

2A:49A-16

LEGISLATIVE HISTORY CHECKLIST

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"Foreign country money--judgements
recognition act"

NJSA: 2A:49A-16

LAWS OF: 1997 CHAPTER: 96

BILL NO: A2221

SPONSOR(S): Bagger

DATE INTRODUCED: June 27, 1996

COMMITTEE: ASSEMBLY: Judiciary

SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: March 13, 1997

SENATE: June 5, 1997

DATE OF APPROVAL: May 8, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

Title 2A.
Chapter 49A. (New
Title) Foreign
Money Claims and
Judgments.
§§1-9
C.2A:49A-16 to
2A:49A-24

P.L. 1997, CHAPTER 96, *approved May 8, 1997*
Assembly, No. 2221 (*First Reprint*)

1 AN ACT concerning foreign ¹country¹ money-judgments and
2 supplementing Title 2A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "¹**[Uniform]**¹
8 Foreign ¹Country¹ Money-Judgments Recognition Act."

9

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.

19

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.

23

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.

30

31 5. a. A foreign ¹country¹ money-judgment is not conclusive if:

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 (1) the 1 [judgement] judgment¹ was rendered under a system
2 which does not provide impartial tribunals or procedures compatible
3 with the requirements of due process of law;

4 (2) the foreign 1country¹ court did not have personal jurisdiction
5 over the 1[defendant] judgment debtor¹; or

6 (3) the foreign 1country¹ court did not have jurisdiction over the
7 subject matter.

8 b. A foreign 1country¹ money-judgment need not be recognized if:

9 (1) the 1[defendant] judgment debtor¹ in the proceedings in the
10 foreign 1country¹ court did not receive notice of the proceedings in
11 sufficient time to enable 1[him]the judgment debtor¹ to defend;

12 (2) the judgment was obtained by fraud;

13 (3) the cause of action on which the 1foreign¹ judgment is based is
14 1[repugnant] contrary¹ to the public policy of this State;

15 (4) the judgment conflicts with 1[another] a prior¹ final and
16 conclusive judgment;

17 (5) the 1[proceeding] proceedings¹ in the foreign 1country¹ court
18 1[was] were¹ contrary to an agreement between the parties under
19 which the dispute in question was to be settled, other than by
20 proceedings in that court; or

21 (6) in the case of jurisdiction based only on personal service, the
22 foreign 1country¹ court was a seriously inconvenient forum for the trial
23 of the action.

24

25 6. a. The foreign 1country¹ money-judgment shall not be refused
26 recognition for lack of personal jurisdiction if:

27 (1) the 1[defendant] judgment debtor¹ was served personally in the
28 foreign state;

29 (2) the 1[defendant] judgment debtor¹ voluntarily appeared in the
30 proceedings, other than for the purpose of protecting property seized
31 or threatened with seizure in the proceedings or of contesting the
32 jurisdiction of the court over 1[him]the judgment debtor¹;

33 (3) 1[prior to the commencement of the proceedings, the
34 defendant] the judgment debtor prior to the commencement of the
35 proceedings¹ had agreed 1expressly in writing¹ to submit to the
36 jurisdiction of the foreign 1country¹ court with respect to the subject
37 matter involved;

38 (4) the 1[defendant] judgment debtor¹ was domiciled in the foreign
39 state when the proceedings were instituted, or being a body corporate,
40 had its principal place of business 1[, was incorporated,]¹ or had
41 otherwise acquired corporate status 1[,]¹ in the foreign state;

42 (5) the 1[defendant] judgment debtor¹ had a business office in the
43 foreign state and the proceedings in the foreign 1country¹ court
44 involved a cause of action arising out of business done by the
45 1[defendant] judgment debtor¹ through that office in the foreign state;
46 or

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

4 b. The courts of this State may recognize other bases of 'personal'
5 jurisdiction.

6
7 7. If the '[defendant] judgment debtor' satisfies the court ['
8 either']' that an appeal 'from the foreign country money- judgment'
9 is pending or that '[he] the judgment debtor' is entitled and intends
10 to appeal from the foreign 'country' money-judgment, 'or that a stay
11 of execution has been granted.' the court may stay the proceedings
12 until the appeal has been determined or until the expiration of a period
13 of time sufficient to enable the '[defendant] judgment debtor' to
14 prosecute the appeal.

15
16 8. This act does not prevent the recognition of a foreign 'country'
17 money-judgment in situations not covered by this act.

18
19 9. This act shall be so construed as to effectuate its general
20 purpose to make uniform the law of those states which enact it.

21
22 10. This act shall take effect immediately.

23
24
25 _____
26
27 Enacts the "Foreign Country Money-Judgments Recognition Act."

ASSEMBLY, No. 2221

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblymen BAGGER and WISNIEWSKI

1 AN ACT concerning foreign money-judgments and supplementing Title
2 2A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Uniform
8 Foreign Money-Judgments Recognition Act."

9

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, or the Panama Canal Zone, the Trust Territory of
14 the Pacific Islands, or the Ryukyu Islands;

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

19

20 3. This act applies to any foreign money-judgment that is final and
21 conclusive and enforceable where rendered even though an appeal
22 from it is pending or it is subject to appeal.

