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JUDICIARY. Drake. Chair: Hester and Varn.

DO PASS 2-24-89 (p. 502)

FILED JAN 30 1989

SENATE FILE 111
BY JENSEN

Passed Senate, Date 3-6-89 (p. 633) Passed House, Date 4-13-89 (p. 1274)
Vote: Ayes 47 Nays 0 Vote: Ayes 95 Nays 0
Approved May 18, 1989

A BILL FOR

1 An Act relating to foreign money judgments and providing an
2 effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 1

SENATE FILE 111

S-3112

- 1 Amend Senate File 111 as follows:
- 2 1. Page 3, by inserting after line 32 the fol-
- 3 lowing:
- 4 "Sec. ____ . This Act is retroactive to January 1,
- 5 1988, and applies to any final and conclusive foreign
- 6 judgment obtained on or after that date."
- 7 2. By renumbering as necessary.

By JOHN W. JENSEN

S-3112 FILED FEBRUARY 27 1989

ADDED 3-6-89 (p. 633)

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1 Section 1. NEW SECTION. 626B.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise
3 requires:

4 1. "Foreign judgment" means a judgment, decree, or order
5 of a court of a foreign state granting or denying recovery of
6 a sum of money, other than a judgment for taxes, a fine or
7 other penalty, or a judgment for support of dependents.

8 2. "Foreign state" means any governmental unit other than
9 the United States, a state, district, commonwealth, territory,
10 insular possession of the United States, the Panama Canal
11 Zone, the Trust Territory of the Pacific Islands, or the
12 Ryukyu Islands.

13 Sec. 2. NEW SECTION. 626B.2 APPLICATION AND
14 ENFORCEABILITY.

15 This chapter applies to any foreign judgment which is final
16 and conclusive, and enforceable where rendered even though the
17 judgment is subject to an appeal or an appeal from that
18 judgment is pending. Except as provided in section 626B.3, a
19 foreign judgment is conclusive between the parties to the
20 extent that the judgment grants or denies recovery of a sum of
21 money. The final and conclusive foreign judgment is
22 enforceable in the same manner and to the same extent as the
23 judgment of a sister state which is entitled to full faith and
24 credit.

25 Sec. 3. NEW SECTION. 626B.3 INCONCLUSIVE JUDGMENTS.

26 1. A foreign judgment is not conclusive in any of the
27 following cases:

28 a. The foreign judgment was rendered under a system which
29 does not provide impartial tribunals or procedures compatible
30 with the requirements of due process of law.

31 b. Except as provided in section 626B.4, the court of the
32 foreign state did not have personal jurisdiction over the
33 defendant.

34 c. The court of the foreign state did not have
35 jurisdiction over the subject matter involved in the action.

1 2. A foreign judgment need not be recognized in any of the
2 following cases:

3 a. The defendant in the proceedings in the court of the
4 foreign state did not receive notice of the proceedings in
5 sufficient time to enable the defendant to defend against the
6 action.

7 b. The foreign judgment was obtained by fraud.

8 c. The cause of action on which the foreign judgment was
9 based is contrary to the public policy of this state.

10 d. The foreign judgment conflicts with a previous, final,
11 and conclusive foreign judgment or other judgment.

12 e. The proceeding in the foreign court was contrary to a
13 settlement agreement entered into between the parties prior to
14 the foreign judgment's being rendered by the court in the
15 foreign state.

16 f. The court where the plaintiff is seeking to enforce the
17 foreign judgment determines that jurisdiction in the court of
18 the foreign state was based upon personal service only, and
19 the doctrine of forum non conveniens applies to the original
20 action.

21 Sec. 4. NEW SECTION. 626B.4 PERSONAL JURISDICTION.

22 1. A foreign judgment shall not be refused recognition in
23 a court of this state for lack of personal jurisdiction if any
24 of the following occurred:

25 a. The defendant was served personally in the foreign
26 state.

27 b. The defendant voluntarily appeared in the proceedings,
28 other than for the purpose of protecting property seized or
29 threatened with seizure in the proceedings or for the purpose
30 of contesting jurisdiction of the court in the foreign state
31 over the defendant.

32 c. The defendant, prior to the commencement of the
33 proceedings in the court of the foreign state, had agreed to
34 submit to the jurisdiction of that court in the action
35 concerning the subject matter involved.

