

HOUSE BILL NO. 1071

Introduced by

Judiciary Committee

(At the request of the Commission on Uniform State Laws)

1 A BILL for an Act to provide for the adoption of the Uniform Foreign Money-Judgments
2 Recognition Act.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Definitions.** As used in this Act:

- 5 1. "Foreign judgment" means any judgment of a foreign state granting or denying
6 recovery of a sum of money, other than a judgment for taxes, a fine or other
7 penalty, or a judgment for support in matrimonial or family matters.
8 2. "Foreign state" means any governmental unit other than the the United States or
9 any state, district, commonwealth, territory, or insular possession of the United
10 States.

11 **SECTION 2. Applicability.** This Act applies to any foreign judgment that is final and
12 conclusive and enforceable where rendered even though an appeal is pending or the judgment
13 is subject to appeal.

14 **SECTION 3. Recognition and enforcement.** Except as provided in section 4 of this
15 Act, a foreign judgment meeting the requirements of section 2 of this Act is conclusive between
16 the parties to the extent that the judgment grants or denies recovery of a sum of money. The
17 foreign judgment is enforceable in the same manner as the judgment of a sister state which is
18 entitled to full faith and credit.

19 **SECTION 4. Grounds for nonrecognition.**

- 20 1. A foreign judgment is not conclusive if:
21 a. The judgment was rendered under a system that does not provide impartial
22 tribunals or procedures compatible with the requirements of due process of
23 law;
24 b. The foreign court did not have personal jurisdiction over the defendant; or

- c. The foreign court did not have jurisdiction over the subject matter.
2. A foreign judgment need not be recognized if:
 - a. The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable the defendant to defend;
 - b. The judgment was obtained by fraud.
 - c. The claim for relief on which the judgment is based is repugnant to the public policy of this state;
 - d. The judgment conflicts with another final and conclusive judgment;
 - e. The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or
 - f. In the case of jurisdiction based only on personal service the foreign court was a seriously inconvenient forum for the trial of this action.

SECTION 5. Personal jurisdiction.

1. The foreign judgment may not be refused recognition for lack of personal jurisdiction if:
 - a. The defendant was served personally in the foreign state;
 - b. The defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over the defendant;
 - c. Before commencement of the proceedings, the defendant had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;
 - d. The defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state;
 - e. The defendant had a business office in the foreign state and the proceedings in the foreign court involved a claim for relief arising out of business done by the defendant through that office in the foreign state; or
 - f. The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a claim for relief arising out of the operation.

- 1 2. The courts of this state may recognize other bases of jurisdiction.
- 2 **SECTION 6. Stay in case of appeal.** If the defendant satisfies the court either that an
- 3 appeal is pending or that the defendant is entitled and intends to appeal from the foreign
- 4 judgment, the court may stay the proceedings until the appeal has been determined or until the
- 5 expiration of a period of time sufficient to enable the defendant to prosecute the appeal.