

CHAPTER 68

COURTS

SENATE BILL 20-114

BY SENATOR(S) Gardner, Cooke, Ginal, Lee, Scott, Tate, Zenzinger;
also REPRESENTATIVE(S) Tipper, Buckner, Exum, Garnett, Gray, Mullica, Snyder, Valdez D., Woodrow.

AN ACT

CONCERNING THE "UNIFORM REGISTRATION OF CANADIAN MONEY JUDGMENTS ACT".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 62.3 to title 13 as follows:

ARTICLE 62.3
Uniform Registration of Canadian
Money Judgments Act

13-62.3-101. Short title. THIS ARTICLE 62.3 MAY BE CITED AS THE "UNIFORM REGISTRATION OF CANADIAN MONEY JUDGMENTS ACT".

13-62.3-102. Definitions. IN THIS ARTICLE 62.3:

(1) "CANADA" MEANS THE SOVEREIGN NATION OF CANADA AND ITS PROVINCES AND TERRITORIES. "CANADIAN" HAS A CORRESPONDING MEANING.

(2) "CANADIAN JUDGMENT" MEANS A JUDGMENT OF A COURT OF CANADA, OTHER THAN A JUDGMENT THAT RECOGNIZES THE JUDGMENT OF ANOTHER FOREIGN COUNTRY.

13-62.3-103. Applicability. (1) THIS ARTICLE 62.3 APPLIES TO A CANADIAN JUDGMENT TO THE EXTENT THE JUDGMENT IS WITHIN THE SCOPE OF SECTION 13-62-103, IF RECOGNITION OF THE JUDGMENT IS SOUGHT TO ENFORCE THE JUDGMENT.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) A CANADIAN JUDGMENT THAT GRANTS BOTH RECOVERY OF A SUM OF MONEY AND OTHER RELIEF MAY BE REGISTERED UNDER THIS ARTICLE 62.3, BUT ONLY TO THE EXTENT OF THE GRANT OF A SUM OF MONEY.

(3) A CANADIAN JUDGMENT REGARDING SUBJECT MATTER BOTH WITHIN AND NOT WITHIN THE SCOPE OF THIS ARTICLE 62.3 MAY BE REGISTERED UNDER THIS ARTICLE 62.3, BUT ONLY TO THE EXTENT THE JUDGMENT RELATES TO SUBJECT MATTER WITHIN THE SCOPE OF THIS ARTICLE 62.3.

13-62.3-104. Registration of Canadian judgment. (1) A PERSON SEEKING RECOGNITION OF A CANADIAN JUDGMENT TO ENFORCE THE JUDGMENT MAY REGISTER THE JUDGMENT IN THE OFFICE OF THE CLERK OF A COURT IN WHICH AN ACTION FOR RECOGNITION OF THE JUDGMENT COULD BE FILED UNDER SECTION 13-62-106.

(2) A REGISTRATION UNDER SUBSECTION (1) OF THIS SECTION MUST BE EXECUTED BY THE PERSON REGISTERING THE JUDGMENT OR THE PERSON'S ATTORNEY AND INCLUDE:

(a) A COPY OF THE CANADIAN JUDGMENT AUTHENTICATED AS ACCURATE BY THE COURT THAT ENTERED THE JUDGMENT;

(b) THE NAME AND ADDRESS OF THE PERSON REGISTERING THE JUDGMENT;

(c) IF THE PERSON REGISTERING THE JUDGMENT IS NOT THE PERSON IN WHOSE FAVOR THE JUDGMENT WAS RENDERED, A STATEMENT DESCRIBING THE INTEREST IN THE JUDGMENT OF THE PERSON REGISTERING THE JUDGMENT THAT ENTITLES THE PERSON TO SEEK ITS RECOGNITION AND ENFORCEMENT;

(d) THE NAME AND LAST-KNOWN ADDRESS OF THE PERSON AGAINST WHOM THE JUDGMENT IS BEING REGISTERED;

(e) IF THE JUDGMENT IS OF THE TYPE DESCRIBED IN SECTION 13-62.3-103 (2) OR (3), A DESCRIPTION OF THE PART OF THE JUDGMENT BEING REGISTERED;

