

1 STATE OF OKLAHOMA

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

3 SENATE BILL 609

By: Anderson

6 AS INTRODUCED

7 An Act relating to contracts; defining terms;
8 prohibiting use of certain law in certain rulings or
9 decisions; declaring certain contracts and
10 contractual provisions void and unenforceable;
11 requiring denial of certain claims; construing
12 provisions; stating applicability of act; providing
for codification; and providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3 of Title 15, unless there is
16 created a duplication in numbering, reads as follows:

17 A. As used in this act, "foreign law," "legal code" or "system"
18 means any law, legal code or system of a jurisdiction outside of any
19 state or territory of the United States, including, but not limited
20 to, international organizations and tribunals and applied by that
21 jurisdiction's courts, administrative bodies or other formal or
22 informal tribunals.

23 B. Any court, arbitration, tribunal or administrative agency
24 ruling or decision shall violate the public policy of this state and

1 be void and unenforceable if the court, arbitration, tribunal or
2 administrative agency bases its rulings or decisions in the matter
3 at issue in whole or in part on any foreign law, legal code or
4 system that would not grant the parties affected by the ruling or
5 decision the same fundamental liberties, rights and privileges
6 granted under the United States and Oklahoma constitutions,
7 including, but not limited to, equal protection, due process, free
8 exercise of religion, freedom of speech or press, and any right of
9 privacy or marriage.

10 C. A contract or contractual provision, if capable of
11 segregation, which provides for the choice of a foreign law, legal
12 code or system to govern some or all of the disputes between the
13 parties adjudicated by a court of law or by an arbitration panel
14 arising from the contract mutually agreed upon shall violate the
15 public policy of this state and be void and unenforceable if the
16 foreign law, legal code or system chosen includes or incorporates
17 any substantive or procedural law, as applied to the dispute at
18 issue, that would not grant the parties the same fundamental
19 liberties, rights and privileges granted under the United States and
20 Oklahoma constitutions, including, but not limited to, equal
21 protection, due process, free exercise of religion, freedom of
22 speech or press, and any right of privacy or marriage.

23 D. 1. A contract or contractual provision, if capable of
24 segregation, which provides for a jurisdiction for purposes of

1 granting the courts or arbitration panels in personam jurisdiction
2 over the parties to adjudicate any disputes between parties arising
3 from the contract mutually agreed upon shall violate the public
4 policy of this state and be void and unenforceable if the
5 jurisdiction chosen includes any foreign law, legal code or system,
6 as applied to the dispute at issue, that would not grant the parties
7 the same fundamental liberties, rights and privileges granted under
8 the United States and Oklahoma constitutions, including, but not
9 limited to, equal protection, due process, free exercise of
10 religion, freedom of speech or press, and any right of privacy or
11 marriage.

12 2. If a resident of this state, subject to personal
13 jurisdiction in this state, seeks to maintain litigation,
14 arbitration, agency or similarly binding proceedings in this state
15 and if the courts of this state find that granting a claim of forum
16 non conveniens or a related claim violates or would likely violate
17 the fundamental liberties, rights and privileges granted under the
18 United States and Oklahoma constitutions of the nonclaimant in the
19 foreign forum with respect to the matter in dispute, including, but
20 not limited to, equal protection, due process, free exercise of
21 religion, freedom of speech or press, and any right of privacy or
22 marriage, the claim shall be denied.

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1 E. Nothing in this act shall be construed to disapprove of or
2 abrogate any appellate decision previously rendered by the Oklahoma
3 Supreme Court.

4 F. Nothing in this act shall be construed to allow a court to:

5 1. Adjudicate or prohibit any religious organization from
6 deciding upon ecclesiastical matters of a religious organization,
7 including, but not limited to, the selection, appointment, calling,
8 discipline, dismissal, removal or excommunication of a member,
9 member of the clergy, or other person who performs ministerial
10 functions; or

11 2. Determine or interpret the doctrine of a religious
12 organization, including, but not limited to, where adjudication by a
13 court would violate the prohibitions of the religion clauses of the
14 first amendment to the constitution of the United States, or violate
15 the Oklahoma constitution.

16 G. Without prejudice to any legal right, this act shall not
17 apply to a corporation, association, partnership, limited liability
18 company, limited liability partnership or other legal entity that
19 contracts to subject itself to foreign law or courts in a
20 jurisdiction other than this state or the United States.

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