1 d. The defendant was domiciled, had its principal place of
2 business, or otherwise had acquired corporate status in the
3 foreign state when the proceedings were instituted.

4 e. The defendant had a business office in the foreign
5 state and the proceedings in the court of the foreign state
6 involved a cause of action arising out of business done by the
7 defendant through that office in the foreign state.

8 f. The defendant operated a motor vehicle or airplane in
9 the foreign state and the proceedings involved a cause of
10 action arising out of that operation.

11 2. A court of this state may recognize other bases of
12 jurisdiction.

13 Sec. 5. NEW SECTION. 626B.5 EFFECT OF APPEAL.

14 Upon satisfactory proof by the defendant that an appeal is
15 pending or that the defendant is entitled to and intends to
16 appeal the foreign judgment, the court may stay the
17 proceedings until the appeal has been determined or until a
18 sufficient period of time has expired during which the
19 defendant could have commenced an appeal in the court of the
20 foreign state.

21 Sec. 6. NEW SECTION. 626B.6 OTHER FOREIGN JUDGMENTS.

22 This chapter does not prevent the recognition of a foreign
23 judgment by a court of this state in a situation not
24 specifically covered in this chapter.

25 Sec. 7. NEW SECTION. 626B.7 UNIFORMITY OF
26 INTERPRETATION.

27 This chapter shall be so interpreted and construed as to
28 effectuate its general purpose to make uniform the law of
29 those states which enact it.

30 Sec. 8. NEW SECTION. 626B.8 SHORT TITLE.

31 This chapter may be cited as the uniform foreign money-
32 judgments recognition Act.

33 Sec. 9. This Act, being deemed of immediate importance, is
34 effective upon enactment.

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EXPLANATION

1 This bill establishes a new chapter entitled the uniform
2 foreign money-judgments recognition Act. The bill defines a
3 foreign judgment as a judgment of a court of a foreign state.
4 A foreign state is defined as any governmental unit other than
5 the United States, a state, district, commonwealth, territory,
6 insular possession of the United States, the Panama Canal
7 Zone, the Trust Territory of the Pacific Islands, or the
8 Ryukyu Islands.

9 The provisions of the chapter are to apply to any judgment
10 which is final and conclusive. The bill sets forth those
11 instances where a judgment is not final and conclusive.
12 Several instances are described where a foreign judgment is
13 not to be refused recognition for lack of personal
14 jurisdiction and it is provided that a court of this state may
15 recognize other bases of jurisdiction.

16 The bill states that the chapter is to be interpreted and
17 construed so as to effectuate its general purpose to make
18 uniform the law of those states which enact the same law.

19 In contrast to this bill, chapter 626A, enforcement of
20 foreign judgments, affects judgments, orders, and decrees of a
21 court of the United States or of any other court which is
22 entitled to full faith and credit in this state.

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House Bill 3914
Amended & DO PASS/H-3914, 4-6-89 (P. 1400)

SENATE FILE 111
BY JENSEN

(AS AMENDED AND PASSED BY THE SENATE MARCH 6, 1989)

————— - New Language by the Senate

Passed Senate, Date 4-18-89 (p. 507) Passed House, Date 4-13-89 (p. 574)
Vote: Ayes 43 Nays 3 Vote: Ayes 95 Nays 0
Approved May 18, 1989

A BILL FOR

1 An Act relating to foreign money judgments and providing an
2 effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 111

SENATE FILE 111

H-3914

- 1 Amend Senate File 111, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 3, by striking lines 33 through 35.
4 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT
JAY of Appanoose, Chairperson

H-3914 FILED APRIL 7, 1989

Adopted 4-13-89 (p. 573)

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1 Section 1. NEW SECTION. 626B.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise
3 requires:

4 1. "Foreign judgment" means a judgment, decree, or order
5 of a court of a foreign state granting or denying recovery of
6 a sum of money, other than a judgment for taxes, a fine or
7 other penalty, or a judgment for support of dependents.

8 2. "Foreign state" means any governmental unit other than
9 the United States, a state, district, commonwealth, territory,
10 insular possession of the United States, the Panama Canal
11 Zone, the Trust Territory of the Pacific Islands, or the
12 Ryukyu Islands.