(f) THE AMOUNT OF THE JUDGMENT OR PART OF THE JUDGMENT BEING REGISTERED, IDENTIFYING:

(I) THE AMOUNT OF INTEREST ACCRUED AS OF THE DATE OF REGISTRATION ON THE JUDGMENT OR PART OF THE JUDGMENT BEING REGISTERED, INCLUDING THE RATE OF INTEREST, THE PART OF THE JUDGMENT TO WHICH INTEREST APPLIES, AND THE DATE WHEN INTEREST BEGAN;

(II) COSTS AND EXPENSES INCLUDED IN THE JUDGMENT OR PART OF THE JUDGMENT BEING REGISTERED, OTHER THAN AN AMOUNT AWARDED FOR ATTORNEY'S FEES; AND

(III) THE AMOUNT OF AN AWARD OF ATTORNEY'S FEES INCLUDED IN THE JUDGMENT OR PART OF THE JUDGMENT BEING REGISTERED;

(g) THE AMOUNT OF POST-JUDGMENT COSTS, EXPENSES, AND ATTORNEY'S FEES AS

OF THE DATE OF REGISTRATION CLAIMED BY THE PERSON REGISTERING THE JUDGMENT OR PART OF THE JUDGMENT;

(h) THE AMOUNT OF THE JUDGMENT OR PART OF THE JUDGMENT BEING REGISTERED THAT HAS BEEN SATISFIED AS OF THE DATE OF REGISTRATION;

(i) A STATEMENT THAT:

(I) THE JUDGMENT IS FINAL, CONCLUSIVE, AND ENFORCEABLE UNDER THE LAW OF THE CANADIAN JURISDICTION IN WHICH IT WAS RENDERED;

(II) THE JUDGMENT OR PART OF THE JUDGMENT BEING REGISTERED IS WITHIN THE SCOPE OF THIS ARTICLE 62.3; AND

(III) IF A PART OF THE JUDGMENT IS BEING REGISTERED, THE AMOUNTS STATED IN THE REGISTRATION AS REQUIRED BY SUBSECTIONS (2)(f), (2)(g), AND (2)(h) OF THIS SECTION RELATE TO THE PART;

(j) IF THE JUDGMENT IS NOT IN ENGLISH, A CERTIFIED TRANSLATION OF THE JUDGMENT INTO ENGLISH; AND

(k) THE DOCKET FEE STATED IN SECTION 13-53-106.

(3) ON RECEIPT OF A REGISTRATION THAT INCLUDES THE DOCUMENTS, INFORMATION, AND DOCKET FEE REQUIRED BY SUBSECTION (2) OF THIS SECTION, THE CLERK SHALL FILE THE REGISTRATION, ASSIGN A DOCKET NUMBER, AND ENTER THE CANADIAN JUDGMENT IN THE COURT'S DOCKET.

(4) A REGISTRATION SUBSTANTIALLY IN THE FOLLOWING FORM, WHICH INCLUDES THE ATTACHMENTS SPECIFIED IN THE FORM, COMPLIES WITH THE REQUIREMENTS UNDER SUBSECTION (2) OF THIS SECTION FOR REGISTRATION:

REGISTRATION OF CANADIAN MONEY JUDGMENT

THIS COMPLETED FORM, TOGETHER WITH THE DOCUMENTS REQUIRED BY SUBPART V, SHOULD BE FILED WITH THE CLERK OF THE DISTRICT COURT. WHEN STATING A SUM OF MONEY, IDENTIFY THE CURRENCY IN WHICH THE SUM IS STATED.

I. IDENTIFICATION OF CANADIAN JUDGMENT

CANADIAN COURT RENDERING THE JUDGMENT: _____

CASE/DOCKET NUMBER IN CANADIAN COURT: _____

NAME OF PLAINTIFF: _____

NAME OF DEFENDANT: _____

THE CANADIAN COURT ENTERED THE JUDGMENT ON _____ [DATE] IN _____ [CITY] IN _____ [PROVINCE OR TERRITORY]. THE JUDGMENT INCLUDES AN AWARD FOR THE PAYMENT OF MONEY IN FAVOR OF _____ IN THE AMOUNT OF _____.

