An Act

ENROLLED HOUSE
BILL NO. 1060

By: Kern, Fisher, Hulbert, Blackwell, Ritze, Moore, Walker, Nelson, Derby, Bennett and Reynolds of the House

and

Stanislawski, Newberry and Shortey of the Senate

An Act relating to civil procedure; defining terms; declaring certain rulings and decisions to be in violation of public policy and making such rulings and decisions void and unenforceable; declaring certain contracts and contractual provisions to be in violation of public policy and making such contracts and contractual provisions void and unenforceable; requiring denial of certain motions relating to venue; excluding certain contracts or agreements from scope of law; providing for interpretation of law; providing for codification; and providing an effective date.

SUBJECT: Civil procedure; rulings, decisions, contracts and contract provisions in violation of public policy

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Foreign law" means any law, legal code, or system of a jurisdiction outside of any state or territory of the United States, including, but not limited to, international organizations and tribunals, and applied by that jurisdiction's courts, administrative bodies, or other formal or informal tribunals. For the purposes of this section, foreign law shall not mean, nor shall it include, any laws of the federally recognized American Indian tribes or nations in this state or territory of the United States;

2. "Court" means any court, board, administrative agency, or other adjudicative or enforcement authority of this state; and

3. "Religious organization" means any church, seminary, synagogue, temple, mosque, religious order, religious corporation, association, or society, whose identity is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals, of any faith or denomination, including any organization qualifying as a church or religious organization under Section 501(c)(3) or 501(d) of the United States Internal Revenue Code.

B. Any court, arbitration, tribunal, or administrative agency ruling or decision shall violate the public policy of this state and be void and unenforceable if the court, arbitration, tribunal, or administrative agency bases its rulings or decisions in the matter at issue in whole or in part on foreign law that would not grant the parties affected by the ruling or decision the same fundamental liberties, rights, and privileges granted under the United States and Oklahoma Constitutions, 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 contract or contractual provision, if capable of segregation, which provides for the choice of a foreign law to govern some or all of the disputes between the parties shall violate the public policy of this state and be void and unenforceable if the foreign law chosen includes or incorporates any substantive or procedural law, as applied to the dispute at issue, that would not grant the parties at least the same fundamental liberties, rights, and privileges granted under the United States and Oklahoma Constitutions, 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.

D. 1. A contract or contractual provision, if capable of segregation, which provides for a jurisdiction for purposes of granting the courts or arbitration panels in personam jurisdiction over the parties to adjudicate any disputes between parties arising from the contract shall violate the public policy of this state and be void and unenforceable if the jurisdiction chosen includes any foreign law as applied to the dispute at issue, that would not grant the parties at least the same fundamental liberties, rights, and privileges granted under the United States and Oklahoma Constitutions, 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.

2. If a resident of this state, subject to personal jurisdiction in this state, seeks to maintain litigation, arbitration, agency or similarly binding proceedings in this state and if the courts of this state find that granting a claim of forum non conveniens or a related claim violates or would likely lead to the application of foreign law that would not grant a nonclaimant at least the same fundamental liberties, rights, and privileges granted under the United States and Oklahoma Constitutions, then it is the public policy of this state that the claim shall be denied.

E. This section shall not apply to any contract or agreement to which a corporation, partnership, limited liability company, business association, or other legal entity binds itself.

F. No court or arbitrator shall interpret this section to limit the right of any person to the free exercise of religion as guaranteed by the First Amendment to the United States Constitution and by the Constitution of this state. No court shall interpret this section to require or authorize any court to adjudicate, or prohibit any religious organization from adjudicating, ecclesiastical matters, including, but not limited to, the election, appointment, calling, discipline, dismissal, removal or excommunication of a member, officer, official, priest, nun, monk, pastor, rabbi, imam or member of the clergy, of the religious organization, or determination or interpretation of the doctrine of the religious organization, where adjudication by a court would violate the prohibition of the establishment clause of the First Amendment of the United States Constitution, or violate the Constitution of this state.

G. This section shall not be interpreted by any court to conflict with any federal treaty including, but not limited to, any

treaty with any federally recognized American Indian tribe or nation, or other international agreement to which the United States is a party to the extent that such treaty or international agreement preempts or is superior to state law on the matter at issue.

SECTION 2. This act shall become effective November 1, 2013.

Passed the House of Representatives the 11th day of April, 2013.

Presiding Officer of the House

of Representatives

Passed the Senate the 8th day of April, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th

day of April, 20 13, at 4:22 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 18th

day of April, 20 13, at 3:37 o'clock P M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 19th

day of April, 20 13, at 9:40 o'clock A. M.

By: