obtain recognition. If recognition is sought in a pending action, it may be filed as a counter-claim, cross-claim or affirmative defense in the pending action. Current Oklahoma law does not address the procedure to obtain recognition at all, leaving that to other state law;
- Finally, the new Act provides a statute of limitations on enforcement of a foreign-country judgment. If the judgment cannot be enforced any longer in the country of origin, it may not be enforced in a court of an enacting state. If there is no limitation on enforcement in the country of origin, the judgment becomes unenforceable in an enacting state after 15 years from the time the judgment is effective in the country of origin.

Source: Uniform Law Commission

Fiscal Summary

Fiscal Analyst: Marilyn Anderson

Engrossed SB 887 creates the Uniform Foreign-Country Money Judgments Recognition Act.

Fiscal Analysis

Engrossed SB 887 in its current form has no significant fiscal impact.

Long Term Fiscal Considerations

None

Fiscal Analysis Reviewed By:

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