

Introduced: 4/27/71
Referred: Judiciary

1 IN THE HOUSE

BY MORAN

2 HOUSE BILL NO. 451

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Uniform Foreign Money--Judgments
7 Recognition Act."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.30 is amended by adding new sections to read:

10 ARTICLE 2. UNIFORM FOREIGN MONEY--JUDGMENTS RECOGNITION ACT.

11 Sec. 09.30.100. APPLICABILITY. Secs. 100 - 180 of this chapter
12 apply to any foreign judgment that is final and conclusive and en-
13 forceable where rendered even though an appeal is pending or it is sub-
14 ject to appeal.

15 Sec. 09.30.110. RECOGNITION AND ENFORCEMENT. Except as provided
16 in sec. 120 of this chapter, a foreign judgment meeting the requirements
17 of sec. 100 of this chapter is conclusive between the parties to the
18 extent that it grants or denies recovery of a sum of money. The foreign
19 judgment is enforceable in the same manner as the judgment of a sister
20 state which is entitled to full faith and credit.

21 Sec. 09.30.120. GROUNDS FOR NONRECOGNITION. (a) A foreign
22 judgment is not conclusive if

23 (1) the judgment was rendered under a system which does not
24 provide impartial tribunals or procedures compatible with the require-
25 ments of due process of law;

26 (2) the foreign court did not have personal jurisdiction
27 over the defendant; or

28 (3) the foreign court did not have jurisdiction over the
29 subject matter.

1 (b) A foreign judgment need not be recognized if

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

5 (2) the judgment was obtained by fraud;

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

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

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

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

16 Sec. 09.30.130. PERSONAL JURISDICTION. (a) The foreign judgment
17 shall not be refused recognition for lack of personal jurisdiction if

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

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

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

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

1 (5) the defendant had a business office in the foreign state
2 and the proceedings in the foreign court involved a cause of action
3 arising out of business done by the defendant through that office in
4 the foreign state; or

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

8 (b) The courts of this state may recognize other bases of
9 jurisdiction.

10 Sec. 09.30.140. STAY IN CASE OF APPEAL. If the defendant satis-
11 fies the court either that an appeal is pending or that he is entitled
12 and intends to appeal from the foreign judgment, the court may stay
13 the proceedings until the appeal has been determined or until the
14 expiration of a period of time sufficient to enable the defendant to
15 prosecute the appeal.

16 Sec. 09.30.150. SAVING CLAUSE. Secs. 100 - 180 of this chapter
17 do not prevent the recognition of a foreign judgment in situations not
18 covered by secs. 100 - 180 of this chapter.

19 Sec. 09.30.160. CONSTRUCTION. Secs. 100 - 180 of this chapter
20 shall be so construed as to effectuate its general purpose to make
21 uniform the law of those states which enact the Uniform Foreign Money-
22 Judgments Recognition Act.

23 Sec. 09.30.170. DEFINITIONS. In secs. 100 - 180 of this chapter

24 (1) "foreign state" means a governmental unit other than
25 the United States, or a state, district, commonwealth, territory,
26 insular possession thereof, or the Panama Canal Zone, the Trust Terri-
27 tory of the Pacific Islands, or the Ryukyu Islands;

28 (2) "foreign judgment" means a judgment of a foreign state
29 granting or denying recovery of a sum of money other than a judgment

1 for taxes, a fine or other penalty, or a judgment for support in
2 matrimonial or family matters.

3 Sec. 09.30.180. SHORT TITLE. Secs. 100 - 180 of this chapter
4 may be cited as the Uniform Foreign Money-Judgments Recognition Act.
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