

1 AN ACT relating to foreign law.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) It shall be the policy of this state to protect its citizens from the application of*  
6 *foreign laws when the application of a foreign law will result in the violation of a*  
7 *right guaranteed by the Constitution of this state or of the United States.*

8 *(2) As used in this section:*

9 *(a) "Foreign law" means any law, rule, or legal code or system established and*  
10 *used or applied in a jurisdiction outside of the states or territories of the*  
11 *United States;*

12 *(b) "Juridical person" means a corporation or other organizational entity; and*

13 *(c) "Natural person" means a human being.*

14 *(3) A court, arbitrator, administrative agency, or other adjudicative body or authority*  
15 *shall not enforce a foreign law if doing so would violate a right guaranteed by the*  
16 *Constitution of this state or of the United States.*

17 *(4) If any contractual provision or agreement provides for the choice of a foreign law*  
18 *to govern its interpretation or the resolution of any claim or dispute between the*  
19 *parties, and if the enforcement or interpretation of the contractual provision or*  
20 *agreement would result in a violation of a right guaranteed by the Constitution of*  
21 *this state or of the United States, the contractual provision or agreement shall be*  
22 *interpreted or construed to the extent necessary to preserve the constitutional*  
23 *rights of the person against whom enforcement is sought.*

24 *(5) (a) If any contractual provision or agreement provides for the choice of venue*  
25 *or forum outside of the states or territories of the United States, and if the*  
26 *enforcement or interpretation of the contract or agreement applying that*  
27 *choice of venue or forum provision would result in a violation of any right*

1           guaranteed by the Constitution of this state or of the United States, the  
2           contractual provision or agreement shall be interpreted or construed to  
3           preserve the constitutional rights of a person against whom enforcement is  
4           sought.

5           (b) If a natural person subject to personal jurisdiction in this state seeks to  
6           maintain litigation, arbitration, agency, or similarly binding proceedings in  
7           this state, and if a court of this state finds that granting a claim of forum  
8           non conveniens or a related claim violates or would likely lead to the  
9           violation of the constitutional rights of the nonclaimant in the foreign  
10           forum with respect to the matter in dispute, such claim shall be denied.

11           (6) This section shall not be interpreted to limit a natural person's right to  
12           voluntarily restrict or limit a person's constitutional rights by contract or specific  
13           waiver consistent with constitutional principles, but the language of any such  
14           contract or other waiver shall be strictly construed in favor of preserving the  
15           constitutional rights of the person.

16           (7) Any contractual provision or agreement incapable of being interpreted or  
17           construed in order to preserve the constitutional rights of the parties pursuant to  
18           this section shall be null and void.

19           (8) Without prejudice to any other legal right, this section shall not apply when a  
20           juridical person is a party to the contract or agreement.