

1 **UNIFORM FOREIGN-COUNTRY MONEY JUDGMENT**

2 **RECOGNITION ACT**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lyle W. Hillyard**

6 House Sponsor: V. Lowry Snow

7

LONG TITLE

8 **General Description:**

9 This bill enacts the Uniform Foreign-Country Money Judgments Recognition Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ creates definitions regarding a foreign county and a foreign-country judgment;

13 ▶ requires that for a foreign-country judgment to be covered by the Uniform
14 Foreign-County Money Judgments Recognition Act (the Act), the judgment must
15 grant or deny the recovery of a sum of money and be final, conclusive, and

16 enforceable under the law of the foreign county where the judgment was rendered;

17 ▶ excludes certain foreign-country judgments from coverage of the Act;

18 ▶ provides the grounds for which a court may deny recognition of a foreign-country
19 judgment;

20 ▶ provides the procedure for seeking to enforce a foreign-country judgment;

21 ▶ provides the effect on the parties of a court recognizing a foreign-country money
22 judgment;

23 ▶ allows for the stay of proceedings regarding a foreign-money judgment in certain
24 circumstances;

25 ▶ provides a statute of limitations on enforcement of a foreign-country money
26 judgment;



- 28 ▶ addresses uniformity of the law;
- 29 ▶ addresses enforcement of foreign-country money judgments not covered by the Act;
- 30 and
- 31 ▶ provides that the Act applies to actions commenced after May 12, 2020.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 ENACTS:

- 38 **78B-5-450**, Utah Code Annotated 1953
- 39 **78B-5-451**, Utah Code Annotated 1953
- 40 **78B-5-452**, Utah Code Annotated 1953
- 41 **78B-5-453**, Utah Code Annotated 1953
- 42 **78B-5-454**, Utah Code Annotated 1953
- 43 **78B-5-455**, Utah Code Annotated 1953
- 44 **78B-5-456**, Utah Code Annotated 1953
- 45 **78B-5-457**, Utah Code Annotated 1953
- 46 **78B-5-458**, Utah Code Annotated 1953
- 47 **78B-5-459**, Utah Code Annotated 1953
- 48 **78B-5-460**, Utah Code Annotated 1953
- 49 **78B-5-461**, Utah Code Annotated 1953



51 *Be it enacted by the Legislature of the state of Utah:*

52 Section 1. Section **78B-5-450** is enacted to read:

53 **Part 4a. Uniform Foreign-Country Money Judgments Recognition Act**

54 **78B-5-450. Title.**

55 This part is known as the "Uniform Foreign-Country Money Judgments Recognition
56 Act."

57 Section 2. Section **78B-5-451** is enacted to read:

58 **78B-5-451. Definitions.**

59 As used in this part:

60 (1) "Foreign country" means a government other than:

61 (a) the United States;

62 (b) a state, district, commonwealth, territory, or insular possession of the United States;

63 or

64 (c) any other government with regard to which the decision in this state as to whether
65 to recognize a judgment of that government's courts is initially subject to determination under
66 the Full Faith and Credit Clause of the United States Constitution.

67 (2) "Foreign-country judgment" means a judgment of a court of a foreign country.

68 Section 3. Section **78B-5-452** is enacted to read:

69 **78B-5-452. Applicability.**

70 (1) Except as otherwise provided in Subsection (2), this part applies to a
71 foreign-country judgment to the extent that the judgment:

72 (a) grants or denies the recovery of a sum of money; and

73 (b) under the law of the foreign country where rendered, is final, conclusive, and
74 enforceable.

75 (2) This part does not apply to a foreign-country judgment, even if the judgment grants
76 or denies the recovery of a sum of money, to the extent that the judgment is:

77 (a) a judgment for taxes;

78 (b) a fine or other penalty; or

79 (c) a judgment for divorce, support, or maintenance, or other judgment rendered in
80 connection with domestic relations.

81 (3) A party seeking recognition of a foreign-country judgment has the burden of
82 establishing that this part applies to the foreign-country judgment.

83 Section 4. Section **78B-5-453** is enacted to read:

84 **78B-5-453. Standards for recognition of foreign-country judgment.**

85 (1) Except as otherwise provided in Subsections (2) and (3), a court of this state shall
86 recognize a foreign-country judgment to which this part applies.

