

ENROLLMENT(S)

(5)

kwiktag® 062 312 890




COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-84

"Uniform Foreign Money Judgments Recognition Act of 1995".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-229 on first and second readings, October 10, 1995 and November 7, 1995 respectively. Following the signature of the Mayor on November 28, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-163 and published in the December 8, 1995, edition of the D.C. Register (Vol. 42 page 6787) and transmitted to Congress on December 12, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-84, effective February 10, 1996.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Dec. 12,13,14,15,18,19,20,21,22,27
Jan. 3,4,5,8,9,22,23,24,25,26,29,30,31
Feb. 1,2,5,6,7,8,9

ENROLLED ORIGINAL

AN ACT

D.C. ACT 11-163

Codification
District of
Columbia
Code
1996 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 28, 1995

To enact the Uniform Foreign Money Judgments Recognition Act in the District of Columbia.

New
Subchapter
III,
Chapter 3,
Title 15

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Foreign Money Judgments Recognition Act of 1995".

Sec. 2. Title 15 of the District of Columbia Code is amended as follows:

(a) The table of contents at the beginning of the title is amended by striking "15-357" and inserting "15-388" in its place.

(b) The table of contents at the beginning of chapter 3 is amended by adding the following to the end:

"Subchapter III. Uniform Foreign Money Judgments.

"Sec.

"15-381. Definitions.

"15-382. Recognition and enforcement.

"15-383. Grounds for nonrecognition.

"15-384. Personal jurisdiction.

"15-385. Stay in cases of appeal.

"15-386. Savings clause.

"15-387. Applicability.

"15-388. Uniformity of application and construction.

(c) A new subchapter III of chapter 3 is added to read as follows:

"Subchapter III. Uniform Foreign Money Judgments.

"§ 15-381. Definitions.

"For the purposes of this act, the term:

"(1) "Foreign state" means any governmental unit other than the United States, or any state, the District of Columbia, or any territory or insular possession of the United States.

New Section
15-381

ENROLLED ORIGINAL

"(2) "Foreign money judgment" means any judgment 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 in matrimonial or family matters.

"§ 15-382. Recognition and enforcement.

New Section
15-382

"Except as provided in section 15-383, a foreign money judgment meeting the requirements of section 15-387 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign money judgment is enforceable in the same manner as the judgment of a sister jurisdiction which is entitled to full faith and credit.

"§ 15-383. Grounds for nonrecognition.

New Section
15-383

"(a) A foreign money judgment is not conclusive if:

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

"(2) The foreign court did not have personal jurisdiction over the defendant; or

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

"(b) A foreign money judgment need not be recognized if:

"(1) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable the defendant to defend;

"(2) The judgment was obtained by fraud;

"(3) The cause of action on which the judgment is based is repugnant to the public policy of the District of Columbia;

"(4) The judgment conflicts with another final and conclusive judgment;

"(5) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or

"(6) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

"§ 15-384. Personal jurisdiction.

New Section
15-384

"(a) A foreign money judgment shall not be refused recognition for lack of personal jurisdiction if:

"(1) The defendant was served personally in the foreign state;

"(2) The defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over the defendant;

"(3) The defendant, prior to the commencement of the proceedings, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

"(4) The defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate, had its principal place of business, was incorporated, or had otherwise acquired corporate status in the foreign state;

"(5) The defendant had a business office in the foreign state and the proceedings

ENROLLED ORIGINAL

in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign state; or

"(6) The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action arising out of such operation.

"(b) The courts of the District of Columbia may recognize other bases of jurisdiction.

"§ 15-385. Stay in cases of appeal.

New Section
15-385

"If the defendant satisfies the court that either an appeal is pending or the defendant is entitled and intends to appeal from the foreign money judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

"§ 15-386. Savings clause.

New Section
15-386

"This act does not prevent the recognition of a foreign money judgment in situations not covered by this act.

"§ 15-387. Applicability.

New Section
15-387

"This act applies to any foreign money judgment that is final and conclusive and enforceable where rendered even though an appeal therefrom is pending or it is subject to appeal.

"§ 15-388. Uniformity of application and construction.

New Section
15-388

"This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it."

Sec. 3. Fiscal impact.

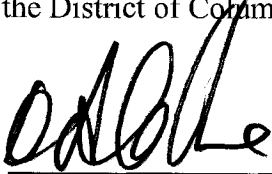
This act will have no fiscal impact.

Sec. 4. Effective date.

