

1 SB348  
2 135494-3  
3 By Senators Williams, Taylor, Fielding, Ward, Keahey, Irons,  
4 Beasley and Orr  
5 RFD: Judiciary  
6 First Read: 21-FEB-12

1 SB348

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4 ENROLLED, An Act,

5 Relating to the legal recognition by Alabama courts  
6 of money judgments issued by a foreign country; to provide for  
7 the Alabama Uniform Foreign-Country Money Judgment Act; to  
8 provide for a court procedure for recognizing those judgments;  
9 to address burdens of proof of the parties; to revise grounds  
10 for denying foreign judgments; and to establish a statute of  
11 limitations for recognition of foreign judgments.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. This act may be cited as the Alabama  
14 Uniform Foreign-Country Money Judgments Recognition Act.

15 Section 2. In this act:

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

17 a. the United States;

18 b. a state, district, commonwealth, territory, or  
19 insular possession of the United States; or

20 c. any other government with regard to which the  
21 decision in this state as to whether to recognize a judgment  
22 of that government's courts is initially subject to  
23 determination under the Full Faith and Credit Clause of the  
24 United States Constitution.

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

3           Section 3. (a) Except as otherwise provided in  
4 subsection (b), this act applies to a foreign-country judgment  
5 to the extent that the judgment:

6           (1) grants or denies recovery of a sum of money; and

7           (2) under the law of the foreign country where  
8 rendered, is final, conclusive, and enforceable.

9           (b) This act does not apply to a foreign-country  
10 judgment, even if the judgment grants or denies recovery of a  
11 sum of money, to the extent that the judgment is:

12           (1) a judgment for taxes;

13           (2) a fine or other penalty; or

14           (3) a judgment for divorce, support, or maintenance,  
15 or other judgment rendered in connection with domestic  
16 relations.

17           (c) A party seeking recognition of a foreign-country  
18 judgment has the burden of establishing that this act applies  
19 to the foreign-country judgment.

20           Section 4. (a) Except as otherwise provided in  
21 subsections (b) and (c), a court of this state shall recognize  
22 a foreign-country judgment to which this act applies.

23           (b) A court of this state shall not recognize a  
24 foreign-country judgment if:

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

4           (2) the foreign court did not have personal  
5 jurisdiction over the defendant; or

6           (3) the foreign court did not have jurisdiction over  
7 the subject matter.

8           (c) A court of this state need not recognize a  
9 foreign-country judgment if:

10           (1) the defendant in the proceeding in the foreign  
11 court did not receive notice of the proceeding in sufficient  
12 time to enable the defendant to defend;

13           (2) the judgment was obtained by fraud that deprived  
14 the losing party of an adequate opportunity to present its  
15 case;

16           (3) the judgment or the claim for relief on which  
17 the judgment is based is repugnant to the public policy of  
18 this state or of the United States;

19           (4) the judgment conflicts with another final and  
20 conclusive judgment;

21           (5) the proceeding in the foreign court was contrary  
22 to an agreement between the parties under which the dispute in  
23 question was to be determined otherwise than by proceedings in  
24 that foreign court;

1           (6) in the case of jurisdiction based only on  
2 personal service, the foreign court was a seriously  
3 inconvenient forum for the trial of the action;

4           (7) the judgment was rendered in circumstances that  
5 raise substantial doubt about the integrity of the rendering  
6 court with respect to the judgment; or

7           (8) the specific proceeding in the foreign court  
8 leading to the judgment was not compatible with the  
9 requirements of due process of law.

10           (d) A party resisting recognition of a  
11 foreign-country judgment has the burden of establishing that a  
12 ground for nonrecognition stated in subsection (b) or (c)  
13 exists.

14           Section 5. (a) A foreign-country judgment may not be  
15 refused recognition for lack of personal jurisdiction if:

16           (1) the defendant was served with process personally  
17 in the foreign country;

18           (2) the defendant voluntarily appeared in the  
19 proceeding, other than for the purpose of protecting property  
20 seized or threatened with seizure in the proceeding or of  
21 contesting the jurisdiction of the court over the defendant;

22           (3) the defendant, before the commencement of the  
23 proceeding, had agreed to submit to the jurisdiction of the  
24 foreign court with respect to the subject matter involved;

1           (4) the defendant was domiciled in the foreign  
2 country when the proceeding was instituted or was a  
3 corporation or other form of business organization that has  
4 its principal place of business in, or was organized under the  
5 laws of, the foreign country;

6           (5) the defendant had a business office in the  
7 foreign country and the proceeding in the foreign court  
8 involved a claim for relief arising out of business done by  
9 the defendant through that office in the foreign country; or

10          (6) the defendant operated a motor vehicle or  
11 airplane in the foreign country and the proceeding involved a  
12 claim for relief arising out of that operation.

13          (b) The list of bases for personal jurisdiction in  
14 subsection (a) is not exclusive. The courts of this state may  
15 recognize bases of personal jurisdiction other than those  
16 listed in subsection (a) as sufficient to support a  
17 foreign-country judgment.

18          Section 6. (a) If recognition of a foreign-country  
19 judgment is sought as an original matter, the issue of  
20 recognition shall be raised by filing an action seeking  
21 recognition of the foreign-country judgment.

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

1           (c) The party seeking recognition is required to  
2 provide the court with a certified copy of the judgment, and  
3 if not in English, an English translation which complies with  
4 the requirements of Alabama law.

5           Section 7. If the court in a proceeding under  
6 Section 6 finds that the foreign-country judgment is entitled  
7 to recognition under this act, then, to the extent that the  
8 foreign-country judgment grants or denies recovery of a sum of  
9 money, the foreign-country judgment is:

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

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

15           Section 8. If a party establishes that an appeal  
16 from a foreign-country judgment is pending or will be taken,  
17 the court may stay any proceedings with regard to the  
18 foreign-country judgment until the appeal is concluded, the  
19 time for appeal expires, or the appellant has had sufficient  
20 time to prosecute the appeal and has failed to do so.

21           Section 9. An action to recognize a foreign-country  
22 judgment must be commenced within the later of the time during  
23 which the foreign-country judgment is effective in the foreign  
24 country or 5 years from the date that the foreign-country

1 judgment became final, conclusive, and enforceable in the  
2 foreign country.

3 Section 10. In applying and construing this uniform  
4 act, consideration must be given to the need to promote  
5 uniformity of the law with respect to its subject matter among  
6 states that enact it.

7 Section 11. This act does not prevent the  
8 recognition under principles of comity or otherwise of a  
9 foreign-country judgment not within the scope of this act.

10 Section 12. This act applies to all actions  
11 commenced on or after the effective date of this act in which  
12 the issue of recognition of a foreign-country judgment is  
13 raised.

14 Section 13. This act takes effect January 1, 2013.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB348

Senate 03-MAY-12

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 10-MAY-12

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By: Senator Williams