

**ACT 49**

S.B. NO. 2263

A Bill for an Act Relating to Foreign Money Judgments.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT**

§ -1 **Short title.** This chapter may be cited as the Uniform Foreign Money-Judgments Recognition Act.

§ -2 **Definitions.** As used in this chapter:

“Foreign judgment” means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters.

“Foreign state” means any governmental unit other than the United States, or any state, district, commonwealth, territory, or insular possession thereof.

§ **-3 Applicability.** This chapter shall apply to any foreign judgment that is final, conclusive, and enforceable where rendered even though an appeal therefrom is pending or is subject to appeal.

§ **-4 Recognition and enforcement.** (a) Except as provided in section -5, a foreign judgment meeting the requirements of section -3 shall be conclusive between the parties to the extent that it grants or denies recovery of a sum of money. A copy of any foreign judgment may be filed in the office of the clerk of an appropriate court of this State. The foreign judgment shall be enforceable in the same manner as the judgment of a sister-state that is entitled to full faith and credit.

(b) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's attorney shall:

- (1) Make and file with the clerk of the court an affidavit setting forth the name and last known post office address given;
- (2) Mail notice of the filing to the judgment debtor at the address given; and
- (3) Make note of the mailing in the docket.

The notice shall include the name and post office address of the judgment creditor and the judgment creditor's attorney, if any, in this State. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. The failure by the clerk to mail notice of filing shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

§ **-5 Grounds for non-recognition.** (a) A foreign judgment shall not be conclusive if:

- (1) The judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
- (2) The foreign court did not have personal jurisdiction over the defendant; or
- (3) The foreign court did not have jurisdiction over the subject matter.

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

- (1) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable the defendant to defend;
- (2) The judgment was obtained by fraud;
- (3) The cause of action on which the judgment is based is repugnant to the public policy of this State;
- (4) The judgment conflicts with another final and conclusive judgment;
- (5) The proceedings in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or
- (6) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

§ **-6 Personal jurisdiction.** (a) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if:

- (1) The defendant was served personally in the foreign state;
- (2) The defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over the defendant;

- (3) The defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;
  - (4) The defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state;
  - (5) The defendant had a business office in the foreign state and the proceedings in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign state; or
  - (6) The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action arising out of that operation.
- (b) The courts of this State may recognize other basis of jurisdiction.

§ **-7 Stay in case of appeal.** If the defendant satisfies the court either that an appeal is pending, or that the defendant is entitled and intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

§ **-8 Severability.** This chapter shall not prevent the recognition of a foreign judgment in situations not covered by this chapter.

§ **-9 Uniformity of interpretation.** This chapter shall be construed to effectuate its general purpose, which is to make uniform the law of those states that enact it.”

SECTION 2. This Act shall not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 24, 1996.)