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BILL ANALYSIS

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House Bill 4650 (Substitute S-1 as reported)

Sponsor: Representative Paul Condino

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

The bill would create the "Uniform Foreign-Country Money Judgments Recognition Act" to do all of the following:

- Specify circumstances under which a Michigan court would have to, could, or could not recognize a foreign-country judgment granting or denying a sum of money.
- Prohibit a foreign-country judgment from being refused for lack of personal jurisdiction if certain conditions applied, and allow Michigan courts to recognize other bases of personal jurisdiction.
- Provide that a foreign-country judgment entitled to recognition would be conclusive between the parties and enforceable in the manner of a judgment rendered in Michigan.
- Specify that a party seeking recognition of a foreign-country judgment would have the burden of proving that the Act applied.
- Establish the procedure for seeking enforcement of a foreign-country judgment.
- Allow a court to stay proceedings if an appeal from a foreign-country judgment were pending.
- Allow an action to recognize a foreign-country judgment within the time the judgment was effective in the foreign country or 15 years, whichever was shorter.
- Specify the circumstances under which the proposed Act would apply.
- Repeal the Uniform Foreign Money-Judgments Recognition Act (MCL 691.1151-691.1150).

"Foreign-country judgment" would mean a judgment of a court of foreign country. "Foreign country" would mean a government other than any of the following:

- The United States.
- A state, district, commonwealth, territory, or insular possession of the United States.
- 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.
- Any other government with regard to which the decision in Michigan 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 U.S. Constitution.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill addresses court procedure and would have no fiscal impact on the judiciary.

Date Completed: 2-6-08

Fiscal Analyst: Stephanie Yu