

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1552

By: Kern

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5  
6 AS INTRODUCED

7 An Act relating to foreign law; stating legislative  
8 findings pertaining to certain rights and privileges;  
9 defining term; declaring certain rulings and  
10 decisions to be in violation of public policy; making  
11 certain rulings and decisions void and unenforceable;  
12 declaring certain contracts and contractual  
13 provisions to be in violation of public policy;  
14 making certain contracts and contractual provisions  
15 void and unenforceable; requiring denial of certain  
16 motions relating to venue; providing for  
17 codification; and providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 20 of Title 12, unless there is  
21 created a duplication in numbering, reads as follows:

22 A. The Legislature fully recognizes the right to contract  
23 freely under the laws of this state, and also recognizes that this  
24 right may be reasonably and rationally circumscribed pursuant to the  
state's interest to protect and promote rights and privileges  
granted under the United States or Oklahoma Constitution.

1 B. As used in this section, "foreign law, legal code, or  
2 system" means any law, rule, legal code, or system of a jurisdiction  
3 outside of any state or territory of the United States, including,  
4 but not limited to, international organizations and tribunals, and  
5 applied by that jurisdiction's courts, administrative bodies, or  
6 other formal or informal tribunals.

7 C. Any court, arbitration, tribunal, or administrative agency  
8 ruling or decision shall violate the public policy of this state and  
9 be void and unenforceable if the court, arbitration, tribunal, or  
10 administrative agency bases its rulings or decisions in the matter  
11 at issue in whole or in part on any law, rule, legal code or system  
12 that would not grant the parties affected by the ruling or decision  
13 the same fundamental liberties, rights, and privileges granted under  
14 the United States and Oklahoma Constitutions.

15 D. A contract, or contractual provision if capable of  
16 segregation from the contract as a whole, which provides for the  
17 choice of a law, legal code or system to govern some or all of the  
18 disputes between the parties adjudicated by a court of law or by an  
19 arbitration panel arising from the contract mutually agreed upon  
20 shall violate the public policy of this state and be void and  
21 unenforceable if the law, legal code or system chosen includes or  
22 incorporates any substantive or procedural law, as applied to the  
23 dispute at issue, that would not grant the parties the same  
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1 fundamental liberties, rights, and privileges granted under the  
2 United States and Oklahoma Constitutions.

3 E. A contract, or contractual provision if capable of  
4 segregation from the contract as a whole, which provides for a  
5 jurisdiction for purposes of granting the courts or arbitration  
6 panels in personam jurisdiction over the parties to adjudicate any  
7 disputes between parties arising from the contract mutually agreed  
8 upon shall violate the public policy of this state and be void and  
9 unenforceable if the jurisdiction chosen includes any law, legal  
10 code or system, as applied to the dispute at issue, that would not  
11 grant the parties the same fundamental liberties, rights, and  
12 privileges granted under the United States and Oklahoma  
13 Constitutions.

14 F. If a resident of this state, subject to personal  
15 jurisdiction in this state, seeks to maintain litigation,  
16 arbitration, agency or similarly binding proceedings in this state  
17 and if the courts of this state find that granting a claim of forum  
18 non conveniens or a related claim violates or would likely violate  
19 the fundamental liberties, rights, and privileges granted under the  
20 United States and Oklahoma Constitutions of the nonclaimant in the  
21 foreign forum with respect to the matter in dispute, then it is the  
22 public policy of this state that the claim shall be denied.

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SECTION 2. This act shall become effective November 1, 2011.

53-1-5240 SD 01/17/11