

2A:82-4.1 to 2A:82-4.7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:82-4.1 to 2A:82-4.7

(Judgments - foreign - enforcement
in New Jersey)

LAWS OF: 1983

CHAPTER: 350

Bill No: S858

Sponsor(s): Zane, Perskie and Laskin

Date Introduced: Pre-filed

Committee: Assembly: Judiciary, Law and Public Safety

Senate: Education

Amended during passage: YES Amendments denoted by asterisks.
According to Governor's recommendations

Date of Passage: Assembly: June 20, 1983 Re-enacted 9/22/83

Senate: November 29, 1982 Re-enacted 9/15/83

Date of Approval: September 29, 1983

Following statements are attached if available:

Sponsor statement: YES

(Below Also attached:
Senate Amendments,
adopted 6/30/83 (with
statement)

Committee statement: Assembly YES

Senate YES

Fiscal Note: NO

Veto Message: YES

Message on Signing: NO

Following were printed:

Reports: NO

Hearings: NO

Sponsor's Statement:

This bill revises the law providing the basis upon which foreign judgments may
be enforced by New Jersey courts.

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350 83
9-29-83

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SENATE, No. 858

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senators ZANE, PERSKIE and LASKIN

AN ACT concerning the recognition of foreign judgments in this State, supplementing chapter 82 of Title 2A of the New Jersey Statutes and repealing N. J. S. 2A:82-4.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The recital in the record of any proceeding upon a foreign
2 judgment, including a judgment of any court out of this State,
3 that the defendant, or person sought to be affected by the judg-
4 ment was summoned or appeared, shall not prevent or estop the
5 defendant or person affected from proving that he was not
6 summoned or did not appear.

1 2. In any proceeding upon a foreign judgment, including a
2 judgment of any court out of this State, the plaintiff, or person
3 seeking to enforce the judgment, shall have the burden of proving
4 that the requirements, statutory and otherwise, of the foreign
5 jurisdiction have been met, conferring jurisdiction of the subject
6 matter of the foreign proceeding on the foreign court or tribunal
7 and over the defendant or person sought to be affected by the
8 judgment.

1 ***[3.** In any proceeding upon a foreign judgment, including a
2 judgment of any court out of this State, the plaintiff, or person
3 seeking to enforce the judgment, shall have the burden of proving
4 that the underlying cause of action which gave rise to the awarding
5 of the foreign judgment was commenced in the foreign jurisdiction
6 within the period required by statute of this State for the com-
7 mencement of a like action in this State.]*

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted January 27, 1983.

**—Senate amendments adopted June 30, 1983.

** *—Senate amendments adopted in accordance with Governor's recommendations September 6, 1983.

1 **3. In any proceeding upon a foreign judgment, including a
2 judgment of any court out of this State, the plaintiff, or person
3 seeking to enforce the judgment shall have the burden of proving
4 that the underlying cause of action which gave rise to the awarding
5 of the foreign judgment was commenced in the foreign jurisdiction
6 within the period required by statute of this State for the com-
7 mencement of a like action in this State.**

1 *[4.]* **[*3.]* **4.** A court, in any proceeding upon a for-
2 eign judgment, including a judgment of any court out of this State,
3 may award judgment for the plaintiff, or person seeking to effect
4 the judgment, including any interest on the judgment, but shall not
5 include as a part thereof any penalty, whether of a penal nature or
6 otherwise, imposed in connection with the foreign judgment.

1 *[5.]* **[*4.]* **5.** The provisions of this act shall not be
2 applicable to a foreign judgment governed by the "Revised Uni-
3 form Reciprocal Enforcement of Support Act (1968)," P. L. 1981,
4 c. 243 (C. 2A:4-30.24 et seq.).

1 *[6.]* **[*5.]* **6.** If any one or more sections, clauses,
2 sentences or parts of this act shall for any reason be questioned in
3 any court, and shall be adjudged unconstitutional or invalid, that
4 judgment shall not affect, impair or invalidate the remaining pro-
5 visions hereof, but shall be confined in its operation to the specific
6 provisions held unconstitutional or invalid.

1 ***7. As used in this act, "any proceeding upon a foreign judg-
2 ment, including a judgment of any court out of this State" means
3 a judgment under the Philadelphia Wage and Net Profits Tax
4 Ordinance (City Code Section 19-508).***

1 *[7.]* **[*6.]* **[*7.]* **8.** N. J. S. 2A:82-4 is
2 repealed.

1 *[8.]* **[*7.]* **[*8.]* **9.** This act shall take
2 effect immediately.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 858
with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 20, 1983

Senate Bill No. 858 revises the law providing the basis upon which judgments obtained in other states may be enforced by New Jersey courts.

Section 1 allows for enforcement of only those foreign judgments which recite in their record that in personam jurisdiction was obtained over the defendant. Section 1 is basically a restatement of current N. J. S. 2A :82-4 which is repealed by section 5 of the bill.

Section 2 places the burden of proving that the foreign jurisdiction's jurisdictional requirements (subject matter and in personam jurisdiction) were met on the plaintiff.

Section 3 places the burden of proof on the plaintiff to show that the foreign action was commenced within the time allowed for a similar action in New Jersey.

Section 4 prohibits a New Jersey court from awarding a penalty of any character in connection with a foreign judgment.

