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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
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The Committee on Judiciary (Soto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Application of foreign law.-

(1) As used in this section, the term "strong public
policy" means that the public policy must be sufficiently
important that it outweighs the policy protecting freedom of
contract.

(2) A court may not enforce:

(a) A choice of law provision in a contract selecting the



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12 law of a foreign country which contravenes strong public policy
13 of this state or that is unjust or unreasonable.

14 (b) A forum selection clause in a contract that selects a
15 forum in another country if the clause is shown to be
16 unreasonable or unjust or if strong public policy would prohibit
17 the enforceability of the clause under the specific facts of the
18 case.

19 (3) Before enforcing a judgment or order of a court of
20 another country, a court must review the judgment or order to
21 ensure that it complies with the rule of comity. A foreign
22 judgment or order is not entitled to comity if the parties were
23 not given notice and the opportunity to be heard, the foreign
24 court did not have original jurisdiction, or the foreign
25 judgment offends the public policy of this state.

26 (4) A contract is void as against the public policy of this
27 state if it is injurious to the interest of the public or
28 contravenes some established interest in society.

29 (5) A trial court may not dismiss an action on the grounds
30 that a satisfactory remedy may be more conveniently sought in
31 another country unless the trial court finds that an adequate
32 alternate forum exists.

33 Section 2. This act shall take effect upon becoming a law.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete everything before the enacting clause
38 and insert:

39 A bill to be entitled

40 An act relating to the application of foreign law in



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41 courts; defining the term "strong public policy";
42 prohibiting a court from enforcing certain choice of
43 law or forum selection contractual provisions;
44 requiring a court to review foreign judgments and
45 orders for comity before enforcing such orders or
46 judgments; specifying foreign judgments and orders
47 that are not entitled to comity; providing that
48 certain contracts are void as against the public
49 policy of this state; prohibiting a trial court from
50 dismissing an action on the grounds that a
51 satisfactory remedy may be more conveniently sought in
52 another country; providing an exception; providing an
53 effective date.