

House Bill 1369

By: Representatives Clark of the 100th, Bonner of the 73rd, Barrett of the 24th, Ridley of the 22nd, Horner of the 3rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws
2 and statutes, so as to revise provisions relating to the effect and enforcement of foreign laws;
3 to provide that no court, arbitration panel, administrative agency, or other tribunal shall
4 enforce a foreign law if doing so would violate a right guaranteed by the United States
5 Constitution or the Georgia Constitution; to provide for definitions; to provide for
6 exceptions; to change provisions relating to forum non conveniens; to amend Part 1 of
7 Article 2 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to
8 general provisions regarding venue, so as to provide for a cross-reference; to provide for
9 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes,
14 is amended by revising Code Section 1-3-9, relating to the effect and enforcement of foreign
15 laws, as follows:

H. B. 1369

16 "1-3-9.

17 (a) As used in this Code section, the term:

18 (1) 'Foreign law' means any law, legal code, or system of a jurisdiction outside of any
19 state or territory of the United States, including, but not limited to, international
20 organizations and tribunals, and applied by such jurisdiction's courts, administrative
21 bodies, or other formal or informal tribunals. Such term shall not mean, nor shall it
22 include, any laws of the Native American tribes in this state.

23 (2) 'Tribunal' means a court, administrative agency, tribunal, arbitrator, or arbitration
24 panel.

25 (b) The laws of other states and foreign nations law shall have no force and effect of
26 themselves within this state further than is provided by the Constitution of the United
27 States and is recognized by the comity of states. The courts shall enforce this comity,
28 unless restrained by the General Assembly, so long as its enforcement is not contrary to the
29 policy or prejudicial to the interests of this state.

30 (c) Any tribunal ruling shall be void and unenforceable if the tribunal bases its ruling in
31 whole or in part on any foreign law that would deny the parties the rights and privileges
32 granted under the United States Constitution or the Georgia Constitution.

33 (d) This Code section shall not apply to:

34 (1) Part 2 of Article 1 of Chapter 9 of Title 9 relative to international arbitration;

35 (2) Article 3 of Chapter 5 of Title 14; or

36 (3) A corporation, partnership, limited liability company, business association, sole
37 proprietorship, or other legal entity that contracts to subject itself to foreign law;
38 provided, however, that the exception provided by this paragraph shall not apply to
39 domestic relations contracts, including, but not limited to, antenuptial agreements or
40 contracts, divorce agreements, adoptions, and other contracts or agreements related to or
41 arising from matters of family law.

42 (e) When litigation is pending in this state, no court shall grant a motion of forum non
43 conveniens to allow a case to be refiled in a foreign jurisdiction outside any state or
44 territory of the United States unless the court finds by clear and convincing evidence that
45 the foreign jurisdiction has in place a body of foreign law, the application of which would
46 not lead to the violation of rights and privileges guaranteed by the United States
47 Constitution or the Georgia Constitution to a party in the litigation.

48 (f) If a tribunal denies the protections provided by this Code section, it shall make written
49 findings of fact and conclusions of law in support of its decision."

50 **SECTION 2.**

51 Part 1 of Article 2 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated,
52 relating to general provisions regarding venue, is amended by revising Code Section
53 9-10-31.1, relating to forums outside of this state and waiver of statute of limitations defense,
54 as follows:

55 "9-10-31.1.

56 (a) If a court of this state, on written motion of a party, finds that in the interest of justice
57 and for the convenience of the parties and witnesses a claim or action would be more
58 properly heard in a forum outside this state or in a different county of proper venue within
59 this state, the court shall decline to adjudicate the matter under the doctrine of forum non
60 conveniens. As to a claim or action that would be more properly heard in a forum outside
61 this state, the court ~~shall~~ may dismiss the claim or action. As to a claim or action that
62 would be more properly heard in a different county of proper venue within this state, the
63 venue shall be transferred to the appropriate county. In determining whether to grant a
64 motion to dismiss an action or to transfer venue under the doctrine of forum non
65 conveniens, the court shall give consideration to the following factors:

- 66 (1) Relative ease of access to sources of proof;
67 (2) Availability and cost of compulsory process for attendance of unwilling witnesses;

- 68 (3) Possibility of viewing of the premises, if viewing would be appropriate to the action;
69 (4) Unnecessary expense or trouble to the defendant not necessary to the plaintiff's own
70 right to pursue his or her remedy;
71 (5) Administrative difficulties for the forum courts;
72 (6) Existence of local interests in deciding the case locally; ~~and~~
73 (7) The provisions of Code Section 1-3-9; and
74 ~~(7)~~(8) The traditional deference given to a plaintiff's choice of forum.
75 (b) A court ~~may~~ shall not dismiss a claim under this Code section until the defendant files
76 with the court or with the clerk of the court a written stipulation that, with respect to a new
77 action on the claim commenced by the plaintiff, all the defendants waive the right to assert
78 a statute of limitations defense in all other states of the United States in which the claim
79 was not barred by limitations at the time the claim was filed in this state as necessary to
80 effect a tolling of the limitations periods in those states beginning on the date the claim was
81 filed in this state and ending on the date the claim is dismissed."

82 **SECTION 2.**

83 This Act shall become effective on July 1, 2026, and shall apply to contracts executed or
84 renewed on or after July 1, 2026.

85 **SECTION 3.**

86 All laws and parts of laws in conflict with this Act are repealed.