

Regular Session, 2010

HOUSE BILL NO. 785

BY REPRESENTATIVE WOOTON

1 AN ACT

2 To enact Chapter 1 of Code Title I of Code Book IV of Title 9 of the Louisiana Revised  
3 Statutes of 1950, to be comprised of R.S. 9:6000, relative to the application of  
4 foreign laws; to provide for definitions; to provide for legislative findings; to prohibit  
5 the enforcement of foreign laws under certain circumstances; to provide for  
6 applicability to certain persons; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 1 of Code Title I of Code Book IV of Title 9 of the Louisiana  
9 Revised Statutes of 1950, comprised of R.S. 9:6000 is hereby enacted to read as follows:

10 CODE BOOK IV - CONFLICT OF LAWS

11 CODE TITLE I - OF FOREIGN LAWS

12 CHAPTER 1. APPLICATION OF FOREIGN LAWS

13 §6000. Application of foreign law

14 A. "Foreign law" means any law, rule, or legal code or system established  
15 and used or applied in a jurisdiction outside of the states or territories of the United  
16 States.

17 B. The legislature finds that it shall be the public policy of this state to  
18 protect its citizens from the application of foreign laws when the application of a  
19 foreign law will result in the violation of a right guaranteed by the constitution of this  
20 state or of the United States, including but not limited to due process, freedom of  
21 religion, speech, or press, and any right of privacy or marriage as specifically defined  
22 by the constitution of this state.

1           C. A court, arbitrator, administrative agency, or other adjudicative,  
2           mediation, or enforcement authority shall not enforce a foreign law if doing so would  
3           violate a right guaranteed by the constitution of this state or of the United States.

4           D. If any contractual provision or agreement provides for the choice of a  
5           foreign law to govern its interpretation or the resolution of any dispute between the  
6           parties, and if the enforcement or interpretation of the contractual provision or  
7           agreement would result in a violation of a right guaranteed by the constitution of this  
8           state or of the United States, the agreement or contractual provision shall be  
9           modified or amended to the extent necessary to preserve the constitutional rights of  
10           the parties.

11           E. If any contractual provision or agreement provides for the choice of venue  
12           or forum outside of the states or territories of the United States, and if the  
13           enforcement or interpretation of the contract or agreement applying that choice of  
14           venue or forum provision would result in a violation of any right guaranteed by the  
15           constitution of this state or of the United States, that contractual provision or  
16           agreement shall be interpreted or construed to preserve the constitutional rights of  
17           the person against whom enforcement is sought. Similarly, if a natural person  
18           subject to personal jurisdiction in this state seeks to maintain litigation, arbitration,  
19           agency, or similarly binding proceedings in this state, and if a court of this state finds  
20           that granting a claim of forum non conveniens or a related claim violates or would  
21           likely lead to the violation of the constitutional rights of the nonclaimant in the  
22           foreign forum with respect to the matter in dispute, the claim shall be denied.

23           F. Any contractual provision or agreement incapable of being modified or  
24           amended in order to preserve the constitutional rights of the parties pursuant to the  
25           provisions of this Section shall be null and void.

26           G. Without prejudice to any other legal right, the provisions of this Section  
27           shall not apply when a juridical person as defined by Civil Code Article 24 is a party  
28           to the contract or agreement.

1                    H. The public policies expressed in the provisions of this Section shall apply  
2                    only to actual or foreseeable violations of the constitutional rights of a person caused  
3                    by the application of the foreign law.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_