13 Sec. 2. NEW SECTION. 626B.2 APPLICATION AND
14 ENFORCEABILITY.

15 This chapter applies to any foreign judgment which is final
16 and conclusive, and enforceable where rendered even though the
17 judgment is subject to an appeal or an appeal from that
18 judgment is pending. Except as provided in section 626B.3, a
19 foreign judgment is conclusive between the parties to the
20 extent that the judgment grants or denies recovery of a sum of
21 money. The final and conclusive foreign judgment is
22 enforceable in the same manner and to the same extent as the
23 judgment of a sister state which is entitled to full faith and
24 credit.

25 Sec. 3. NEW SECTION. 626B.3 INCONCLUSIVE JUDGMENTS.

26 1. A foreign judgment is not conclusive in any of the
27 following cases:

28 a. The foreign judgment was rendered under a system which
29 does not provide impartial tribunals or procedures compatible
30 with the requirements of due process of law.

31 b. Except as provided in section 626B.4, the court of the
32 foreign state did not have personal jurisdiction over the
33 defendant.

34 c. The court of the foreign state did not have
35 jurisdiction over the subject matter involved in the action.

1 2. A foreign judgment need not be recognized in any of the
2 following cases:

3 a. The defendant in the proceedings in the court of the
4 foreign state did not receive notice of the proceedings in
5 sufficient time to enable the defendant to defend against the
6 action.

7 b. The foreign judgment was obtained by fraud.

8 c. The cause of action on which the foreign judgment was
9 based is contrary to the public policy of this state.

10 d. The foreign judgment conflicts with a previous, final,
11 and conclusive foreign judgment or other judgment.

12 e. The proceeding in the foreign court was contrary to a
13 settlement agreement entered into between the parties prior to
14 the foreign judgment's being rendered by the court in the
15 foreign state.

16 f. The court where the plaintiff is seeking to enforce the
17 foreign judgment determines that jurisdiction in the court of
18 the foreign state was based upon personal service only, and
19 the doctrine of forum non conveniens applies to the original
20 action.

21 Sec. 4. NEW SECTION. 626B.4 PERSONAL JURISDICTION.

22 1. A foreign judgment shall not be refused recognition in
23 a court of this state for lack of personal jurisdiction if any
24 of the following occurred:

25 a. The defendant was served personally in the foreign
26 state.

27 b. The defendant voluntarily appeared in the proceedings,
28 other than for the purpose of protecting property seized or
29 threatened with seizure in the proceedings or for the purpose
30 of contesting jurisdiction of the court in the foreign state
31 over the defendant.

32 c. The defendant, prior to the commencement of the
33 proceedings in the court of the foreign state, had agreed to
34 submit to the jurisdiction of that court in the action
35 concerning the subject matter involved.

1 d. The defendant was domiciled, had its principal place of
2 business, or otherwise had acquired corporate status in the
3 foreign state when the proceedings were instituted.

4 e. The defendant had a business office in the foreign
5 state and the proceedings in the court of the foreign state
6 involved a cause of action arising out of business done by the
7 defendant through that office in the foreign state.

8 f. The defendant operated a motor vehicle or airplane in
9 the foreign state and the proceedings involved a cause of
10 action arising out of that operation.

11 2. A court of this state may recognize other bases of
12 jurisdiction.

13 Sec. 5. NEW SECTION. 626B.5 EFFECT OF APPEAL.

14 Upon satisfactory proof by the defendant that an appeal is
15 pending or that the defendant is entitled to and intends to
16 appeal the foreign judgment, the court may stay the
17 proceedings until the appeal has been determined or until a
18 sufficient period of time has expired during which the
19 defendant could have commenced an appeal in the court of the
20 foreign state.

21 Sec. 6. NEW SECTION. 626B.6 OTHER FOREIGN JUDGMENTS.

22 This chapter does not prevent the recognition of a foreign
23 judgment by a court of this state in a situation not
24 specifically covered in this chapter.

25 Sec. 7. NEW SECTION. 626B.7 UNIFORMITY OF
26 INTERPRETATION.

27 This chapter shall be so interpreted and construed as to
28 effectuate its general purpose to make uniform the law of
29 those states which enact it.

30 Sec. 8. NEW SECTION. 626B.8 SHORT TITLE.

31 This chapter may be cited as the uniform foreign money-
32 judgments recognition Act.

3914-33 Sec. 9. This Act is retroactive to January 1, 1988, and
34 applies to any final and conclusive foreign judgment obtained
35 on or after that date.

