

ASSEMBLY, No. 2221

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblymen BAGGER and WISNIEWSKI

1 AN ACT concerning foreign money-judgments and supplementing Title  
2 2A of the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. This act shall be known and may be cited as the "Uniform  
8 Foreign Money-Judgments Recognition Act."

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10 2. As used in this act:

11 "Foreign state" means any governmental unit other than the United  
12 States, or any state, district, commonwealth, territory or insular  
13 possession thereof, or the Panama Canal Zone, the Trust Territory of  
14 the Pacific Islands, or the Ryukyu Islands;

15 "Foreign money-judgment" means any judgment of a foreign state  
16 granting or denying recovery of a sum of money, other than a  
17 judgment for taxes, a fine or other penalty, or a judgment for support  
18 in matrimonial or family matters.

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20 3. This act applies to any foreign money-judgment that is final and  
21 conclusive and enforceable where rendered even though an appeal  
22 from it is pending or it is subject to appeal.

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24 4. Except as provided in section 5 of this act, a foreign money-  
25 judgment meeting the requirements of section 3 of this act is  
26 conclusive between the parties to the extent that it grants or denies  
27 recovery of a sum of money. The foreign money-judgment is  
28 enforceable in the same manner as the judgment of a sister state which  
29 is entitled to full faith and credit.

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31 5. a. A foreign money-judgment is not conclusive if:

32 (1) the judgement was rendered under a system which does not  
33 provide impartial tribunals or procedures compatible with the  
34 requirements of due process of law;

35 (2) the foreign court did not have personal jurisdiction over the  
36 defendant; or

37 (3) the foreign court did not have jurisdiction over the subject

1 matter.

2 b. A foreign money-judgment need not be recognized if:

3 (1) the defendant in the proceedings in the foreign court did not  
4 receive notice of the proceedings in sufficient time to enable him to  
5 defend;

6 (2) the judgment was obtained by fraud;

7 (3) the cause of action on which the judgment is based is repugnant  
8 to the public policy of this State;

9 (4) the judgment conflicts with another final and conclusive  
10 judgment;

11 (5) the proceeding in the foreign court was contrary to an  
12 agreement between the parties under which the dispute in question was  
13 to be settled, other than by proceedings in that court; or

14 (6) in the case of jurisdiction based only on personal service, the  
15 foreign court was a seriously inconvenient forum for the trial of the  
16 action.

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18 6. a. The foreign money-judgment shall not be refused recognition  
19 for lack of personal jurisdiction if:

20 (1) the defendant was served personally in the foreign state;

21 (2) the defendant voluntarily appeared in the proceedings, other  
22 than for the purpose of protecting property seized or threatened with  
23 seizure in the proceedings or of contesting the jurisdiction of the court  
24 over him;

25 (3) prior to the commencement of the proceedings, the defendant  
26 had agreed to submit to the jurisdiction of the foreign court with  
27 respect to the subject matter involved;

28 (4) the defendant was domiciled in the foreign state when the  
29 proceedings were instituted, or being a body corporate, had its  
30 principal place of business, was incorporated, or had otherwise  
31 acquired corporate status, in the foreign state;

32 (5) the defendant had a business office in the foreign state and the  
33 proceedings in the foreign court involved a cause of action arising out  
34 of business done by the defendant through that office in the foreign  
35 state; or

36 (6) the defendant operated a motor vehicle or airplane in the  
37 foreign state and the proceedings involved a cause of action arising  
38 out of that operation.

39 b. The courts of this State may recognize other bases of  
40 jurisdiction.

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42 7. If the defendant satisfies the court either that an appeal is  
43 pending or that he is entitled and intends to appeal from the foreign  
44 money-judgment, the court may stay the proceedings until the appeal  
45 has been determined or until the expiration of a period of time  
46 sufficient to enable the defendant to prosecute the appeal.

