

Regular Session, 2010
HOUSE BILL NO. 785
BY REPRESENTATIVE WOOTON

ACT No. 714

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____