

LEGISLATIVE HISTORY CHECKLIST

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(Foreign judgments--uniform enforcement)

NJSA: 2A:49A-25

LAWS OF: 1997 CHAPTER: 204

BILL NO: A2220

SPONSOR(S): Bagger and others

DATE INTRODUCED: June 27, 1996

COMMITTEE: ASSEMBLY: Judiciary

SENATE: ---

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

DATE OF PASSAGE: ASSEMBLY: March 13, 1997

SENATE: June 5, 1997

DATE OF APPROVAL: August 14, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement adopted 4-21-97

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: ~~No~~ YesFOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

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P.L. 1997, CHAPTER 204, *approved August 14, 1997*
Assembly, No. 2220 (*Second Reprint*)

1 AN ACT concerning foreign judgments and supplementing Title 2A of
2 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 Enforcement of Foreign Judgments Act."

9
10 2. In this act "foreign judgment" means any judgment, decree, or
11 order of a court of the United States or of any other court which is
12 entitled to full faith and credit in this State.

13
14 3. A copy of any foreign judgment authenticated in accordance
15 with an act of Congress or the statutes of this State may be filed in the
16 office of the Clerk of the Superior Court of this State. The clerk shall
17 treat the foreign judgment in the same manner as a judgment of the
18 Superior Court of this State. A judgment so filed has the same effect
19 and is subject to the same procedures, defenses and proceedings for
20 reopening, vacating, or staying as a judgment of a Superior Court of
21 this State and may be enforced in the same manner.

22
23 4. a. At the time of the filing of the foreign judgment, the
24 judgment creditor or his lawyer shall make and file with the Clerk of
25 the Superior Court an affidavit setting forth the name and last known
26 post office address of the judgment debtor, and the judgment creditor.
27 ¹The affidavit shall further set forth whether the time to appeal the
28 foreign judgment has expired and whether the court of origin has
29 granted a stay of execution. In addition, in the case of a judgment
30 entered by default, the affidavit shall so state and shall set forth the

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.

² Senate floor amendments adopted April 21, 1997.

1 expiration date under the rules of the court of origin for vacating the
2 default.¹

3 b. Promptly upon the filing of the foreign judgment and the
4 affidavit, the clerk shall mail notice of the filing of the foreign
5 judgment to the judgment debtor at the address given and shall make
6 a note of the mailing in the docket. The notice shall include the name
7 and post office address of the judgment creditor and the judgment
8 creditor's lawyer, if any, in this State. In addition, the judgment
9 creditor may mail a notice of the filing of the judgment to the
10 judgment debtor and may file proof of mailing with the clerk. Lack of
11 mailing notice of filing by the clerk shall not affect the enforcement
12 proceedings if proof of mailing by the judgment creditor has been filed.

13 c. No execution or other process for enforcement of a foreign
14 judgment filed under this act shall issue until 14 days after the date the
15 judgment is filed.

16

17 5. a. If the judgment debtor shows the Superior Court that an
18 appeal from the foreign judgment is pending or will be taken, or that
19 a stay of execution has been granted, the court shall stay enforcement
20 of the foreign judgment until the appeal is concluded, the time for
21 appeal expires, or the stay of execution expires or is vacated, upon
22 proof that the judgment debtor has furnished security for the
23 satisfaction of the judgment required by the state in which it was
24 rendered.

25 b. If the judgment debtor shows the Superior Court any ground
26 upon which enforcement of a judgment of the Superior Court would
27 be stayed, the Superior Court shall stay enforcement of the foreign
28 judgment for an appropriate period, upon requiring the same security
29 for satisfaction of the judgment which is required in this State.

30

31 6. Any person filing a foreign judgment shall pay to the Clerk of
32 the Superior Court the fees required pursuant to N.J.S.22A:2-29 for
33 actions taken with respect to judgments. Fees for docketing,
34 transcription or other enforcement proceedings shall be as provided for
35 judgments of the Superior Court in accordance with N.J.S.22A:2-29.

36

37 7. The right of a judgment creditor to bring an action to enforce his
38 judgment instead of proceeding under this act remains unimpaired.

39

40 ²8. Nothing in this act shall be construed to require the
41 enforcement of any foreign judgment which is based on a consumer
42 loan containing any provision prohibited by the provisions of the "New
43 Jersey Licensed Lenders Act," P.L.1996, c.157 (C.17:11C-1 et seq).²

1 judgment filed under this act shall issue until 14 days after the date the
2 judgment is filed.

