

HOUSE BILL NO. 235

INTRODUCED BY TOOLE, J. RICE

IN THE HOUSE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 1, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 2, 1993	PRINTING REPORT.
FEBRUARY 3, 1993	SECOND READING, DO PASS.
FEBRUARY 4, 1993	ENGROSSING REPORT.
FEBRUARY 5, 1993	THIRD READING, PASSED. AYES, 96; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 24, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 235  
2 INTRODUCED BY David L. [Signature]  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE UNIFORM  
5 FOREIGN MONEY-JUDGMENTS RECOGNITION ACT; PROVIDING FOR THE  
6 ENFORCEMENT IN MONTANA OF FOREIGN MONEY-JUDGMENTS; PROVIDING  
7 FOR NONRECOGNITION OF CERTAIN JUDGMENTS; AND PROVIDING  
8 GUIDELINES FOR THE EXERCISE OF PERSONAL JURISDICTION."  
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Short title. [Sections 1  
12 through 9] may be cited as the "Uniform Foreign  
13 Money-Judgments Recognition Act".

14 NEW SECTION. Section 2. Definitions. As used in  
15 [sections 1 through 9], the following definitions apply:

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

20 (2) "Foreign state" means any governmental unit other  
21 than the United States or any state, district, commonwealth,  
22 territory, or insular possession thereof or the Panama Canal  
23 Zone, the Trust Territory of the Pacific Islands, or the  
24 Ryukyu Islands.

25 NEW SECTION. Section 3. Applicability. [Sections 1

1 through 9] apply to any foreign judgment that is final and  
2 conclusive and enforceable where rendered even though an  
3 appeal from the judgment is pending or it is subject to  
4 appeal.

5 NEW SECTION. Section 4. Recognition and enforcement.

6 Except as provided in [section 5], a foreign judgment  
7 meeting the requirements of [section 3] is conclusive  
8 between the parties to the extent that it grants or denies  
9 recovery of a sum of money. The foreign judgment is  
10 enforceable in the same manner as the judgment of a sister  
11 state that is entitled to full faith and credit.

12 NEW SECTION. Section 5. Grounds for nonrecognition.

13 (1) A foreign judgment is not conclusive if:

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

17 (b) the foreign court did not have personal  
18 jurisdiction over the defendant; or

19 (c) the foreign court did not have jurisdiction over  
20 the subject matter.

21 (2) A foreign judgment need not be recognized if:

22 (a) the defendant in the proceedings in the foreign  
23 court did not receive notice of the proceedings in  
24 sufficient time to enable the defendant to defend;

25 (b) the judgment was obtained by fraud;

1 (c) the cause of action or claim for relief on which  
2 the judgment is based is repugnant to the public policy of  
3 this state;

4 (d) the judgment conflicts with another final and  
5 conclusive judgment;

6 (e) the proceeding in the foreign court was contrary to  
7 an agreement between the parties under which the dispute in  
8 question was to be settled otherwise than by proceedings in  
9 that court; or

10 (f) in the case of jurisdiction based only on personal  
11 service, the foreign court was a seriously inconvenient  
12 forum for the trial of the action.

13 NEW SECTION. Section 6. Personal jurisdiction. (1) The  
14 foreign judgment may not be refused recognition for lack of  
15 personal jurisdiction if:

16 (a) the defendant was served personally in the foreign  
17 state;

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

23 (c) the defendant, prior to the commencement of the  
24 proceedings, had agreed to submit to the jurisdiction of the  
25 foreign court with respect to the subject matter involved;

1 (d) the defendant was domiciled in the foreign state  
2 when the proceedings were instituted or, being a body  
3 corporate, had its principal place of business, was  
4 incorporated, or had otherwise acquired corporate status in  
5 the foreign state;

6 (e) the defendant had a business office in the foreign  
7 state and the proceedings in the foreign court involved a  
8 cause of action or claim for relief arising out of business  
9 done by the defendant through that office in the foreign  
10 state; or

11 (f) the defendant operated a motor vehicle or airplane  
12 in the foreign state and the proceedings involved a cause of  
13 action or claim for relief arising out of the operation.

