

1 ENGROSSED HOUSE  
2 BILL NO. 1060

By: Kern, Fisher, Hulbert,  
Blackwell, Ritze and Moore  
of the House

3  
4 and

Stanislawski of the Senate  
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8 An Act relating to civil procedure; defining terms;  
9 declaring certain rulings and decisions to be in  
10 violation of public policy and making such rulings  
11 and decisions void and unenforceable; declaring  
12 certain contracts and contractual provisions to be in  
13 violation of public policy and making such contracts  
14 and contractual provisions void and unenforceable;  
15 requiring denial of certain motions relating to  
16 venue; excluding certain legal entities from scope of  
17 law; providing for interpretation of law; providing  
18 for codification; and providing an effective date.  
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

A. As used in this section:

1. "Foreign law" means any law, legal code, or system of a  
jurisdiction outside of any state or territory of the United States,  
including, but not limited to, international organizations and  
tribunals, and applied by that jurisdiction's courts, administrative

1 bodies, or other formal or informal tribunals. For the purposes of  
2 this section, foreign law shall not mean, nor shall it include, any  
3 laws of the federally recognized American Indian tribes or nations  
4 in this state or territory of the United States;

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

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

14 B. Any court, arbitration, tribunal, or administrative agency  
15 ruling or decision shall violate the public policy of this state and  
16 be void and unenforceable if the court, arbitration, tribunal, or  
17 administrative agency bases its rulings or decisions in the matter  
18 at issue in whole or in part on foreign law that would not grant the  
19 parties affected by the ruling or decision the same fundamental  
20 liberties, rights, and privileges granted under the U.S. and  
21 Oklahoma Constitutions, including but not limited to due process,  
22 freedom of religion, speech, or press, and any right of privacy or  
23 marriage as specifically defined by the Constitution of this state.

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

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

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

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

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

1 determination or interpretation of the doctrine of the religious  
2 organization, where adjudication by a court would violate the  
3 prohibition of the establishment clause of the First Amendment of  
4 the United States, or violate the Constitution of this state.

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

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

12 Passed the House of Representatives the 6th day of March, 2013.

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Presiding Officer of the House  
of Representatives

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16 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2013.

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Presiding Officer of the Senate

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