

1 AN ACT relating to foreign money judgments.

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

3 ➔SECTION 1. KRS CHAPTER 426A IS ESTABLISHED AND A NEW
4 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

5 *Sections 1 to 11 of this Act may be cited as the Uniform Registration of Canadian*
6 *Money Judgments Act.*

7 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
8 READ AS FOLLOWS:

9 *As used in Sections 1 to 11 of this Act:*

10 *(1) "Canada" means the sovereign nation of Canada and its provinces and*
11 *territories. "Canadian" has a corresponding meaning; and*

12 *(2) "Canadian judgment" means a judgment of a court of Canada, other than a*
13 *judgment that recognized the judgment of another foreign country.*

14 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
15 READ AS FOLLOWS:

16 *(1) Sections 1 to 11 of this Act shall apply to a Canadian judgment to the extent the*
17 *judgment is within the scope of Section 14 of this Act, if recognition of the*
18 *judgment is sought to enforce the judgment.*

19 *(2) A Canadian judgment that grants both recovery of a sum of money and other*
20 *relief may be registered under Sections 1 to 11 of this Act, but only to the extent*
21 *of the grant of recovery of a sum of money.*

22 *(3) A Canadian judgment regarding subject matter both within and not within the*
23 *scope of Sections 1 to 11 of this Act may be registered under Sections 1 to 11 of*
24 *this Act, but only to the extent the judgment is with regard to subject matter*
25 *within the scope of Sections 1 to 11 of this Act.*

26 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
27 READ AS FOLLOWS:

- 1 (1) A person seeking recognition of a Canadian judgment described in Section 3 of
2 this Act to enforce the judgment may file the judgment in the office of clerk of the
3 court in which an action for recognition of the judgment could be filed under
4 Section 17 of this Act.
- 5 (2) A registration under subsection (1) of this section shall be executed by the person
6 registering the judgment or the person's attorney and include:
- 7 (a) A copy of the Canadian judgment authenticated under Section 17 of this
8 Act as an accurate copy by the court that entered the judgment;
- 9 (b) The name and address of the person registering the judgment;
- 10 (c) If the person registering the judgment is not the person in whose favor the
11 judgment was rendered, a statement describing the interest the person
12 registering the judgment has in the judgment which entitles the person to
13 seek its recognition and enforcement;
- 14 (d) The name and last known address of the person against whom the judgment
15 is being registered;
- 16 (e) If the judgment is of the type described in subsection (2) or (3) of Section 3
17 of this Act, a description of the part of the judgment being registered;
- 18 (f) The amount of the judgment or part of the judgment being registered
19 identifying:
- 20 1. The amount of interest accrued as of the date of registration on the
21 judgment or part of the judgment being registered, the rate of interest,
22 the part of the judgment to which interest applies, and the date when
23 the interest began to accrue;
- 24 2. Costs and expenses included in the judgment or part of the judgment
25 being registered, other than an amount awarded for attorney's fees;
26 and
- 27 3. The amount of any award of attorney's fees included in the judgment

1 or part of the judgment being registered;

2 (g) The amount, as of the date of registration, of post-judgment costs, expenses,
3 and attorney's fees claimed by the person registering the judgment or part
4 of the judgment;

5 (h) The amount of the judgment or part of the judgment being registered which
6 has been satisfied as of the date of registration;

7 (i) A statement that:

8 1. The judgment is final, conclusive, and enforceable under the law of
9 the Canadian jurisdiction in which it was rendered;

10 2. The judgment or part of the judgment being registered is within the
11 scope of Sections 1 to 11 of this Act; and

12 3. If a part of the judgment is being registered, the amounts stated in the
13 registration under paragraphs (f), (g), and (h) of this subsection relate
14 to the part being registered;

15 (j) If the judgment is not in English, a certified translation of the judgment
16 into English; and

17 (k) A registration fee set by rule of the Kentucky Supreme Court in accordance
18 with KRS 23A.200 and 24A.170.

19 (3) On receipt of a registration that includes the documents, information, and
20 registration fee required in subsection (2) of this section, the clerk of the court
21 shall file the registration and, except as may be otherwise provided in Sections 1
22 to 11 of this Act, shall treat the judgment in the same manner as a judgment of
23 any court or this state as provided in KRS 426.955.

