

FIRST REGULAR SESSION

HOUSE BILL NO. 768

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BAHR (Sponsor), CURTMAN AND WELLS (Co-sponsors).

1525L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 431, RSMo, by adding thereto one new section relating to the application of foreign law to contracts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 431, RSMo, is amended by adding thereto one new section, to be known as section 431.215, to read as follows:

431.215. 1. As used in this section, "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.

2. A court, arbitrator, administrative agency, or other adjudicative, mediation, 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 the United States.

3. If any contractual provision or agreement provides for the choice of a foreign law to govern its interpretation or the resolution of any dispute between the parties, and if the enforcement or interpretation of the contractual provision or agreement would result in a violation of a right guaranteed by the constitution of this state or of the United States, the agreement or contractual provision shall be modified or amended to the extent necessary to preserve the constitutional rights of the parties.

4. If any contractual provision or agreement provides for the choice of venue or forum outside of the states or territories of the United States, and if the enforcement or interpretation of the contract or agreement applying that choice of venue or forum provision would result in a violation of any right guaranteed by the constitution of this state or of the United States, that contractual provision or agreement shall be interpreted

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 or construed to preserve the constitutional rights of the person against whom enforcement
19 is sought. Similarly, if a natural person subject to personal jurisdiction in this state seeks
20 to maintain litigation, arbitration, agency, or similarly binding proceedings in this state,
21 and if a court of this state finds that granting a claim of forum non conveniens or a related
22 claim violates or would likely lead to the violation of the constitutional rights of the
23 nonclaimant in the foreign forum with respect to the matter in dispute, the claim shall be
24 denied.

25 **5. Any contractual provision or agreement incapable of being modified or amended**
26 **in order to preserve the constitutional rights of the parties under the provisions of this**
27 **section shall be null and void.**

28 **6. Without prejudice to any other legal right, the provisions of this section shall not**
29 **apply when a juridical person is a party to the contract or agreement.**

30 **7. The policies expressed in the provisions of this section shall apply only to actual**
31 **or foreseeable violations of the constitutional rights of a person caused by the application**
32 **of the foreign law.**