UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

Act 20 of 2008

AN ACT to revise the standards under which courts of this state recognize foreign money judgments; to establish procedures for the recognition of foreign money judgments; to limit the time within which an action to enforce a foreign money judgment may be commenced; to make uniform the law relating to the enforcement of foreign money judgments; and to repeal acts and parts of acts.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

The People of the State of Michigan enact:

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691.1131 Short title.

Sec. 1.

This act shall be known and may be cited as the "uniform foreign-country money judgments recognition act".

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

691.1132 Definitions.

Sec. 2.

As used in this act:

(a) "Foreign country" means a government other than any of the following:

(i) The United States.

(ii) A state, district, commonwealth, territory, or insular possession of the United States.

(iii) A federally recognized Indian tribe whose tribal court judgments are entitled to recognition and presumed to be valid under a court rule adopted by the supreme court.

(iv) Any other government with regard to which the decision in this state as to whether to recognize a judgment of that government's courts is initially subject to determination under the full faith and credit clause of the United States constitution.

(b) "Foreign-country judgment" means the judgment of a court of a foreign country.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

691.1133 Applicability of act; scope.

Sec. 3.

(1) Except as otherwise provided in subsection (2), this act applies to a foreign-country judgment to the extent that both of the following apply:

(a) The judgment grants or denies recovery of a sum of money.

(b) Under the law of the foreign country where rendered, the judgment is final, conclusive, and enforceable.

(2) This act does not apply to a foreign-country judgment, even if the judgment grants or denies recovery of a sum of money, to the extent that the judgment is any of the following:

(a) A judgment for taxes.

(b) A fine or other penalty.

(c) A judgment for divorce, support, or maintenance or other judgment rendered in connection with domestic relations.

(3) A party seeking recognition of a foreign-country judgment has the burden of establishing that this act applies to the foreign-country judgment.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

691.1134 Foreign-country judgment; recognition by court; burden for establishing ground for nonrecognition.

Sec. 4.

(1) Except as otherwise provided in subsections (2) and (3), a court of this state shall recognize a foreign-country judgment to which this act applies.

(2) A court of this state shall not recognize a foreign-country judgment if any of the following apply:

(a) The judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law.

(b) The foreign court did not have personal jurisdiction over the defendant.

(c) The foreign court did not have jurisdiction over the subject matter.

(3) A court of this state need not recognize a foreign-country judgment if any of the following apply:

(a) The defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend.

(b) The judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case.

(c) The judgment or the cause of action on which the judgment is based is repugnant to the public policy of this state or of the United States.

(d) The judgment conflicts with another final and conclusive judgment.

(e) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that foreign court.

(f) If jurisdiction was based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

(g) The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment.

(h) The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.

(4) A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in subsection (2) or (3) exists.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

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691.1135 Lack of personal jurisdiction; refusal of recognition prohibited; conditions; bases.

Sec. 5.

(1) A foreign-country judgment shall not be refused recognition for lack of personal jurisdiction if any of the following apply:

(a) The defendant was served with process personally in the foreign country.

(b) The defendant voluntarily appeared in the proceeding, other than for the purpose of protecting property seized or threatened with seizure in the proceeding or of contesting the jurisdiction of the court over the defendant.

(c) The defendant, before the commencement of the proceeding, agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved.

(d) The defendant was domiciled in the foreign country when the proceeding was instituted or was a corporation or other form of business organization that had its principal place of business in, or was organized under the laws of, the foreign country.

(e) The defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign country.

(f) The defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action arising out of that operation.

(2) The list of bases for personal jurisdiction in subsection (1) is not exclusive. The courts of this state may recognize bases of personal jurisdiction other than those listed in subsection (1) as sufficient to support a foreign-country judgment.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

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691.1136 Recognition of foreign-country judgment; raising action as original matter; raising action by counterclaim, cross-claim, or affirmative defense.

Sec. 6.

(1) If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition shall be raised by filing an action seeking recognition of the foreign-country judgment.

(2) If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

691.1137 Foreign-country judgment; findings.

Sec. 7.

If the court in a proceeding under section 6 finds that the foreign-country judgment is entitled to recognition under this act, then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is both of the following:

(a) Conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this state would be conclusive.

(b) Enforceable in the same manner and to the same extent as a judgment rendered in this state.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

691.1138 Appeal; stay of proceedings.

Sec. 8.

If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceedings with regard to the foreign-country judgment until the appeal is concluded, the time for appeal expires, or the appellant has had sufficient time to prosecute the appeal and has failed to do so.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

691.1139 Recognition of foreign-country judgment; commencement of action.

Sec. 9.

An action to recognize a foreign-country judgment shall be commenced within the earlier of the time during which the foreign-country judgment is effective in the foreign country or 15 years from the date that the foreign-country judgment became effective in the foreign country.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

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691.1140 Applicability and construction of act; promotion of uniformity of law.

Sec. 10.

In applying and construing this uniform act, a court shall consider the need to promote uniformity of the law with respect to its subject matter among states that enact it.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

691.1141 Recognition of foreign-country judgment under principles of comity.

Sec. 11.

This act does not prevent the recognition under principles of comity or otherwise of a foreign-country judgment that is not within the scope of this act.

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

691.1142 Applicability of act.

Sec. 12.

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

History: 2008, Act 20, Imd. Eff. Mar. 7, 2008

691.1143 Repeal of MCL 691.1151 to 691.1159.

Sec. 13.

The uniform foreign money-judgments recognition act, 1967 PA 191, MCL 691.1151 to 691.1159, is repealed.

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