

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 460 By Senator Martiny**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

CONTRACTS. Provides relative to the application of foreign laws. (08/15/10)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Deleted provisions relative to the voluntary restriction of constitutional rights.
2. Provides for modifying or amending a contractual provision or agreement in addition to it being interpreted or construed to the extent necessary so as not to violated proposed law.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

Martiny

SB No. 460

Present law (R.S. 13:4241-4248), the Enforcement of Foreign Judgments Act, provides for procedures for the enforcement of foreign judgments entitled to the full faith and credit of this state.

Proposed law defines "foreign law" as any law, rule, or legal code or system established and used or applied in a jurisdiction outside of the states or territories of the United States.

Proposed law provides that the public policy of this state is to protect its citizens from the application of foreign laws which will result in the violation of a constitutional right including but not limited to due process, freedom of religion, speech, or press, and any right of privacy or marriage as specifically defined by the constitution of this state.

Proposed law prohibits the enforcement of a foreign law if doing so would violate a right guaranteed by the constitution of this state or of the United States.

Proposed law provides that if the enforcement of any choice of law, venue, or forum non conveniens provision in a contract would result in the violation of a constitutional right, that provision shall be interpreted, modified, amended, or construed so that the enforcement of the provision shall not result in a violation of a constitutional right.

Proposed law provides that if any contractual provision or agreement is incapable of being interpreted, modified, amended, or construed in order to preserve the constitutional rights of the parties, it shall be declared null and void.

Proposed law prohibits the application of proposed law to a juridical person who is a party to the contract or agreement.

Proposed law provides for application of proposed law to only actual or foreseeable violations of constitutional rights.

(Adds R.S. 9:6000)

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