14 (2) The courts of this state may recognize other bases  
15 of jurisdiction.

16 NEW SECTION. Section 7. Stay in case of appeal. If the  
17 defendant satisfies the court either that an appeal is  
18 pending or that the defendant is entitled and intends to  
19 appeal from the foreign judgment, the court may stay the  
20 proceedings until the appeal has been determined or until  
21 the expiration of a period of time sufficient to enable the  
22 defendant to prosecute the appeal.

23 NEW SECTION. Section 8. Saving clause. [Sections 1  
24 through 9] do not prevent the recognition of a foreign  
25 judgment in situations not covered by [sections 1 through

1 9].

2 NEW SECTION. **Section 9.** Uniformity of interpretation.

3 [Sections 1 through 9] must be construed to effectuate the  
4 general purpose to make uniform the law of those states that  
5 enact it.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1 House BILL NO. 235  
2 INTRODUCED BY Shirley Turk  
3

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18 than a judgment for taxes, a fine or other penalty, or a  
19 judgment for support in matrimonial or family matters.

20 (2) "Foreign state" means any governmental unit other  
21 than the United States or any state, district, commonwealth,  
22 territory, or insular possession thereof or the Panama Canal  
23 Zone, the Trust Territory of the Pacific Islands, or the  
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25 NEW SECTION. Section 3. Applicability. [Sections 1

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2 conclusive and enforceable where rendered even though an  
3 appeal from the judgment is pending or it is subject to  
4 appeal.

5 NEW SECTION. Section 4. Recognition and enforcement.

6 Except as provided in [section 5], a foreign judgment  
7 meeting the requirements of [section 3] is conclusive  
8 between the parties to the extent that it grants or denies  
9 recovery of a sum of money. The foreign judgment is  
10 enforceable in the same manner as the judgment of a sister  
11 state that is entitled to full faith and credit.

12 NEW SECTION. Section 5. Grounds for nonrecognition.

13 (1) A foreign judgment is not conclusive if:

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

17 (b) the foreign court did not have personal  
18 jurisdiction over the defendant; or

19 (c) the foreign court did not have jurisdiction over  
20 the subject matter.

21 (2) A foreign judgment need not be recognized if:

22 (a) the defendant in the proceedings in the foreign  
23 court did not receive notice of the proceedings in  
24 sufficient time to enable the defendant to defend;

25 (b) the judgment was obtained by fraud;

(c) the cause of action or 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 the action.

**NEW SECTION. Section 6. 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) the defendant, prior to the commencement of the proceedings, 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 cause of action or claim for relief arising out of business done by the defendant through that office in the foreign state; or

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(2) The courts of this state may recognize other bases of jurisdiction.

**NEW SECTION. Section 7. Stay in case of appeal.** If the defendant satisfies the court either that an appeal is pending or that the defendant is entitled and intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

**NEW SECTION. Section 8. Saving clause.** [Sections 1 through 9] do not prevent the recognition of a foreign judgment in situations not covered by [sections 1 through

1 9).

2 NEW SECTION. **Section 9. Uniformity of interpretation.**

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 2 INTRODUCED BY Shard Lark Rice

3  
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 24 sufficient time to enable the defendant to defend;  
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(c) the cause of action or 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;

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

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-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 23, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 235 (first reading copy -- blue), respectfully report that House Bill No. 235 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail  
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Page 3, line 13.

Following: "(1)"

Strike: "The"

Insert: "Except as provided in [section 5], the"

-END-

213 Amd. Coord.  
Sec. of Senate

Brown  
Senator Carrying Bill

SENATE  
HB 235  
651601SC.San

## HOUSE BILL NO. 235

INTRODUCED BY TOOLE, J. RICE

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

**NEW SECTION. Section 6. Personal jurisdiction.** (1) The EXCEPT AS PROVIDED IN [SECTION 5], 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;

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foreign court with respect to the subject matter involved;

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