87 (2) A court of this state may not recognize a foreign-country judgment if:

88 (a) the judgment was rendered under a judicial system that does not provide impartial
89 tribunals or procedures compatible with the requirements of due process of law;

- 90 (b) the foreign court did not have personal jurisdiction over the defendant; or
- 91 (c) the foreign court did not have jurisdiction over the subject matter.
- 92 (3) A court of this state may decline to recognize a foreign-country judgment if:
- 93 (a) the defendant in the proceeding in the foreign court did not receive notice of the
- 94 proceeding in sufficient time to enable the defendant to defend;
- 95 (b) the judgment was obtained by fraud that deprived the losing party of an adequate
- 96 opportunity to present the party's case;
- 97 (c) the judgment or the cause of action on which the judgment is based is repugnant to
- 98 the public policy of this state or the United States;
- 99 (d) the judgment conflicts with another final and conclusive judgment;
- 100 (e) the proceeding in the foreign court was contrary to an agreement between the
- 101 parties under which the dispute in question was to be determined otherwise than by
- 102 proceedings in that foreign court;
- 103 (f) in the case of jurisdiction based only on personal service, the foreign court was a
- 104 seriously inconvenient forum for the trial of the action;
- 105 (g) the judgment was rendered in circumstances that raise substantial doubt about the
- 106 integrity of the rendering court with respect to the judgment; or
- 107 (h) the specific proceeding in the foreign court leading to the judgment was not
- 108 compatible with the requirements of due process of law.
- 109 (4) A party resisting recognition of a foreign-country judgment has the burden of
- 110 establishing that a ground for nonrecognition stated in Subsection (2) or (3) exists.
- 111 Section 5. Section **78B-5-454** is enacted to read:
- 112 **78B-5-454. Personal jurisdiction.**
- 113 (1) A foreign-country judgment may not be refused recognition for lack of personal
- 114 jurisdiction if:
- 115 (a) the defendant was served with process personally in the foreign country;
- 116 (b) the defendant voluntarily appeared in the proceeding, except for the purpose of
- 117 protecting property seized or threatened with seizure in the proceeding or of contesting the
- 118 jurisdiction of the court over the defendant;
- 119 (c) the defendant, before the commencement of the proceeding, had agreed to submit to
- 120 the jurisdiction of the foreign court with respect to the subject matter involved;

121 (d) the defendant was domiciled in the foreign country when the proceeding was
122 instituted or was a corporation or other form of business organization that had the corporation's
123 or organization's principal place of business in, or was organized under the laws of, the foreign
124 country;

125 (e) the defendant had a business office in the foreign country and the proceeding in the
126 foreign court involved a cause of action arising out of business done by the defendant through
127 that office in the foreign country; or

128 (f) the defendant operated a motor vehicle or airplane in the foreign country and the
129 proceeding involved a cause of action arising out of that operation.

130 (2) The list describing the grounds for personal jurisdiction in Subsection (1) is not
131 exclusive.

132 (3) A court of this state may recognize grounds for personal jurisdiction other than
133 those described in Subsection (1) as sufficient to support a foreign-country judgment.

134 Section 6. Section **78B-5-455** is enacted to read:

135 **78B-5-455. Procedure for recognition of foreign-country judgment.**

136 (1) If recognition of a foreign-country judgment is sought as an original matter, the
137 issue of recognition shall be raised by filing an action seeking recognition of the
138 foreign-country judgment.

139 (2) If recognition of a foreign-country judgment is sought in a pending action, the issue
140 of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

141 Section 7. Section **78B-5-456** is enacted to read:

142 **78B-5-456. Effect of recognition of foreign-country judgment.**

143 If the court in a proceeding under Section [78B-5-455](#) finds that the foreign-country
144 judgment is entitled to recognition under this part, the foreign-country judgment, to the extent
145 that the foreign-country judgment grants or denies recovery of a sum of money, is:

146 (1) conclusive between the parties to the same extent as the judgment of a sister state
147 entitled to full faith and credit in this state would be conclusive; and

148 (2) enforceable in the same manner and to the same extent as a judgment rendered in
149 this state.

150 Section 8. Section **78B-5-457** is enacted to read:

151 **78B-5-457. Stay of proceedings pending appeal of foreign-country judgment.**

152 If a party establishes that an appeal from a foreign-country judgment is pending or an
153 appeal will be taken, the court may stay any proceedings with regard to the foreign-country
154 judgment until:

- 155 (1) the appeal is concluded;
- 156 (2) the time for appeal expires; or
- 157 (3) the appellant has had sufficient time to prosecute the appeal and has failed to do so.

158 Section 9. Section **78B-5-458** is enacted to read:

159 **78B-5-458. Statute of limitations.**

160 An action to recognize a foreign-country judgment shall be commenced within the
161 earlier of:

- 162 (1) the time during which the foreign-country judgment is effective in the foreign
163 country; or
- 164 (2) 15 years from the day on which the foreign-country judgment became effective in
165 the foreign country.

166 Section 10. Section **78B-5-459** is enacted to read:

167 **78B-5-459. Uniformity of interpretation.**

168 In applying and construing this uniform act, consideration shall be given to the need to
169 promote uniformity of the law with respect to the subject matter of the uniform act among
170 states that enact the uniform act.

171 Section 11. Section **78B-5-460** is enacted to read:

172 **78B-5-460. Saving clause.**

173 This part does not prevent the recognition under principles of comity or otherwise of a
174 foreign-country judgment not within the scope of this part.

175 Section 12. Section **78B-5-461** is enacted to read:

176 **78B-5-461. Application to future actions.**

177 This part applies to all actions commenced on or after May 12, 2020, in which the issue
178 of recognition of a foreign-country judgment is raised.