

1 STATE OF OKLAHOMA

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

3 SENATE BILL 951

By: Shortey

6 AS INTRODUCED

7 An Act relating to civil procedure; defining terms;
8 declaring certain rulings and decisions to be in
9 violation of public policy and making such rulings
10 and decisions void and unenforceable; declaring
11 certain contracts and contractual provisions to be in
12 violation of public policy and making such contracts
13 and contractual provisions void and unenforceable;
14 requiring denial of certain motions relating to
15 venue; excluding certain legal entities from scope of
16 law; providing for interpretation of law; providing
17 for 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. As used in this section:

23 1. "Foreign law, legal code, or system" means any law, legal
24 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 bodies, or other formal or informal

1 tribunals. For the purposes of this section, foreign law shall not
2 mean, nor shall it include, any laws of the Native American tribes
3 in this state;

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

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

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

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

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

1 privacy or marriage as specifically defined by the Constitution of
2 this state.

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 violate
8 the fundamental liberties, rights, and privileges granted under the
9 U.S. and Oklahoma Constitutions of the nonclaimant in the foreign
10 forum with respect to the matter in dispute, 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 matters,
23 including, but not limited to, the election, appointment, calling,
24 discipline, dismissal, removal or excommunication of a member,

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

7 G. This section shall not be interpreted by any court to
8 conflict with any federal treaty or other international agreement to
9 which the United States is a party to the extent that such treaty or
10 international agreement preempts or is superior to state law on the
11 matter at issue.

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

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