

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 170
SENATE BILL 1447

AN ACT

AMENDING TITLE 12, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 25; RELATING
TO FOREIGN COUNTRY MONEY JUDGMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, Arizona Revised Statutes, is amended by adding
3 chapter 25, to read:

4 CHAPTER 25

5 UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

6 ARTICLE 1. GENERAL PROVISIONS

7 12-3251. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "FOREIGN COUNTRY" MEANS A GOVERNMENT OTHER THAN:

10 (a) THE UNITED STATES.

11 (b) A STATE, DISTRICT, COMMONWEALTH, TERRITORY OR INSULAR POSSESSION
12 OF THE UNITED STATES.

13 (c) ANY OTHER GOVERNMENT WITH REGARD TO WHICH THE DECISION IN THIS
14 STATE AS TO WHETHER TO RECOGNIZE A JUDGMENT OF THAT GOVERNMENT'S COURTS IS
15 INITIALLY SUBJECT TO DETERMINATION UNDER THE FULL FAITH AND CREDIT CLAUSE OF
16 THE UNITED STATES CONSTITUTION.

17 2. "FOREIGN-COUNTRY JUDGMENT" MEANS A JUDGMENT OF A COURT OF A FOREIGN
18 COUNTRY.

19 12-3252. Applicability of chapter

20 A. THIS CHAPTER APPLIES TO A FOREIGN-COUNTRY JUDGMENT THAT GRANTS OR
21 DENIES THE RECOVERY OF A SUM OF MONEY AND, UNDER THE LAW OF THE FOREIGN
22 COUNTRY WHERE RENDERED, IS FINAL, CONCLUSIVE AND ENFORCEABLE.

23 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THIS CHAPTER DOES NOT
24 APPLY TO A JUDGMENT THAT EITHER:

25 1. GRANTS OR DENIES THE RECOVERY OF A SUM OF MONEY IF IT IS ANY OF THE
26 FOLLOWING:

27 (a) A JUDGMENT FOR TAXES.

28 (b) A FINE OR OTHER PENALTY.

29 (c) A JUDGMENT FOR DIVORCE, SUPPORT OR MAINTENANCE OR OTHER JUDGMENT
30 RENDERED IN CONNECTION WITH DOMESTIC RELATIONS.

31 2. ORIGINATES FROM A FOREIGN COUNTRY THAT HAS NOT ADOPTED OR ENACTED A
32 RECIPROCAL LAW RELATED TO FOREIGN-COUNTRY MONEY JUDGMENTS THAT IS SIMILAR TO
33 THIS CHAPTER.

34 C. THE PARTY SEEKING RECOGNITION OF A FOREIGN-COUNTRY JUDGMENT HAS THE
35 BURDEN OF ESTABLISHING THAT THIS CHAPTER APPLIES TO THE FOREIGN-COUNTRY
36 JUDGMENT.

37 12-3253. Recognition of foreign-country judgments; personal
38 jurisdiction

39 A. EXCEPT AS PROVIDED IN SUBSECTIONS B AND C OF THIS SECTION, A COURT
40 SHALL RECOGNIZE A FOREIGN-COUNTRY JUDGMENT TO WHICH THIS CHAPTER APPLIES.

41 B. A COURT MAY NOT RECOGNIZE A FOREIGN-COUNTRY JUDGMENT IF ANY OF THE
42 FOLLOWING APPLIES:

43 1. THE JUDGMENT WAS RENDERED UNDER A JUDICIAL SYSTEM THAT DOES NOT
44 PROVIDE IMPARTIAL TRIBUNALS OR PROCEDURES COMPATIBLE WITH THE REQUIREMENTS OF
45 DUE PROCESS OF LAW.

1 2. THE FOREIGN COURT DID NOT HAVE PERSONAL JURISDICTION OVER THE
2 DEFENDANT.

3 3. THE FOREIGN COURT DID NOT HAVE JURISDICTION OVER THE SUBJECT
4 MATTER.

