

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1447 Session of
2002

INTRODUCED BY JUBELIRER, JUNE 7, 2002

REFERRED TO JUDICIARY, JUNE 7, 2002

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for recognition
3 of foreign judgments rendered outside the United States;
4 making a repeal; and making an editorial change.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 4306 heading of Title 42 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 4306. Enforcement of foreign judgments rendered within the
10 United States.

11 * * *

12 Section 2. Title 42 is amended by adding a section to read:

13 § 4307. Recognition of foreign judgments rendered outside the
14 United States.

15 (a) Short title.--This section shall be known and may be
16 cited as the Pennsylvania Uniform Foreign Money Judgment
17 Recognition Act.

18 (b) Recognition and enforcement.--Except as provided in

1 subsections (c) and (d), a foreign judgment meeting the
2 requirements of subsection (h) is conclusive between the parties
3 to the extent that it grants or denies recovery of a sum of
4 money. The foreign judgment is enforceable in the same manner as
5 the judgment of another state which is entitled to full faith
6 and credit.

7 (c) Grounds for nonrecognition.--A foreign judgment need not
8 be recognized if:

9 (1) the defendant in the proceedings in the foreign
10 court did not receive notice of the proceedings in sufficient
11 time to enable the defendant to defend;

12 (2) the judgment was obtained by fraud;

13 (3) the cause of action or claim for relief on which the
14 judgment is based is repugnant to the public policy of this
15 Commonwealth;

16 (4) the judgment conflicts with another final and
17 conclusive judgment;

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

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

25 (d) Nonconclusive judgments.--A foreign judgment is not
26 conclusive if:

27 (1) the judgment was rendered under a system which does
28 not provide impartial tribunals or procedures compatible with
29 the requirements of due process of law;

30 (2) the foreign court did not have personal jurisdiction

1 over the defendant; or

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

4 (e) Personal jurisdiction.--The foreign judgment shall not
5 be refused recognition for lack of personal jurisdiction if:

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

8 (2) the defendant voluntarily appeared in the
9 proceedings, other than for the purpose of protecting
10 property seized or threatened with seizure in the proceedings
11 or of contesting the jurisdiction of the court over the
12 defendant;

13 (3) the defendant, prior to the commencement of the
14 proceedings, had agreed to submit to the jurisdiction of the
15 foreign court with respect to the subject matter involved;

16 (4) the defendant was domiciled in the foreign state
17 when the proceedings were instituted, or, being a body
18 corporate, had its principal place of business, was
19 incorporated or had otherwise acquired corporate status in
20 the foreign state;

21 (5) the defendant had a business office in the foreign
22 state and the proceedings in the foreign court involved a
23 cause of action or claim for relief arising out of business
24 done by the defendant through that office in the foreign
25 state;

26 (6) the defendant operated a motor vehicle or airplane
27 in the foreign state and the proceedings involved a cause of
28 action or claim for relief arising out of such operation; or

29 (7) the courts of this Commonwealth recognize other
30 bases of jurisdiction.

1 (f) Stay in case of appeal.--If the defendant satisfies the
2 court either that an appeal is pending or that the defendant is
3 entitled and intends to appeal from the foreign judgment, the
4 court may stay the proceedings until the appeal has been
5 determined or until the expiration of a period of time
6 sufficient to enable the defendant to prosecute the appeal.

7 (g) Savings clause.--This section shall not be construed to
8 prevent the recognition of a foreign judgment in situations not
9 covered by this section.

10 (h) Applicability.--This section shall apply to any foreign
11 judgment that is final and conclusive and enforceable where
12 rendered, even though an appeal therefrom is pending or it is
13 subject to appeal.

14 (i) Definitions.--The following words and phrases when used
15 in this section shall have the meanings given to them in this
16 subsection unless the context clearly indicates otherwise:

17 "Foreign government." A governmental unit other than the
18 United States, or a state, district, commonwealth, territory or
19 insular possession thereof, or the Panama Canal Zone, the Trust
20 Territory of the Pacific Islands or the Ryukyu Islands.

21 "Foreign judgment." A judgment of a foreign government
22 granting or denying recovery of a sum of money, other than a
23 judgment for taxes, a fine or other penalty or a judgment in
24 matrimonial or family matters.

25 Section 3. The addition of 42 Pa.C.S. § 4307 is a
26 codification of and shall be deemed a continuation of the act of
27 November 21, 1990 (P.L.559, No.139), known as the Uniform
28 Foreign Money Judgment Recognition Act.

29 Section 4. The act of November 21, 1990 (P.L.559, No.139),
30 known as the Uniform Foreign Money Judgment Recognition Act, is

1 repealed.

2 Section 5. This act shall take effect in 60 days.