

SENATE BILL NO. 460

BY SENATOR MARTINY

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

CODE BOOK IV - CONFLICT OF LAWS

CODE TITLE I - OF FOREIGN LAW

CHAPTER 1. APPLICATION OF FOREIGN LAW

§6000. Application of foreign law

A. "Foreign law" means 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.

B. The legislature finds that it shall be the public policy of this state to protect its citizens from the application of foreign laws when the application of a foreign law will result in the violation of a right guaranteed by the constitution of this state or of the United States, 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.

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

1 the United States.

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

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

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

27 G. Without prejudice to any other legal right, the provisions of this
28 Section shall not apply when a juridical person as defined by Civil Code Article
29 24 is a party to the contract or agreement.

30 H. The public policies expressed in the provisions of this Section shall

1 apply only to actual or foreseeable violations of the constitutional rights of a
2 person caused by the application of the foreign law.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____