24 (4) A registration substantially in the following form complies with the registration
25 requirements in subsection (2) of this section if the registration includes the
26 attachments specified in the form:

27 "REGISTRATION OF CANADIAN MONEY JUDGMENT

1 Complete and file this form, together with the documents required by Part V of this
2 form, with the clerk of the court. When stating an amount of money, identify the
3 currency in which the amount is stated.

4 **PART I. IDENTIFICATION OF CANADIAN JUDGMENT**

5 Canadian Court Rendering the Judgment: _____

6 Case/Docket Number in Canadian Court: _____

7 Name of Plaintiff(s): _____

8 Name of Defendant(s): _____

9 The Canadian Court entered the judgment on _____ (Date) in _____ (City)
10 in _____ (Province or Territory).

11 The judgment includes an award for the payment of money in favor of _____ in
12 the amount of _____.

13 If only part of the Canadian judgment is subject to registration pursuant to subsections
14 (2) and (3) of Section 3 of this Act, describe the part of the judgment being registered:
15 _____.

16 **PART II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND**
17 **PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED**

18 Provide the following information for all persons seeking to register the judgment
19 under this registration and all persons against whom the judgment is being registered
20 under this registration.

21 Name of person(s) registering judgment: _____.

22 If the person registering the judgment is not the person in whose favor the judgment
23 was rendered, describe the interest the person registering the judgment has in the
24 judgment which entitles the person to seek its recognition and
25 enforcement: _____

26 Address: _____

27 Additional Contact Information for Person(s) Registering Judgment (Optional): _____

1 ***Telephone Number:*** _____ ***FAX Number:*** _____

2 ***Email Address:*** _____

3 ***Name of Attorney for Person(s) Registering Judgment, if any:*** _____

4 ***Address:*** _____

5 ***Telephone Number:*** _____ ***FAX Number:*** _____

6 ***Email Address:*** _____

7 ***Name of Person(s) Against Whom Judgment is Being Registered:*** _____

8 ***Address of Person(s) Against Whom Judgment is Being Registered (provide the most***
9 ***recent address known):*** _____.

10 ***Additional contact information for Person(s) Against Whom Judgment is Being***
11 ***Registered (Optional) (provide most recent information known):***

12 ***Telephone Number:*** _____ ***FAX Number:*** _____

13 ***Email Address:*** _____

14 **PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS**
15 **SOUGHT**

16 ***Identify the currency or currencies in which each amount is stated.***

17 ***The amount of the Canadian judgment or part of the judgment being registered is***
18 _____.

19 ***The amount of interest accrued as of the date of registration on the part of the***
20 ***judgment being registered is*** _____.

21 ***The applicable rate of interest is*** _____ ***. The date when interest began***
22 ***to accrue is*** _____ ***. The part of the judgment to which the interest applies***
23 ***is*** _____.

24 ***The Canadian court awarded costs and expenses relating to the part of the judgment***
25 ***being registered in the amount of*** _____ ***(Exclude any amount included in the***
26 ***award of costs and expenses that represents an award of attorney's fees).***

27 ***The Canadian court awarded attorney's fees relating to the part of the judgment being***

1 registered in the amount of _____.

2 The person registering the Canadian judgment claims post-judgment costs and
3 expenses of _____ and post-judgment attorney's fees of _____
4 relating to the part of the judgment being registered (include only costs, expenses, and
5 attorney's fees incurred before registration).

6 The amount of the part of the judgment being registered that has been satisfied as of
7 the date of registration is _____.

8 The total amount for which enforcement of the part of the judgment being registered is
9 sought is _____.

10 **PART IV. STATEMENT OF PERSON REGISTERING JUDGMENT**

11 I, _____ (Person registering judgment or attorney for person
12 registering judgment), state:

13 1. The Canadian judgment is final, conclusive, and enforceable under the law
14 of the Canadian jurisdiction in which it was rendered.

15 2. The Canadian judgment or part of the Canadian judgment being registered
16 is within the scope of Sections 1 to 11 of this Act.

17 3. If only a part of the Canadian judgment is being registered, the amounts
18 stated in Part III of this form that relate to that part.

19 **PART V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION**

20 Attached are (check to signify required items are included):

21 A copy of the Canadian judgment authenticated as accurate by the Canadian
22 court that entered the judgment in the same manner a copy of a foreign judgment is
23 authenticated in an action under Section 17 of this Act.

