

ACT 31

S.B. NO. 665

A Bill for an Act Relating to Uniform Enforcement of Foreign Judgments.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS
ACT**

§ -1 **Short title.** This chapter may be cited as the Uniform Enforcement of Foreign Judgments Act.

§ -2 **Definition.** In this chapter “foreign judgment” means any judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this State.

§ -3 **Filing and status of foreign judgments.** A copy of any exemplified foreign judgment may be filed in the office of the clerk of the appropriate court of this State. The clerk shall treat the foreign judgment in the same manner as a judgment of a court of this State. A judgment so filed has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a judgment of a court of this State and may be enforced or satisfied in like manner.

§ -4 **Notice of filing.** (a) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor’s lawyer shall make and file with the clerk of court an affidavit setting forth the name and last known post office address of the judgment debtor and the judgment creditor.

(b) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor’s lawyer, if any, in this State. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. The failure by the clerk to mail notice of filing shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

§ -5 **Stay.** (a) If the judgment debtor shows the court that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(b) If the judgment debtor shows the court any ground upon which enforcement of a judgment of any court of this State would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this State.

§ -6 **Fees.** Any person filing a foreign judgment shall pay \$30 to the clerk of the court. Fees for docketing, transcription, or other enforcement proceedings shall be as provided by law for judgments of the court of this State.

§ -7 **Optional procedures.** The right of a judgment creditor to bring an action to enforce a judgment instead of proceeding under this chapter remains unimpaired.

§ -8 **Uniformity of interpretation.** This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.”

SECTION 2. This Act shall take effect upon its approval.

(Approved May 5, 1983.)