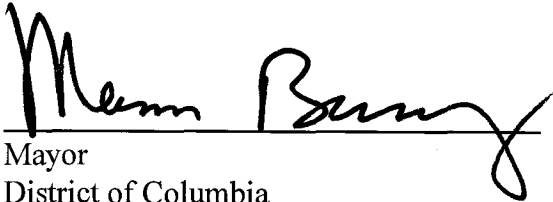
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental

ENROLLED ORIGINAL

Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: November 28, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-229

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ADOPTED FIRST READING, 10-10-95

APPROVED

RAY

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Angela [Signature]
Secretary to the Council

November 9, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ADOPTED FINAL READING, 11-7-95

APPROVED

SMITH

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Angela [Signature]
Secretary to the Council

November 9, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

ENROLLED ORIGINAL

AN ACT

*Codification
District of
Columbia
Code
1996 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To enact the Uniform Foreign Money Judgments Recognition Act in the District of Columbia.

**New
Subchapter
III,
Chapter 3,
Title 15**

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Foreign Money Judgments Recognition Act of 1995".

Sec. 2. Title 15 of the District of Columbia Code is amended as follows:

(a) The table of contents at the beginning of the title is amended by striking "15-357" and inserting "15-388" in its place.

(b) The table of contents at the beginning of chapter 3 is amended by adding the following to the end:

"Subchapter III. Uniform Foreign Money Judgments.

"Sec.

"15-381. Definitions.

"15-382. Recognition and enforcement.

"15-383. Grounds for nonrecognition.

"15-384. Personal jurisdiction.

"15-385. Stay in cases of appeal.

"15-386. Savings clause.

"15-387. Applicability.

"15-388. Uniformity of application and construction.

(c) A new subchapter III of chapter 3 is added to read as follows:

"Subchapter III. Uniform Foreign Money Judgments.

"§ 15-381. Definitions.

"For the purposes of this act, the term:

"(1) "Foreign state" means any governmental unit other than the United States, or any state, the District of Columbia, or any territory or insular possession of the United States.

**New Section
15-381**

ENROLLED ORIGINAL

"(2) "Foreign money judgment" means any judgment 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 in matrimonial or family matters.

"§ 15-382. Recognition and enforcement.

New Section
15-382

"Except as provided in section 15-383, a foreign money judgment meeting the requirements of section 15-387 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign money judgment is enforceable in the same manner as the judgment of a sister jurisdiction which is entitled to full faith and credit.

"§ 15-383. Grounds for nonrecognition.

New Section
15-383

"(a) A foreign money judgment is not conclusive if:

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

"(2) The foreign court did not have personal jurisdiction over the defendant; or

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

"(b) A foreign money judgment need not be recognized if:

"(1) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable the defendant to defend;

"(2) The judgment was obtained by fraud;

"(3) The cause of action on which the judgment is based is repugnant to the public policy of the District of Columbia;

"(4) The judgment conflicts with another final and conclusive judgment;

"(5) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or

"(6) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

"§ 15-384. Personal jurisdiction.

New Section
15-384

"(a) A foreign money judgment shall not be refused recognition for lack of personal jurisdiction if:

"(1) The defendant was served personally in the foreign state;

"(2) The defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over the defendant;

"(3) The defendant, prior to the commencement of the proceedings, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

"(4) The defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate, had its principal place of business, was incorporated, or had otherwise acquired corporate status in the foreign state;

"(5) The defendant had a business office in the foreign state and the proceedings

ENROLLED ORIGINAL

in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign state; or

"(6) The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action arising out of such operation.

"(b) The courts of the District of Columbia may recognize other bases of jurisdiction.

"§ 15-385. Stay in cases of appeal.

**New Section
15-385**

"If the defendant satisfies the court that either an appeal is pending or the defendant is entitled and intends to appeal from the foreign money judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

"§ 15-386. Savings clause.

**New Section
15-386**

"This act does not prevent the recognition of a foreign money judgment in situations not covered by this act.

"§ 15-387. Applicability.

**New Section
15-387**

"This act applies to any foreign money judgment that is final and conclusive and enforceable where rendered even though an appeal therefrom is pending or it is subject to appeal.

"§ 15-388. Uniformity of application and construction.

**New Section
15-388**

"This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it."

Sec. 3. Fiscal impact.

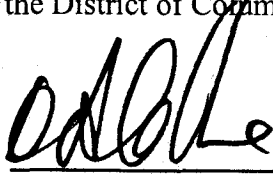
This act will have no fiscal impact.

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental

ENROLLED ORIGINAL

Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-229

Docket No.

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 10-10-95

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT

RAY

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Angela [Signature]
Secretary to the Council

November 9, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 11-7-95

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT

SMITH

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates vote

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Angela [Signature]
Secretary to the Council

November 9, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date