24 If the Canadian judgment is not in English, a certified translation of the
25 judgment into English.

26 A registration fee in the amount established by the Supreme Court of
27 Kentucky.

1 *I declare that the information provided on this form is true and correct to the best*
2 *of my knowledge and belief.*

3 *Submitted by:* _____

4 *Person Registering Judgment or Attorney for Person*
5 *Registering Judgment (Specify Whether Signer is the*
6 *Person Registering the Judgment or that Person's*
7 *Attorney)*

8 *Date of Submission:* _____ "

9 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
10 READ AS FOLLOWS:

11 *(1) Subject to subsection (2) of this section, a Canadian judgment registered under*
12 *Section 4 of this Act has the same effect provided in Section 18 of this Act for a*
13 *judgment a court determines to be entitled to recognition.*

14 *(2) A Canadian judgment registered under Section 4 of this Act shall not be enforced*
15 *by sale or other disposition of property, or by seizure of property, until thirty-one*
16 *(31) days after notice of registration under Section 6 of this Act is served. The*
17 *court for cause may provide for a shorter or longer time. This subsection shall*
18 *not preclude use of relief available under the laws of this state other than*
19 *Sections 1 to 11 of this Act to prevent dissipation, disposition, or removal of*
20 *property.*

21 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
22 READ AS FOLLOWS:

23 *(1) A person who registers a Canadian judgment under Section 4 of this Act shall*
24 *cause notice of registration to be served on the person against whom the*
25 *judgment has been registered.*

26 *(2) Notice under this section shall be served in the same manner as a summons and*
27 *complaint is required to be served in an action seeking recognition under Section*

1 17 of this Act of a foreign-country money judgment.

2 (3) Notice under this section shall include:

3 (a) The date of registration and the court in which the judgment was registered;

4 (b) The case number assigned to the registration;

5 (c) The name and address of:

6 1. The person registering the judgment; and

7 2. The person's attorney, if any;

8 (d) A copy of the registration, including the documents required under
9 subsection (2) of Section 4 of this Act; and

10 (e) A statement that:

11 1. The person against whom the judgment has been registered, not later
12 than thirty (30) days after the date of service of notice, may petition
13 the court to vacate the registration; and

14 2. The court may, for good cause shown, provide for a shorter or longer
15 time.

16 (4) Proof of service of the notice under this section shall be filed with the court.

17 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
18 READ AS FOLLOWS:

19 (1) No later than thirty (30) days after service of the notice required under Section 6
20 of this Act, the person against whom the judgment was registered may petition the
21 court to vacate the registration. The court, for good cause shown, may provide for
22 a shorter or longer time for filing the petition.

23 (2) A petition filed under this section may only assert:

24 (a) A ground that could be asserted to deny recognition of the judgment under
25 Sections 12 to 23 of this Act; or

26 (b) A failure to comply with a requirement of Sections 1 to 11 of this Act for
27 registration of the judgment.

1 (3) A petition filed under this section shall not in and of itself stay enforcement of the
2 registered judgment.

3 (4) If the court grants a petition under this section, the registration shall be vacated,
4 and any act under the registration to enforce the registered judgment is void.

5 (5) If the court grants a petition under this section on a ground under subsection
6 (2)(a) of this section, the court shall also enter a judgment denying recognition of
7 the Canadian judgment. A judgment entered under this subsection shall have the
8 same effect as a judgment denying recognition of a judgment on the same ground
9 under Sections 12 to 23 of this Act.

10 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
11 READ AS FOLLOWS:

12 A person who filed a petition under subsection (1) of Section 7 of this Act to vacate
13 registration of a Canadian judgment may request the court to stay enforcement of the
14 judgment pending a determination of the petition. The court shall grant the stay if the
15 person establishes a likelihood of success on the merits with regard to a ground listed
16 in subsection (2) of Section 7 of this Act for vacating a registration. The court may
17 require the person to provide security in an amount determined by the court as a
18 condition of granting the stay.

19 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
20 READ AS FOLLOWS:

21 (1) Sections 1 to 11 of this Act supplement Sections 12 to 23 of this Act and all
22 provisions except Section 17 of this Act apply to a registration under Sections 1 to
23 11 of this Act.