1 Sec. 10. This Act, being deemed of immediate importance,
2 is effective upon enactment.
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HOUSE AMENDMENT TO
SENATE FILE 111

S-3719

- 1 Amend Senate File 111, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by striking lines 33 through 35.
- 4 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3719 FILED APRIL 17, 1989

Senate concurred 4-18-89 (p. 367)

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SENATE FILE 111

AN ACT

RELATING TO FOREIGN MONEY JUDGMENTS AND PROVIDING AN
EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 626B.1 DEFINITIONS.

As used in this chapter unless the context otherwise
requires:

1. "Foreign judgment" means a judgment, decree, or order
of a court of a foreign state granting or denying recovery of
a sum of money, other than a judgment for taxes, a fine or
other penalty, or a judgment for support of dependents.

2. "Foreign state" means any governmental unit other than
the United States, a state, district, commonwealth, territory,
insular possession of the United States, the Panama Canal
Zone, the Trust Territory of the Pacific Islands, or the
Ryukyu Islands.

Sec. 2. NEW SECTION. 626B.2 APPLICATION AND
ENFORCEABILITY.

This chapter applies to any foreign judgment which is final
and conclusive, and enforceable where rendered even though the
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foreign judgment is conclusive between the parties to the
extent that the judgment grants or denies recovery of a sum of
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enforceable in the same manner and to the same extent as the
judgment of a sister state which is entitled to full faith and
credit.

Sec. 3. NEW SECTION. 626B.3 INCONCLUSIVE JUDGMENTS.

1. A foreign judgment is not conclusive in any of the
following cases:

a. The foreign judgment was rendered under a system which
does not provide impartial tribunals or procedures compatible
with the requirements of due process of law.

b. Except as provided in section 626B.4, the court of the
foreign state did not have personal jurisdiction over the
defendant.

c. The court of the foreign state did not have
jurisdiction over the subject matter involved in the action.

2. A foreign judgment need not be recognized in any of the
following cases:

a. The defendant in the proceedings in the court of the
foreign state did not receive notice of the proceedings in
sufficient time to enable the defendant to defend against the
action.

b. The foreign judgment was obtained by fraud.

c. The cause of action on which the foreign judgment was
based is contrary to the public policy of this state.

d. The foreign judgment conflicts with a previous, final,
and conclusive foreign judgment or other judgment.

e. The proceeding in the foreign court was contrary to a
settlement agreement entered into between the parties prior to
the foreign judgment's being rendered by the court in the
foreign state.

f. The court where the plaintiff is seeking to enforce the
foreign judgment determines that jurisdiction in the court of
the foreign state was based upon personal service only, and
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action.

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1. A foreign judgment shall not be refused recognition in
a court of this state for lack of personal jurisdiction if any
of the following occurred:

a. The defendant was served personally in the foreign
state.

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

c. The defendant, prior to the commencement of the proceedings in the court of the foreign state, had agreed to submit to the jurisdiction of that court in the action concerning the subject matter involved.

d. The defendant was domiciled, had its principal place of business, or otherwise had acquired corporate status in the foreign state when the proceedings were instituted.

e. The defendant had a business office in the foreign state and the proceedings in the court of the foreign state involved a cause of action arising out of business done by the defendant through that office in the foreign state.

f. The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action arising out of that operation.

2. A court of this state may recognize other bases of jurisdiction.

Sec. 5. NEW SECTION. 626B.5 EFFECT OF APPEAL.

Upon satisfactory proof by the defendant that an appeal is pending or that the defendant is entitled to and intends to appeal the foreign judgment, the court may stay the proceedings until the appeal has been determined or until a sufficient period of time has expired during which the defendant could have commenced an appeal in the court of the foreign state.

Sec. 6. NEW SECTION. 626B.6 OTHER FOREIGN JUDGMENTS.

This chapter does not prevent the recognition of a foreign judgment by a court of this state in a situation not specifically covered in this chapter.

Sec. 7. NEW SECTION. 626B.7 UNIFORMITY OF INTERPRETATION.

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 8. NEW SECTION. 626B.8 SHORT TITLE.

This chapter may be cited as the uniform foreign money-judgments recognition Act.

Sec. 9. This Act, being deemed of immediate importance, is effective upon enactment.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 111, Seventy-third General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved 5/18, 1989

TERRY E. BRANSTAD
Governor