

[First Reprint]
ASSEMBLY, No. 2221

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblymen BAGGER, WISNIEWSKI
and Senator Matheussen

1 AN ACT concerning foreign ¹country¹ money-judgments and
2 supplementing Title 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 "¹[Uniform]¹
8 Foreign ¹Country¹ 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 ¹[, or the Panama Canal Zone, the Trust Territory
14 of the Pacific Islands, or the Ryukyu Islands]¹;

15 "Foreign ¹country¹ money-judgment" means any judgment of a
16 foreign state granting or denying recovery of a sum of money, other
17 than a judgment for taxes, a fine or other penalty, or a judgment for
18 support in matrimonial or family matters.

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20 3. This act applies to any foreign ¹country¹ money-judgment that
21 is final and conclusive and enforceable where rendered even though an
22 appeal 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 ¹country¹
25 money-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 ¹country¹ money-judgment
28 is enforceable in the same manner as the judgment of a sister state
29 which is entitled to full faith and credit.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted November 7, 1996.

- 1 5. a. A foreign ¹country¹ money-judgment is not conclusive if:
- 2 (1) the ¹ [judgement] judgment¹ was rendered under a system
- 3 which does not provide impartial tribunals or procedures compatible
- 4 with the requirements of due process of law;
- 5 (2) the foreign ¹country¹ court did not have personal jurisdiction
- 6 over the ¹[defendant] judgment debtor¹; or
- 7 (3) the foreign ¹country¹ court did not have jurisdiction over the
- 8 subject matter.
- 9 b. A foreign ¹country¹ money-judgment need not be recognized if:
- 10 (1) the ¹[defendant] judgment debtor¹ in the proceedings in the
- 11 foreign ¹country¹ court did not receive notice of the proceedings in
- 12 sufficient time to enable ¹[him]the judgment debtor¹ to defend;
- 13 (2) the judgment was obtained by fraud;
- 14 (3) the cause of action on which the ¹foreign¹ judgment is based is
- 15 ¹[repugnant] contrary¹ to the public policy of this State;
- 16 (4) the judgment conflicts with ¹[another] a prior¹ final and
- 17 conclusive judgment;
- 18 (5) the ¹[proceeding] proceedings¹ in the foreign ¹country¹ court
- 19 ¹[was] were¹ contrary to an agreement between the parties under
- 20 which the dispute in question was to be settled, other than by
- 21 proceedings in that court; or
- 22 (6) in the case of jurisdiction based only on personal service, the
- 23 foreign ¹country¹ court was a seriously inconvenient forum for the trial
- 24 of the action.
- 25
- 26 6. a. The foreign ¹country¹ money-judgment shall not be refused
- 27 recognition for lack of personal jurisdiction if:
- 28 (1) the ¹[defendant] judgment debtor¹ was served personally in the
- 29 foreign state;
- 30 (2) the ¹[defendant] judgment debtor¹ voluntarily appeared in the
- 31 proceedings, other than for the purpose of protecting property seized
- 32 or threatened with seizure in the proceedings or of contesting the
- 33 jurisdiction of the court over ¹[him]the judgment debtor¹;
- 34 (3) ¹[prior to the commencement of the proceedings, the
- 35 defendant] the judgment debtor prior to the commencement of the
- 36 proceedings¹ had agreed ¹expressly in writing¹ to submit to the
- 37 jurisdiction of the foreign ¹country¹ court with respect to the subject
- 38 matter involved;
- 39 (4) the ¹[defendant] judgment debtor¹ was domiciled in the foreign
- 40 state when the proceedings were instituted, or being a body corporate,
- 41 had its principal place of business ¹[, was incorporated,]¹ or had
- 42 otherwise acquired corporate status¹[,]¹ in the foreign state;
- 43 (5) the ¹[defendant] judgment debtor¹ had a business office in the
- 44 foreign state and the proceedings in the foreign ¹country¹ court
- 45 involved a cause of action arising out of business done by the
- 46 ¹[defendant] judgment debtor¹ through that office in the foreign state;

1 or

2 (6) the ¹[defendant] judgment debtor¹ operated a motor vehicle or
3 airplane in the foreign state and the proceedings involved a cause of
4 action arising out of that operation.

5 b. The courts of this State may recognize other bases of ¹personal¹
6 jurisdiction.

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8 7. If the ¹[defendant] judgment debtor¹ satisfies the court¹[
9 either]¹ that an appeal ¹from the foreign country money- judgment¹
10 is pending or that ¹[he] the judgment debtor¹ is entitled and intends
11 to appeal from the foreign ¹country¹ money-judgment, ¹or that a stay
12 of execution has been granted.¹ the court may stay the proceedings
13 until the appeal has been determined or until the expiration of a period
14 of time sufficient to enable the ¹[defendant] judgment debtor¹ to
15 prosecute the appeal.

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17 8. This act does not prevent the recognition of a foreign ¹country¹
18 money-judgment in situations not covered by this act.

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20 9. This act shall be so construed as to effectuate its general
21 purpose to make uniform the law of those states which enact it.

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23 10. This act shall take effect immediately.

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28 Enacts the "Foreign Country Money-Judgments Recognition Act."