24 (2) A person may seek recognition of a Canadian judgment described in Section 3 of
25 this Act either:

26 (a) By registration under Sections 1 to 11 of this Act; or

27 (b) Under Section 17 of this Act.

1 (3) Subject to subsection (4) of this section, a person may not seek recognition in this
 2 state of the same judgment or part of a judgment described in subsection (2) or
 3 (3) of Section 3 of this Act with regard to the same person under both Sections 1
 4 to 11 of this Act and Section 17 of this Act.

5 (4) If the court grants a petition to vacate a registration solely on a ground under
 6 subsection (2)(b) of Section 7 of this Act, the person seeking registration may:

7 (a) If the defect in the registration can be cured, file a new registration under
 8 Sections 1 to 11 of this Act; or

9 (b) Seek recognition of the judgment under Section 17 of this Act.

10 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
 11 TO READ AS FOLLOWS:

12 In applying and construing Sections 1 to 11 of this Act, consideration shall be given to
 13 the need to promote uniformity of the law with respect to its subject matter among
 14 states that enact it.

15 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
 16 TO READ AS FOLLOWS:

17 Sections 1 to 11 of this Act shall apply to the registration of a Canadian judgment
 18 entered in a proceeding that is commenced in Canada on or after the effective date of
 19 this Act.

20 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
 21 TO READ AS FOLLOWS:

22 Sections 12 to 23 of this Act may be cited as the Uniform Foreign Country Money
 23 Judgments Recognition Act.

24 ➔SECTION 13. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
 25 TO READ AS FOLLOWS:

26 As used in Sections 12 to 23 of this Act:

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

1 (a) The United States;

2 (b) A state, district, commonwealth, territory, or insular possession of the
 3 United States; or

4 (c) Any other government to which the decision in this state as to whether to
 5 recognize a judgment of that government's courts is initially subject to
 6 determination under the Full Faith and Credit Clause of the United States
 7 Constitution; and

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

9 ➔SECTION 14. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
 10 TO READ AS FOLLOWS:

11 (1) Except as provided in subsection (2) of this section, Sections 12 to 23 of this Act
 12 applies to a foreign-country judgment to the extent that the judgment:

13 (a) Grants or denies recovery of a sum of money; and

14 (b) Under the law of the foreign country where rendered, is final, conclusive,
 15 and enforceable.

16 (2) Sections 12 to 23 of this Act do not apply to a foreign-country judgment, even if
 17 the judgment grants or denies recovery of a sum of money, to the extent that the
 18 judgment is:

19 (a) A judgment for taxes;

20 (b) A fine or other penalty; or

21 (c) A judgment for divorce, support, or maintenance, or other judgment
 22 rendered in connection with domestic relations.

23 (3) A party seeking recognition of a foreign-country judgment has the burden of
 24 establishing that Sections 12 to 23 of this Act apply to the foreign-country
 25 judgment.

26 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
 27 TO READ AS FOLLOWS:

- 1 (1) Except as otherwise provided in subsections (2) and (3) of this section, a court of
2 this state shall recognize a foreign-country judgment to which Sections 12 to 23
3 of this Act apply.
- 4 (2) A court of this state may not recognize a foreign-country judgment if:
- 5 (a) The judgment was rendered under a judicial system that does not provide
6 impartial tribunals or procedures compatible with the requirements of due
7 process of law;
- 8 (b) The foreign court did not have personal jurisdiction over the defendant; or
- 9 (c) The foreign court did not have jurisdiction over the subject matter.
- 10 (3) A court of this state shall not be required to recognize a foreign-country judgment
11 if:
- 12 (a) The defendant in the proceeding in the foreign court did not receive notice
13 of the proceeding in sufficient time to enable the defendant to defend;
- 14 (b) The judgment was obtained by fraud that deprived the losing party of an
15 adequate opportunity to present its case;
- 16 (c) The judgment or the cause of action on which the judgment is based is
17 repugnant to the public policy of this state or of the United States;
- 18 (d) The judgment conflicts with another final and conclusive judgment;
- 19 (e) The proceeding in the foreign court was contrary to an agreement between
20 the parties under which the dispute in question was to be determined other
21 than by proceedings in that foreign country;
- 22 (f) In the case of jurisdiction based only on personal service, the foreign court
23 was a seriously inconvenient forum for the trial of the action;
- 24 (g) The judgment was rendered in circumstances that raise substantial doubt
25 about the integrity of the rendering court with respect to the judgment; or
- 26 (h) The specific proceeding in the foreign court leading to the judgment was
27 not compatible with the requirements of due process of law.

