

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1060

By: Kern of the House

5 and

6 Stanislawski of the Senate

7  
8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to civil procedure; defining terms;  
11 declaring certain rulings and decisions to be in  
12 violation of public policy and making such rulings  
13 and decisions void and unenforceable; declaring  
14 certain contracts and contractual provisions to be in  
15 violation of public policy and making such contracts  
16 and contractual provisions void and unenforceable;  
17 requiring denial of certain motions relating to  
18 venue; excluding certain legal entities from scope of  
19 law; providing for interpretation of law; providing  
20 for codification; and providing an effective date.

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

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

A. As used in this section:

1 1. "Foreign law" means any law, legal code, or system of a  
2 jurisdiction outside of any state or territory of the United States,  
3 including, but not limited to, international organizations and  
4 tribunals, and applied by that jurisdiction's courts, administrative  
5 bodies, or other formal or informal tribunals. For the purposes of  
6 this section, foreign law shall not mean, nor shall it include, any  
7 laws of the federally recognized American Indian tribes or nations  
8 in this state or territory of the United States;

9 2. "Court" means any court, board, administrative agency, or  
10 other adjudicative or enforcement authority of this state; and

11 3. "Religious organization" means any church, seminary,  
12 synagogue, temple, mosque, religious order, religious corporation,  
13 association, or society, whose identity is distinctive in terms of  
14 common religious creed, beliefs, doctrines, practices, or rituals,  
15 of any faith or denomination, including any organization qualifying  
16 as a church or religious organization under Section 501(c)(3) or  
17 501(d) of the United States Internal Revenue Code.

18 B. Any court, arbitration, tribunal, or administrative agency  
19 ruling or decision shall violate the public policy of this state and  
20 be void and unenforceable if the court, arbitration, tribunal, or  
21 administrative agency bases its rulings or decisions in the matter  
22 at issue in whole or in part on foreign law that would not grant the  
23 parties affected by the ruling or decision the same fundamental  
24 liberties, rights, and privileges granted under the U.S. and

1 Oklahoma Constitutions, including but not limited to due process,  
2 freedom of religion, speech, or press, and any right of privacy or  
3 marriage as specifically defined by the Constitution of this state.

4 C. A contract or contractual provision, if capable of  
5 segregation, which provides for the choice of a foreign law to  
6 govern some or all of the disputes between the parties shall violate  
7 the public policy of this state and be void and unenforceable if the  
8 foreign law chosen includes or incorporates any substantive or  
9 procedural law, as applied to the dispute at issue, that would not  
10 grant the parties at least the same fundamental liberties, rights,  
11 and privileges granted under the U.S. and Oklahoma Constitutions,  
12 including but not limited to due process, freedom of religion,  
13 speech, or press, and any right of privacy or marriage as  
14 specifically defined by the Constitution of this state.

15 D. 1. A contract or contractual provision, if capable of  
16 segregation, which provides for a jurisdiction for purposes of  
17 granting the courts or arbitration panels in personam jurisdiction  
18 over the parties to adjudicate any disputes between parties arising  
19 from the contract shall violate the public policy of this state and  
20 be void and unenforceable if the jurisdiction chosen includes any  
21 foreign law as applied to the dispute at issue, that would not grant  
22 the parties at least the same fundamental liberties, rights, and  
23 privileges granted under the U.S. and Oklahoma Constitutions,  
24 including but not limited to due process, freedom of religion,

1 speech, or press, and any right of privacy or marriage as  
2 specifically defined by the Constitution of this state; and

3 2. If a resident of this state, subject to personal  
4 jurisdiction in this state, seeks to maintain litigation,  
5 arbitration, agency or similarly binding proceedings in this state  
6 and if the courts of this state find that granting a claim of forum  
7 non conveniens or a related claim violates or would likely lead to  
8 the application of foreign law that would not grant a nonclaimant at  
9 least the same fundamental liberties, rights, and privileges granted  
10 under the U.S. and Oklahoma Constitutions, then it is the public  
11 policy of this state that the claim shall be denied.

12 E. Without prejudice to any legal right, this section shall not  
13 apply to a corporation, partnership, limited liability company,  
14 business association, or other legal entity that contracts to  
15 subject itself to foreign law in a jurisdiction other than this  
16 state or the United States.

17 F. No court or arbitrator shall interpret this section to limit  
18 the right of any person to the free exercise of religion as  
19 guaranteed by the First Amendment to the U.S. Constitution and by  
20 the Constitution of this state. No court shall interpret this  
21 section to require or authorize any court to adjudicate, or prohibit  
22 any religious organization from adjudicating, ecclesiastical  
23 matters, including, but not limited to, the election, appointment,  
24 calling, discipline, dismissal, removal or excommunication of a

1 member, officer, official, priest, nun, monk, pastor, rabbi, imam or  
2 member of the clergy, of the religious organization, or  
3 determination or interpretation of the doctrine of the religious  
4 organization, where adjudication by a court would violate the  
5 prohibition of the establishment clause of the First Amendment of  
6 the United States, or violate the Constitution of this state.

7 G. This section shall not be interpreted by any court to  
8 conflict with any federal treaty including, but not limited to, any  
9 treaty with any federally recognized American Indian tribe or  
10 nation, or other international agreement to which the United States  
11 is a party to the extent that such treaty or international agreement  
12 preempts or is superior to state law on the matter at issue.

13 SECTION 2. This act shall become effective November 1, 2013.

14

15 54-1-7376 EK 02/27/13

16

17

18

19

20

21

22

23

24