5 C. A COURT MAY CHOOSE TO NOT RECOGNIZE A FOREIGN-COUNTRY JUDGMENT IF
6 ANY OF THE FOLLOWING APPLIES:

7 1. THE DEFENDANT IN THE PROCEEDING IN THE FOREIGN COURT DID NOT
8 RECEIVE NOTICE OF THE PROCEEDING IN SUFFICIENT TIME TO ENABLE THE DEFENDANT
9 TO DEFEND.

10 2. THE JUDGMENT WAS OBTAINED BY FRAUD THAT DEPRIVED THE LOSING PARTY
11 OF AN ADEQUATE OPPORTUNITY TO PRESENT ITS CASE.

12 3. THE JUDGMENT OR THE CAUSE OF ACTION ON WHICH THE JUDGMENT IS BASED
13 IS REPUGNANT TO THE PUBLIC POLICY OF THIS STATE OR OF THE UNITED STATES.

14 4. THE JUDGMENT CONFLICTS WITH ANOTHER FINAL AND CONCLUSIVE JUDGMENT.

15 5. THE PROCEEDING IN THE FOREIGN COURT WAS CONTRARY TO AN AGREEMENT
16 BETWEEN THE PARTIES UNDER WHICH THE DISPUTE IN QUESTION WAS TO BE DETERMINED
17 OTHERWISE THAN BY PROCEEDINGS IN THAT FOREIGN COURT.

18 6. IN THE CASE OF JURISDICTION BASED ONLY ON PERSONAL SERVICE, THE
19 FOREIGN COURT WAS A SERIOUSLY INCONVENIENT FORUM FOR THE TRIAL OF THE ACTION.

20 7. THE JUDGMENT WAS RENDERED IN CIRCUMSTANCES THAT RAISE SUBSTANTIAL
21 DOUBT ABOUT THE INTEGRITY OF THE RENDERING COURT WITH RESPECT TO THE
22 JUDGMENT.

23 8. THE SPECIFIC PROCEEDING IN THE FOREIGN COURT LEADING TO THE
24 JUDGMENT WAS NOT COMPATIBLE WITH THE REQUIREMENTS OF DUE PROCESS OF LAW.

25 D. A PARTY CONTESTING THE RECOGNITION OF A FOREIGN-COUNTRY JUDGMENT
26 HAS THE BURDEN OF ESTABLISHING THAT A GROUND FOR NONRECOGNITION PURSUANT TO
27 SUBSECTION B OR C OF THIS SECTION EXISTS.

28 E. A FOREIGN-COUNTRY JUDGMENT MAY NOT BE REFUSED RECOGNITION FOR LACK
29 OF PERSONAL JURISDICTION IF ANY OF THE FOLLOWING APPLIES:

30 1. THE DEFENDANT WAS SERVED WITH PROCESS PERSONALLY IN THE FOREIGN
31 COUNTRY.

32 2. THE DEFENDANT VOLUNTARILY APPEARED IN THE PROCEEDING, OTHER THAN
33 FOR THE PURPOSE OF PROTECTING PROPERTY SEIZED OR THREATENED WITH SEIZURE IN
34 THE PROCEEDING OR OF CONTESTING THE JURISDICTION OF THE COURT OVER THE
35 DEFENDANT.

36 3. THE DEFENDANT, BEFORE THE COMMENCEMENT OF THE PROCEEDING, HAD
37 AGREED TO SUBMIT TO THE JURISDICTION OF THE FOREIGN COURT WITH RESPECT TO THE
38 SUBJECT MATTER INVOLVED.

39 4. THE DEFENDANT WAS DOMICILED IN THE FOREIGN COUNTRY WHEN THE
40 PROCEEDING WAS INSTITUTED OR WAS A CORPORATION OR OTHER FORM OF BUSINESS
41 ORGANIZATION THAT HAD ITS PRINCIPAL PLACE OF BUSINESS IN, OR WAS ORGANIZED
42 UNDER THE LAWS OF, THE FOREIGN COUNTRY.