1 (4) A party resisting recognition of a foreign-country judgment has the burden of
2 establishing that a ground for nonrecognition stated in subsection (2) or (3) of
3 this section exists.

4 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
5 TO READ AS FOLLOWS:

6 (1) A foreign-country judgment shall not be refused recognition for lack of personal
7 jurisdiction if the defendant:

8 (a) Was served with process personally in the foreign country;

9 (b) Voluntarily appeared in the proceeding, other than for the purpose of
10 protecting property seized or threatened with seizure in the proceeding or of
11 contesting the jurisdiction of the court over the defendant;

12 (c) Before the commencement of the proceeding, had agreed to submit to the
13 jurisdiction of the foreign court with respect to the subject matter involved;

14 (d) Was domiciled in the foreign country when the proceeding was instituted or
15 was a corporation or other form of business organization that had its
16 principal place of business in, or was organized under the laws of, the
17 foreign country;

18 (e) Had a business office in the foreign country and the proceeding in the
19 foreign court involved a cause of action arising out of business done by the
20 defendant through that office in the foreign country; or

21 (f) Operated a motor vehicle or airplane in the foreign country and the
22 proceeding involved a cause of action arising out of that operation.

23 (2) The list of bases for personal jurisdiction in subsection (1) of this section shall
24 not be exclusive. The courts of this state may recognize bases of personal
25 jurisdiction other than those listed in subsection (1) of this section as sufficient to
26 support a foreign-country judgment.

27 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 426A IS CREATED

1 TO READ AS FOLLOWS:

2 *(1) If recognition of a foreign-country judgment is sought as an original matter, the*
3 *issue of recognition shall be raised by filing an action seeking recognition of the*
4 *foreign-country judgment.*

5 *(2) If recognition of a foreign-country judgment is sought in a pending action, the*
6 *issue of recognition may be raised by counterclaim, cross-claim, or affirmative*
7 *defense.*

8 ➔SECTION 18. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
9 TO READ AS FOLLOWS:

10 *If the court in a proceeding under Section 17 of this Act finds that the foreign-country*
11 *judgment is entitled to recognition under Sections 12 to 23 of this Act then, to the*
12 *extent that the foreign-country judgment grants of denied recovery of a sum of money,*
13 *the foreign-country judgment shall be:*

14 *(1) Conclusive between the parties to the same extent as the judgment of a sister state*
15 *entitled to full faith and credit in this state would be conclusive; and*

16 *(2) Enforceable in the same manner and to the same extent as a judgment rendered*
17 *in this state.*

18 ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
19 TO READ AS FOLLOWS:

20 *If a party establishes that an appeal from a foreign-country judgment is pending or will*
21 *be taken, the court may stay any proceedings with regard to the foreign-country*
22 *judgment until the:*

23 *(1) Appeal is concluded;*

24 *(2) Time for appeal expires; or*

25 *(3) Appellant has had sufficient time to prosecute the appeal and has failed to do so.*

26 ➔SECTION 20. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
27 TO READ AS FOLLOWS:

1 *An action to recognize a foreign-country judgment shall be commenced within the*
2 *earlier of the time during which the foreign-country judgment is effective in the*
3 *foreign country or fifteen (15) years from the date that the foreign-country judgment*
4 *became effective in the foreign country.*

5 ➔SECTION 21. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
6 TO READ AS FOLLOWS:

7 *In applying and construing Sections 12 to 23 of this Act, consideration shall be given*
8 *to the need to promote uniformity of the law with respect to its subject matter among*
9 *the states that enact it.*

10 ➔SECTION 22. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
11 TO READ AS FOLLOWS:

12 *Sections 12 to 23 of this Act shall not prevent the recognition under principles of*
13 *comity or otherwise of a foreign-country judgment not within the scope of Sections 12*
14 *to 23 of this Act.*

15 ➔SECTION 23. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
16 TO READ AS FOLLOWS:

17 *Sections 12 to 23 of this Act shall apply to all actions commenced after the effective*
18 *date of this Act in which the issue of recognition of a foreign-country judgment is*
19 *raised.*

20 ➔Section 24. This Act takes effect January 1, 2027.