



375592

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/04/2014	.	
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The Committee on Governmental Oversight and Accountability  
(Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Application of the law of a foreign country in  
courts.-

(1) As used in this section, the term "strong public  
policy" means public policy of sufficient importance to outweigh  
the policy of protecting freedom of contract.

(2) A court may not enforce:



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11 (a) A choice of law provision in a contract selecting the  
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 a foreign 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 a  
20 foreign country, a court must review the judgment or order to  
21 ensure that it complies with the rule of comity. A judgment or  
22 order of a court of a foreign country is not entitled to comity  
23 if the parties were not given adequate notice and the  
24 opportunity to be heard, the foreign court did not have original  
25 jurisdiction, or the judgment or order of the foreign court  
26 offends the public policy of this state.

27 (4) A contract that seeks to apply the law of a foreign  
28 country is void as against the public policy of this state if it  
29 is injurious to the interest of the public or contravenes some  
30 established interest in society.

31 (5) A trial court may not dismiss an action on the grounds  
32 that a satisfactory remedy may be more conveniently sought in a  
33 foreign country unless the trial court finds in accordance with  
34 the applicable rules of civil procedure and this section, that  
35 an adequate alternate forum exists.

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

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38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:



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40 Delete everything before the enacting clause  
41 and insert:

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