43 5. THE DEFENDANT HAD A BUSINESS OFFICE IN THE FOREIGN COUNTRY AND THE
44 PROCEEDING IN THE FOREIGN COURT INVOLVED A CAUSE OF ACTION ARISING OUT OF
45 BUSINESS DONE BY THE DEFENDANT THROUGH THAT OFFICE IN THE FOREIGN COUNTRY.

1 6. THE DEFENDANT OPERATED A MOTOR VEHICLE OR AIRPLANE IN THE FOREIGN
2 COUNTRY AND THE PROCEEDING INVOLVED A CAUSE OF ACTION ARISING OUT OF THAT
3 OPERATION.

4 F. THE COURT MAY RECOGNIZE A BASIS FOR PERSONAL JURISDICTION THAT IS
5 NOT LISTED IN SUBSECTION E OF THIS SECTION AS SUFFICIENT TO SUPPORT A
6 FOREIGN-COUNTRY JUDGMENT.

7 12-3254. Procedure for recognition of a foreign-country
8 judgment; effect of recognition of a foreign-country
9 judgment; stay of proceedings; statute of
10 limitations

11 A. IF RECOGNITION OF A FOREIGN-COUNTRY JUDGMENT IS SOUGHT AS AN
12 ORIGINAL MATTER, THE ISSUE OF RECOGNITION IS RAISED BY FILING AN ACTION
13 SEEKING RECOGNITION OF THE FOREIGN-COUNTRY JUDGMENT. IF RECOGNITION OF A
14 FOREIGN-COUNTRY JUDGMENT IS SOUGHT IN A PENDING ACTION, THE ISSUE OF
15 RECOGNITION IS RAISED BY COUNTERCLAIM, CROSS-CLAIM OR AFFIRMATIVE DEFENSE.

16 B. IF THE COURT IN A PROCEEDING UNDER SUBSECTION A OF THIS SECTION
17 FINDS THAT THE FOREIGN-COUNTRY JUDGMENT IS ENTITLED TO RECOGNITION UNDER THIS
18 CHAPTER, TO THE EXTENT THAT THE FOREIGN-COUNTRY JUDGMENT GRANTS OR DENIES
19 RECOVERY OF A SUM OF MONEY, THE FOREIGN-COUNTRY JUDGMENT IS BOTH OF THE
20 FOLLOWING:

21 1. CONCLUSIVE BETWEEN THE PARTIES TO THE SAME EXTENT AS THE JUDGMENT
22 OF A SISTER STATE ENTITLED TO FULL FAITH AND CREDIT IN THIS STATE WOULD BE
23 CONCLUSIVE.

24 2. ENFORCEABLE IN THE SAME MANNER AND TO THE SAME EXTENT AS A JUDGMENT
25 RENDERED IN THIS STATE.

26 C. IF A PARTY ESTABLISHES THAT AN APPEAL FROM A FOREIGN-COUNTRY
27 JUDGMENT IS PENDING OR WILL BE TAKEN, THE COURT MAY STAY ANY PROCEEDINGS WITH
28 REGARD TO THE FOREIGN-COUNTRY JUDGMENT UNTIL THE APPEAL IS CONCLUDED, THE
29 TIME FOR APPEAL EXPIRES OR THE APPELLANT HAS HAD SUFFICIENT TIME TO PROSECUTE
30 THE APPEAL AND HAS FAILED TO DO SO.

31 D. AN ACTION TO RECOGNIZE A FOREIGN-COUNTRY JUDGMENT MUST BE COMMENCED
32 WITHIN THE EARLIER OF THE TIME DURING WHICH THE FOREIGN-COUNTRY JUDGMENT IS
33 EFFECTIVE IN THE FOREIGN COUNTRY OR FIFTEEN YEARS AFTER THE DATE THAT THE
34 FOREIGN-COUNTRY JUDGMENT BECAME EFFECTIVE IN THE FOREIGN COUNTRY.

35 Sec. 2. Applicability

36 This act applies to actions commenced on or after the effective date of
37 this act in which the issue of recognition of a foreign-country judgment is
38 raised.

APPROVED BY THE GOVERNOR APRIL 1, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.