

1 AN ACT relating to recognition of foreign-country money judgments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔SECTION 1. KRS CHAPTER 426A IS ESTABLISHED AND A NEW
4 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

5 **Sections 1 to 12 of this Act may be cited as the Uniform Foreign Country Money**
6 **Judgments Recognition Act.**

7 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
8 READ AS FOLLOWS:

9 **As used in Sections 1 to 12 of this Act:**

10 **(1) "Foreign country" means a government other than:**

11 **(a) The United States;**

12 **(b) A state, district, commonwealth, territory, or insular possession of the**
13 **United States; or**

14 **(c) Any other government to which the decision in this state as to whether to**
15 **recognize a judgment of that government's courts is initially subject to**
16 **determination under the Full Faith and Credit Clause of the United States**
17 **Constitution; and**

18 **(2) "Foreign-country judgment" means a judgment of a court of a foreign country.**

19 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
20 READ AS FOLLOWS:

21 **(1) Except as provided in subsection (2) of this section, Sections 1 to 12 of this Act**
22 **apply to a foreign-country judgment to the extent that the judgment:**

23 **(a) Grants or denies recovery of a sum of money; and**

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

26 **(2) Sections 1 to 12 of this Act do not apply to a foreign-country judgment, even if the**
27 **judgment grants or denies recovery of a sum of money, to the extent that the**

1 judgment is:

2 (a) A judgment for taxes;

3 (b) A fine or other penalty; or

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

6 (3) A party seeking recognition of a foreign-country judgment has the burden of
7 establishing that Sections 1 to 12 of this Act apply to the foreign-country
8 judgment.

9 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
10 READ AS FOLLOWS:

11 (1) Except as otherwise provided in subsections (2) and (3) of this section, a court of
12 this state shall recognize a foreign-country judgment to which Sections 1 to 12 of
13 this Act apply.

14 (2) A court of this state may not recognize a foreign-country judgment if:

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

18 (b) The foreign court did not have personal jurisdiction over the defendant; or

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

20 (3) A court of this state shall not be required to recognize a foreign-country judgment
21 if:

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

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

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

- 1 (d) The judgment conflicts with another final and conclusive judgment;
2 (e) The proceeding in the foreign court was contrary to an agreement between
3 the parties under which the dispute in question was to be determined other
4 than by proceedings in that foreign country;
5 (f) In the case of jurisdiction based only on personal service, the foreign court
6 was a seriously inconvenient forum for the trial of the action;
7 (g) The judgment was rendered in circumstances that raise substantial doubt
8 about the integrity of the rendering court with respect to the judgment; or
9 (h) The specific proceeding in the foreign court leading to the judgment was
10 not compatible with the requirements of due process of law.
11 (4) A party resisting recognition of a foreign-country judgment has the burden of
12 establishing that a ground for nonrecognition stated in subsection (2) or (3) of
13 this Section exists.

14 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
15 READ AS FOLLOWS:

- 16 (1) A foreign-country judgment shall not be refused recognition for lack of personal
17 jurisdiction if the defendant:
18 (a) Was served with process personally in the foreign country;
19 (b) Voluntarily appeared in the proceeding, other than for the purpose of
20 protecting property seized or threatened with seizure in the proceeding or of
21 contesting the jurisdiction of the court over the defendant;
22 (c) Before the commencement of the proceeding, had agreed to submit to the
23 jurisdiction of the foreign court with respect to the subject matter involved;
24 (d) Was domiciled in the foreign country when the proceeding was instituted or
25 was a corporation or other form of business organization that had its
26 principal place of business in, or was organized under the laws of, the
27 foreign country;

1 (e) Had a business office in the foreign country and the proceeding in the
2 foreign court involved a cause of action arising out of business done by the
3 defendant through that office in the foreign country; or

4 (f) Operated a motor vehicle or airplane in the foreign country and the
5 proceeding involved a cause of action arising out of that operation.

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

10 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
11 READ AS FOLLOWS:

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

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

18 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
19 READ AS FOLLOWS:

20 If the court in a proceeding under Section 6 of this Act finds that the foreign-country
21 judgment is entitled to recognition under Sections 1 to 12 of this Act then, to the extent
22 that the foreign-country judgment grants or denied recovery of a sum of money, the
23 foreign-country judgment shall be:

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

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

1 ➔ SECTION 8. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
2 READ AS FOLLOWS:

3 *If a party establishes that an appeal from a foreign-country judgment is pending or will*
4 *be taken, the court may stay any proceedings with regard to the foreign-country*
5 *judgment until the:*

6 *(1) Appeal is concluded;*

7 *(2) Time for appeal expires; or*

8 *(3) Appellant has had sufficient time to prosecute the appeal and has failed to do so.*

9 ➔ SECTION 9. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
10 READ AS FOLLOWS:

11 *An action to recognize a foreign-country judgment shall be commenced within the*
12 *earlier of the time during which the foreign-country judgment is effective in the*
13 *foreign country or fifteen (15) years from the date that the foreign-country judgment*
14 *became effective in the foreign country.*

15 ➔ SECTION 10. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
16 TO READ AS FOLLOWS:

17 *In applying and construing the Uniform Foreign-Country Money Judgements*
18 *Recognition Act, consideration shall be given to the need to promote uniformity of the*
19 *law with respect to its subject matter among the states that enact it.*

20 ➔ SECTION 11. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
21 TO READ AS FOLLOWS:

22 *Sections 1 to 12 of this Act do not prevent the recognition under principles of comity or*
23 *otherwise of a foreign-country judgment not within the scope of Sections 1 to 12 of this*
24 *Act.*

25 ➔ SECTION 12. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
26 TO READ AS FOLLOWS:

27 *Sections 1 to 12 of this Act shall apply to all actions commenced after the effective date*

- 1 *of this Act in which the issue of recognition of a foreign-country judgment is raised.*
- 2 ➔ Section 13. This Act takes effect January 1, 2025.