Section 5 states that the provisions of Senate Bill No. 858 are not applicable to judgments for support entered under the Reciprocal Enforcement of Support Act.

Section 6 is the severability clause.

Section 7 repeals existing 2A :82-4, the substance of which, as noted above, is restated in section 1.

The committee amended the bill to eliminate section 3 in consideration of the full faith and credit principle. This principle requires that a foreign judgment be given full faith and credit even though it could not have been obtained in the state in which enforcement is sought or because the judgment was based on a cause of action which that state does not recognize.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 858

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1982

Senate Bill No. 858 revises the law providing the basis upon which judgments obtained in other states may be enforced by New Jersey courts.

Section 1 allows for enforcement of only those foreign judgments which recite in their record that in personam jurisdiction was obtained over the defendant. Section 1 is basically a restatement of current N. J. S. 2A:82-4 which is repealed by section 5 of the bill.

Section 2 places the burden of proving that the foreign jurisdiction's jurisdictional requirements (subject matter and in personam jurisdiction) were met on the plaintiff.

Section 3 places the burden of proof on the plaintiff to show that the foreign action was commenced within the time allowed for a similar action in New Jersey.

Section 4 prohibits a New Jersey court from awarding a penalty of any character in connection with a foreign judgment.

Section 5 states that the provisions of Senate Bill No. 858 are not applicable to judgments for support entered under the Reciprocal Enforcement of Support Act.

Section 6 is the severability clause.

Section 7 repeals existing 2A:82-4, the substance of which as noted above is restated in section 1.

ADOPTED

JUN 30 1983

Senate Amendments to
Assembly committee amendments

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Senate Bill No. 858 (AR)

(Proposed by Senator Zane, 6/27/83)

Amend:

Page	Sec. Before	Line Before
2	3	1
2	3-7	

Insert the following:

"3. In any proceeding upon a foreign judgment including a judgment of any court out of this State plaintiff, or person seeking to enforce the judgment shall have the burden of proving that the cause of action which gave rise to the awarding of a foreign judgment was commenced in the foreign jurisdiction within the period required by statute of this State for the commencement of a like action in this State."

Renumber sections "3." to "7." as "4." to "8."

STATEMENT

This amendment restores the section to the bill which was removed by committee amendment in the General Assembly.

() STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

August 29, 1983

SENATE BILL NO. 858 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Senate Bill No. 858 (OCR) with my recommendations for reconsideration.

This bill is concerned with the enforcement of judgments obtained in foreign jurisdictions, that is, judgments rendered by courts in other states or in foreign countries. This bill would require plaintiffs seeking to enforce foreign judgments in New Jersey courts to prove that the subject matter and in personam jurisdictional requirements of the foreign jurisdiction were met. The plaintiffs would also be required to prove that the foreign action was commenced within the time allowed for similar actions in New Jersey. This bill also prohibits New Jersey courts from awarding any penalties in connection with foreign judgments.

I am concerned that this bill will jeopardize agreements New Jersey has entered into with sister states for the reciprocal enforcement of foreign judgments. For example, such agreements have been entered into pursuant to N.J.S.A. 54:8A-46(b), which provides that New Jersey courts "shall" recognize and enforce liabilities for taxes lawfully imposed by sister states, when those states extend a like comity to New Jersey.

Despite my concerns, I recognize that this bill responds to a legitimate problem that New Jersey citizens working in Philadelphia are having regarding the Philadelphia "wage tax", and the resulting Philadelphia judgments levied against them for nonpayment of taxes. It must also be recognized, however, that this bill is not limited in application to Philadelphia judgments, but would apply to all foreign judgments enforced in New Jersey. In order to preserve New Jersey's comity relationships with her sister states regarding foreign judgments, I believe this bill should be limited in its application to only foreign judgments addressing the Philadelphia wage tax.

Accordingly, I herewith return Senate Bill No. 858 (OCR) and recommend that it be amended as follows:

Page 2, Section 6, After Line 6: Insert new section as follows:

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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"7. As used in this act, 'any proceeding upon a foreign judgment, including a judgment of any court out of this State,' means a judgment under the Philadelphia Wage and Net Profits Tax Ordinance (City Code Section 19-508)."

Page 2, Section 7, Line 1: Delete "7.", insert "8."

Page 2, Section 8, Line 1: Delete "8.", insert "9."

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest: *

/s/ W. Cary Edwards
Chief Counsel

BILLS .

PAGE TWO

OCTOBER 5, 1983

A-1418, sponsored by Assemblyman Vincent O. Pellecchia, D-Passaic, which makes it a crime to tamper with the identification number of a motor vehicle for unlawful purpose and for knowingly possessing a motor vehicle or any of its parts where the markings have been removed or altered for unlawful purposes.

A-3638, sponsored by Assemblyman David C. Schwartz, D-Middlesex, which creates an Alzheimer's Disease Study Commission to examine the social and medical needs which result from this degenerative brain disease.

AJR-43, sponsored by Assemblyman Walter J. Kavanaugh, R-Somerset, which extends the designation of the Blue Star Highway System to include portions of Interstate Highways 295, 95 and 80. The Blue Star Highways are a nationwide network of roads upon which garden clubs of the various states do ornamental plantings, at no cost to the states, to honor American veterans.

S-858, sponsored by State Senator Raymond J. Zane, D-Gloucester, which prescribes the basis upon which foreign judgments may be enforced in a court of this State.

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