

CIVIL PRACTICE AND REMEDIES CODE

TITLE 2. TRIAL, JUDGMENT, AND APPEAL

SUBTITLE C. JUDGMENTS

CHAPTER 36A. ENFORCEMENT OF JUDGMENTS OF OTHER COUNTRIES

Sec. 36A.001. SHORT TITLE. This chapter may be cited as the Uniform Foreign-Country Money Judgments Recognition Act.

Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.

Sec. 36A.002. DEFINITIONS. In this chapter:

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

(A) the United States;

(B) a state, district, commonwealth, territory, or insular possession of the United States; or

(C) any other government with respect to which the decision in this state as to whether to recognize a judgment of that government's court is initially subject to determination under Section 1, Article IV, United States Constitution (the full faith and credit clause).

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

Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.

Sec. 36A.003. APPLICABILITY. (a) Except as otherwise provided in Subsection (b), this chapter applies to a foreign-country judgment to the extent that the judgment:

(1) grants or denies recovery of a sum of money; and

(2) under the law of the foreign country in which the judgment is rendered, is final, conclusive, and enforceable.

(b) This chapter does not apply to a foreign-country judgment that grants or denies recovery of a sum of money to the extent that the judgment is:

(1) a judgment for taxes;

(2) a fine or other penalty; or

(3) a judgment for divorce, support, or maintenance,

or other judgment rendered in connection with domestic relations.

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

Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.

Sec. 36A.004. STANDARDS FOR RECOGNITION OF FOREIGN-COUNTRY JUDGMENT. (a) Except as otherwise provided in Subsections (b) and (c), a court of this state shall recognize a foreign-country judgment to which this chapter applies.

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

(1) 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;

(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.

(c) A court of this state is not required to recognize a foreign-country judgment if:

(1) 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;

(2) the judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present the party's case;

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

(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 determined otherwise than by proceedings in the foreign court;

(6) jurisdiction was based only on personal service and the foreign court was a seriously inconvenient forum for the trial of the action;

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

(8) the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law; or

(9) it is established that the foreign country in which the judgment was rendered does not recognize judgments rendered in this state that, but for the fact that they are rendered in this state, would constitute foreign-country judgments to which this chapter would apply under Section [36A.003](#).

(d) A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in Subsection (b) or (c) exists.

Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. [944](#)), Sec. 1, eff. June 1, 2017.

Sec. 36A.005. PERSONAL JURISDICTION. (a) A foreign-country judgment may not be refused recognition for lack of personal jurisdiction if:

(1) the defendant was served with process personally in the foreign country;

(2) 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;

(3) the defendant, before commencement of the proceeding, 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 country when the proceeding was instituted or was a corporation or other form of business organization whose principal place of business was in, or that was organized under the laws of, the foreign country;

(5) 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; or

(6) 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.

(b) The list of bases for personal jurisdiction in Subsection (a) is not exclusive. A court of this state may recognize bases of personal jurisdiction other than those listed in Subsection (a) as sufficient to support a foreign-country judgment. Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.

Sec. 36A.006. PROCEDURE FOR RECOGNITION OF FOREIGN-COUNTRY JUDGMENT. (a) If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition may be raised by filing an action seeking recognition of the foreign-country judgment.

(b) 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. Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.

Sec. 36A.007. EFFECT OF RECOGNITION OF FOREIGN-COUNTRY JUDGMENT. If the court in a proceeding under Section 36A.006 finds that the foreign-country judgment is entitled to recognition under this chapter, then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is:

(1) 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; and

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

Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.

Sec. 36A.008. STAY OF PROCEEDINGS PENDING APPEAL OF FOREIGN-COUNTRY JUDGMENT. 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:

- (1) the appeal is concluded;
- (2) the time for appeal expires; or
- (3) the appellant has had sufficient time to prosecute the appeal and has failed to do so.

Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.

Sec. 36A.009. STATUTE OF LIMITATIONS. An action to recognize a foreign-country judgment must be brought within the earlier of:

- (1) the time during which the foreign-country judgment is effective in the foreign country; or
- (2) 15 years from the date that the foreign-country judgment became effective in the foreign country.

Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.

Sec. 36A.010. UNIFORMITY OF INTERPRETATION. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to the subject matter of this chapter among states that enact a law based on the uniform act on which this chapter is based.

Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.

Sec. 36A.011. SAVING CLAUSE. This chapter does not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this chapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 390 (S.B. 944), Sec. 1, eff. June 1, 2017.