23

24 4. Except as provided in section 5 of this act, a foreign money-
25 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 money-judgment is
28 enforceable in the same manner as the judgment of a sister state which
29 is entitled to full faith and credit.

30

31 5. a. A foreign money-judgment is not conclusive if:

32 (1) the judgement was rendered under a system which does not
33 provide impartial tribunals or procedures compatible with the
34 requirements of due process of law;

35 (2) the foreign court did not have personal jurisdiction over the
36 defendant; or

37 (3) the foreign court did not have jurisdiction over the subject

1 matter.

2 b. A foreign money-judgment need not be recognized if:

3 (1) the defendant in the proceedings in the foreign court did not
4 receive notice of the proceedings in sufficient time to enable him to
5 defend;

6 (2) the judgment was obtained by fraud;

7 (3) the cause of action on which the judgment is based is repugnant
8 to the public policy of this State;

9 (4) the judgment conflicts with another final and conclusive
10 judgment;

11 (5) the proceeding in the foreign court was contrary to an
12 agreement between the parties under which the dispute in question was
13 to be settled, other than by proceedings in that court; or

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

17

18 6. a. The foreign money-judgment shall not be refused recognition
19 for lack of personal jurisdiction if:

20 (1) the defendant was served personally in the foreign state;

21 (2) the defendant voluntarily appeared in the proceedings, other
22 than for the purpose of protecting property seized or threatened with
23 seizure in the proceedings or of contesting the jurisdiction of the court
24 over him;

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

28 (4) the defendant was domiciled in the foreign state when the
29 proceedings were instituted, or being a body corporate, had its
30 principal place of business, was incorporated, or had otherwise
31 acquired corporate status, in the foreign state;

32 (5) the defendant had a business office in the foreign state and the
33 proceedings in the foreign court involved a cause of action arising out
34 of business done by the defendant through that office in the foreign
35 state; or

36 (6) the defendant operated a motor vehicle or airplane in the
37 foreign state and the proceedings involved a cause of action arising
38 out of that operation.

39 b. The courts of this State may recognize other bases of
40 jurisdiction.

41

42 7. If the defendant satisfies the court either that an appeal is
43 pending or that he is entitled and intends to appeal from the foreign
44 money-judgment, the court may stay the proceedings until the appeal
45 has been determined or until the expiration of a period of time
46 sufficient to enable the defendant to prosecute the appeal.

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

3

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

6

7 10. This act shall take effect immediately.

8

9

10

STATEMENT

11

12 This bill, entitled the "Uniform Foreign Money-Judgments
13 Recognition Act," prescribes a uniform procedure for the enforcement
14 of money-judgements which embodies rules that the majority of courts
15 in this country have long applied. It provides that a money-judgment
16 entitled to recognition will be enforceable in the same manner as the
17 judgment of a court of a sister state which is entitled to full faith and
18 credit. The bill provides as the bases for the assumption of personal
19 jurisdiction those bases which are generally accepted today and
20 preserves for the courts the right to recognize still other bases.
21 Because the bill is not selective and applies to judgments from any
22 foreign court, the bill states that judgments rendered under a system
23 without impartial tribunals or procedures compatible with the
24 requirements of due process of law shall neither be recognized nor
25 enforced.

26 By definition, the bill excludes judgments for taxes or for support
27 in matrimonial or family matters, normally covered by treaty or
28 convention. The further exclusion of fines or other penalties is
29 consistent with the established principle observed by U.S. courts that
30 a country will not enforce foreign penal judgments.

31

32

33

34

35

36 Enacts the "Uniform Foreign Money-Judgments Recognition Act."

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2221

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2221.

This bill, entitled the "Foreign Money-Judgments Recognition Act," prescribes a uniform procedure for the enforcement of money-judgements which embodies rules that the majority of courts in this country have long applied. It provides that a money-judgment entitled to recognition will be enforceable in the same manner as the judgment of a court of a sister state which is entitled to full faith and credit. The bill provides as the bases for the assumption of personal jurisdiction those bases which are generally accepted today and preserves for the courts the right to recognize still other bases. Because the bill is not selective and applies to judgments from any foreign court, the bill states that judgments rendered under a system without impartial tribunals or procedures compatible with the requirements of due process of law shall neither be recognized nor enforced.

By definition, the bill excludes judgments for taxes or for support in matrimonial or family matters, normally covered by treaty or convention. The further exclusion of fines or other penalties is consistent with the established principle observed by U.S. courts that a country will not enforce foreign penal judgments.

The committee amendments insert the word "country" following "foreign" in the references to "foreign country money-judgments" to clarify that this bill does concern other countries and not sister states. The amendments omit references to specific territories in section 2 of the bill since the definition generally refers to the comprehensive "state, district, commonwealth, territory or insular possession." The term "defendant" is changed to "judgment debtor" to be more comprehensive since there may be circumstances where the defendant in a matter is the successful judgment creditor. In section 6 of the bill the amendments in paragraph (3) of subsection a. include that the agreement to submit to the jurisdiction of the foreign country court be made "expressly in writing." In section 7 the amendments include reference to a stay of execution which could stay the proceedings.