3

4 5. a. If the judgment debtor shows the Superior Court that an
5 appeal from the foreign judgment is pending or will be taken, or that
6 a stay of execution has been granted, the court shall stay enforcement
7 of the foreign judgment until the appeal is concluded, the time for
8 appeal expires, or the stay of execution expires or is vacated, upon
9 proof that the judgment debtor has furnished security for the
10 satisfaction of the judgment required by the state in which it was
11 rendered.

12 b. If the judgment debtor shows the Superior Court any ground
13 upon which enforcement of a judgment of the Superior Court would
14 be stayed, the Superior Court shall stay enforcement of the foreign
15 judgment for an appropriate period, upon requiring the same security
16 for satisfaction of the judgment which is required in this State.

17

18 6. Any person filing a foreign judgment shall pay to the Clerk of
19 the Superior Court the fees required pursuant to N.J.S.22A:2-29 for
20 actions taken with respect to judgments. Fees for docketing,
21 transcription or other enforcement proceedings shall be as provided for
22 judgments of the Superior Court in accordance with N.J.S.22A:2-29.

23

24 7. The right of a judgment creditor to bring an action to enforce his
25 judgment instead of proceeding under this act remains unimpaired.

26

27 8. This act shall be so interpreted and construed as to effectuate its
28 general purpose to make uniform the law of those states which enact
29 it.

30

31 9. This act shall take effect immediately.

32

33

34 *SPONSORS'* STATEMENT

35

36 With respect to the enforcement of judgments, decrees or orders of
37 a court of the United States or of any other court which is entitled to
38 full faith and credit in this State, this bill adopts the practice used in
39 federal courts for the inter-district enforcement of the judgments of
40 Federal District Courts. The bill relieves creditors and debtors of the
41 additional cost and harassment of further litigation currently
42 experienced with respect to the enforcement of a foreign judgment.

43 Forty-two states have enacted this uniform act since it was
44 proposed in 1964 by the National Conference of Commissioners on
45 Uniform State Laws and the American Bar Association. New Jersey
46 is one of eight states that have yet to adopt this uniform act.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

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ASSEMBLY, No. 2220

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2220.

With respect to the enforcement of judgments, decrees or orders of a court of the United States or of any other court which is entitled to full faith and credit in this State, this bill adopts the practice used in federal courts for the inter-district enforcement of the judgments of federal district courts. The bill relieves creditors and debtors of the additional cost and harassment of further litigation currently experienced with respect to the enforcement of a foreign judgment.

Forty-two states have enacted this uniform act since it was proposed in 1964 by the National Conference of Commissioners on Uniform State Laws and the American Bar Association. New Jersey is one of eight states that have yet to adopt this uniform act.

The committee amendments in section 4 are intended to help the court identify those cases in which foreign judgments are not properly enforceable in this State. New Jersey courts will not enforce a judgment where an appeal is pending in the court of origin or where that court has granted a stay of execution. The intent of the amendment is to give the court the information pertinent to the legal status of the underlying foreign judgment.

SENATE AMENDMENTS
(Proposed By Senator Bryant)

ADOPTED
APR 21 1997

to

[First Reprint]

ASSEMBLY, No. 2220

(Sponsored By Assemblymen Bagger and Wisniewski)

INSERT NEW SECTION 8 TO READ:

8. Nothing in this act shall be construed to require the enforcement of any foreign judgment which is based on a consumer loan containing any provision prohibited by the provisions of the "New Jersey Licensed Lenders Act," P.L. 1996, c. 157 (C.17:11C-1 et seq).²

STATEMENT

These amendments would provide that nothing in the "Uniform Enforcement of Foreign Judgments Act" shall be construed to require the enforcement of any foreign judgement which is based on a consumer loan containing any provision prohibited by the provisions of the "New Jersey Licensed Lenders Act."

RENUMBER SECTIONS 8 and 9
AS SECTIONS 9 and 10

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Governor's Signing Statement

A-2220/S-1578, sponsored by Assembly Member Rich Bagger (Middlesex/Morris/Somerset/Union) and John Wisniewski (D-Middlesex) and Senator John Matheussen (R-Camden/ Gloucester), adopts the practice used in federal courts for the inter-district enforcement of judgments, decrees or orders of a court of the United States. The bill relieves creditors and debtors of the additional cost of further litigation currently experienced when attempting to enforce a foreign judgment.

A-1678, sponsored by Assembly Members Scott Garrett (R-Sussex/Hunterdon/Morris) and Guy Gregg (R-Sussex/Hunterdon/Morris), limits jurisdiction of the Board of Public Utilities over certain consumer-owned water companies. The bill limits the board's jurisdiction over non-profit, non-publicly owned water companies that are owned and controlled exclusively by the consumers they serve.