



GOV. MSG. NO. 647

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 30, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 30, 2009, the following bill was signed into law:

SB119

A BILL FOR AN ACT
RELATING TO THE UNIFORM FOREIGN-
COUNTRY MONEY JUDGMENTS RECOGNITION
ACT.

ACT 034 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".
LINDA LINGLE

1 "Foreign-country judgment" means a judgment of a court of a
2 foreign country.

3 § -3 Applicability. (a) Except as otherwise provided
4 in subsection (b), this chapter applies to a foreign-country
5 judgment to the extent that the judgment:

- 6 (1) Grants or denies recovery of a sum of money; and
- 7 (2) Under the law of the foreign country where rendered,
8 is final, conclusive, and enforceable.

9 (b) This chapter does not apply to a foreign-country
10 judgment, even if the judgment grants or denies recovery of a
11 sum of money, to the extent that the judgment is:

- 12 (1) A judgment for taxes;
- 13 (2) A fine or other penalty; or
- 14 (3) A judgment for divorce, support, or maintenance, or
15 other judgment rendered in connection with domestic
16 relations.

17 (c) A party seeking recognition of a foreign-country
18 judgment has the burden of establishing that this chapter
19 applies to the foreign-country judgment.

20 § -4 Standards for recognition of foreign-country
21 judgment. (a) Except as otherwise provided in subsections (b)



1 and (c), a court of this State shall recognize a foreign-country
2 judgment to which this chapter applies.

3 (b) A court of this State may not recognize a foreign-
4 country judgment if:

5 (1) The judgment was rendered under a judicial system that
6 does not provide impartial tribunals or procedures
7 compatible with the requirements of due process of
8 law;

9 (2) The foreign court did not have personal jurisdiction
10 over the defendant; or

11 (3) The foreign court did not have jurisdiction over the
12 subject matter.

13 (c) A court of this State need not recognize a foreign-
14 country judgment if:

15 (1) The defendant in the proceeding in the foreign court
16 did not receive notice of the proceeding in sufficient
17 time to enable the defendant to defend;

18 (2) The judgment was obtained by fraud that deprived the
19 losing party of an adequate opportunity to present its
20 case;



- 1 (3) The judgment or the cause of action on which the
2 judgment is based is repugnant to the public policy of
3 this State or of the United States;
- 4 (4) The judgment conflicts with another final and
5 conclusive judgment;
- 6 (5) The proceeding in the foreign court was contrary to an
7 agreement between the parties under which the dispute
8 in question was to be determined otherwise than by
9 proceedings in that foreign court;
- 10 (6) In the case of jurisdiction based only on personal
11 service, the foreign court was a seriously
12 inconvenient forum for the trial of the action;
- 13 (7) The judgment was rendered in circumstances that raise
14 substantial doubt about the integrity of the rendering
15 court with respect to the judgment; or
- 16 (8) The specific proceeding in the foreign court leading
17 to the judgment was not compatible with the
18 requirements of due process of law.
- 19 (d) A party resisting recognition of a foreign-country
20 judgment has the burden of establishing that a ground for
21 nonrecognition stated in subsection (b) or (c) exists.



1 § -5 Personal jurisdiction. (a) A foreign-country
2 judgment may not be refused recognition for lack of personal
3 jurisdiction if:

- 4 (1) The defendant was served with process personally in
5 the foreign country;
- 6 (2) The defendant voluntarily appeared in the proceeding,
7 other than for the purpose of protecting property
8 seized or threatened with seizure in the proceeding or
9 of contesting the jurisdiction of the court over the
10 defendant;
- 11 (3) The defendant, before the commencement of the
12 proceeding, had agreed to submit to the jurisdiction
13 of the foreign court with respect to the subject
14 matter involved;
- 15 (4) The defendant was domiciled in the foreign country
16 when the proceeding was instituted or was a
17 corporation or other form of business organization
18 that had its principal place of business in, or was
19 organized under the laws of, the foreign country;
- 20 (5) The defendant had a business office in the foreign
21 country and the proceeding in the foreign court
22 involved a cause of action arising out of business



1 done by the defendant through that office in the
2 foreign country; or

3 (6) The defendant operated a motor vehicle or airplane in
4 the foreign country and the proceeding involved a
5 cause of action arising out of that operation.

6 (b) The list of bases for personal jurisdiction in
7 subsection (a) is not exclusive. The courts of this State may
8 recognize bases of personal jurisdiction other than those listed
9 in subsection (a) as sufficient to support a foreign-country
10 judgment.

11 § -6 Procedure for recognition of foreign-country
12 judgment. (a) If recognition of a foreign-country judgment is
13 sought as an original matter, the issue of recognition shall be
14 raised by filing an action seeking recognition of the foreign-
15 country judgment.

16 (b) If recognition of a foreign-country judgment is sought
17 in a pending action, the issue of recognition may be raised by
18 counterclaim, cross-claim, or affirmative defense.

19 § -7 Effect of recognition of foreign-country judgment.
20 If the court in a proceeding under section -6 finds that the
21 foreign-country judgment is entitled to recognition under this
22 chapter then, to the extent that the foreign-country judgment



1 grants or denies recovery of a sum of money, the foreign-country
2 judgment is:

- 3 (1) Conclusive between the parties to the same extent as
4 the judgment of a sister state entitled to full faith
5 and credit in this State would be conclusive; and
6 (2) Enforceable in the same manner and to the same extent
7 as a judgment rendered in this State.

8 § -8 Stay of proceedings pending appeal of foreign-
9 country judgment. If a party establishes that an appeal from a
10 foreign-country judgment is pending or will be taken, the court
11 may stay any proceedings with regard to the foreign-country
12 judgment until the appeal is concluded, the time for appeal
13 expires, or the appellant has had sufficient time to prosecute
14 the appeal and has failed to do so.

15 § -9 Statute of limitations. An action to recognize a
16 foreign-country judgment must be commenced within the earlier of
17 the time during which the foreign-country judgment is effective
18 in the foreign country or fifteen years from the date that the
19 foreign-country judgment became effective in the foreign
20 country.



1 § -10 Saving clause. This chapter does not prevent the
2 recognition under principles of comity or otherwise of a
3 foreign-country judgment not within the scope of this chapter."

4 SECTION 2. Chapter 658C, Hawaii Revised Statutes, is
5 repealed.

6 SECTION 3. This Act shall take effect upon its approval
7 and shall apply to all actions commenced on or after the
8 effective date of this Act in which the issue of recognition of
9 a foreign-country judgment is raised.

10

APPROVED this 30 day of APR , 2009



GOVERNOR OF THE STATE OF HAWAII