IF ONLY PART OF THE CANADIAN JUDGMENT IS SUBJECT TO REGISTRATION (SEE SECTIONS 13-62.3-103 (2) AND (3), COLORADO REVISED STATUTES), DESCRIBE THE

PART OF THE JUDGMENT BEING REGISTERED. _____.

II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED

NAME OF PERSON REGISTERING JUDGMENT: _____. IF THE PERSON REGISTERING THE JUDGMENT IS NOT THE PERSON IN WHOSE FAVOR THE JUDGMENT WAS RENDERED, DESCRIBE THE INTEREST IN THE JUDGMENT OF THE PERSON REGISTERING THE JUDGMENT THAT ENTITLES THE PERSON TO SEEK ITS RECOGNITION AND ENFORCEMENT. _____

ADDRESS: _____
ADDITIONAL CONTACT INFORMATION FOR PERSON REGISTERING JUDGMENT (OPTIONAL):

TELEPHONE NUMBER: _____ FAX NUMBER: _____

E-MAIL ADDRESS: _____

NAME OF ATTORNEY FOR PERSON REGISTERING JUDGMENT, IF ANY: _____

ADDRESS: _____

TELEPHONE NUMBER: _____ FAX NUMBER: _____

E-MAIL ADDRESS: _____

NAME OF PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED: _____

ADDRESS: _____ (PROVIDE THE MOST RECENT ADDRESS KNOWN)

ADDITIONAL CONTACT INFORMATION FOR PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED (OPTIONAL) (PROVIDE MOST RECENT INFORMATION KNOWN):

TELEPHONE NUMBER: _____ FAX NUMBER: _____

E-MAIL ADDRESS: _____

III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS SOUGHT

THE AMOUNT OF THE CANADIAN JUDGMENT OR PART OF THE JUDGMENT BEING REGISTERED IS _____.

THE AMOUNT OF INTEREST ACCRUED AS OF THE DATE OF REGISTRATION ON THE PART OF THE JUDGMENT BEING REGISTERED IS _____. THE APPLICABLE RATE OF INTEREST IS _____. THE DATE WHEN INTEREST BEGAN IS _____.

THE PART OF THE JUDGMENT TO WHICH THE INTEREST APPLIES IS _____.

THE CANADIAN COURT AWARDED COSTS AND EXPENSES RELATING TO THE PART OF THE JUDGMENT BEING REGISTERED IN THE AMOUNT OF _____

(EXCLUDE ANY AMOUNT INCLUDED IN THE AWARD OF COSTS AND EXPENSES THAT REPRESENTS AN AWARD OF ATTORNEY'S FEES).

THE CANADIAN COURT AWARDED ATTORNEY'S FEES RELATING TO THE PART OF THE JUDGMENT BEING REGISTERED IN THE AMOUNT OF _____.

THE PERSON REGISTERING THE CANADIAN JUDGMENT CLAIMS POST-JUDGMENT COSTS AND EXPENSES OF _____ AND POST-JUDGMENT ATTORNEY'S FEES OF _____

RELATING TO THE PART OF THE JUDGMENT BEING REGISTERED (INCLUDE ONLY COSTS, EXPENSES, AND ATTORNEY'S FEES INCURRED BEFORE REGISTRATION).

THE AMOUNT OF THE PART OF THE JUDGMENT BEING REGISTERED THAT HAS BEEN SATISFIED AS OF THE DATE OF REGISTRATION IS _____.

THE TOTAL AMOUNT FOR WHICH ENFORCEMENT OF THE PART OF THE JUDGMENT

BEING REGISTERED IS SOUGHT IS _____.

IV. STATEMENT OF PERSON REGISTERING JUDGMENT

I, _____ [PERSON REGISTERING JUDGMENT OR ATTORNEY FOR PERSON REGISTERING JUDGMENT], STATE:

1. THE CANADIAN JUDGMENT IS FINAL, CONCLUSIVE, AND ENFORCEABLE UNDER THE LAW OF THE CANADIAN JURISDICTION IN WHICH IT WAS RENDERED.
2. THE CANADIAN JUDGMENT OR PART OF THE CANADIAN JUDGMENT BEING REGISTERED IS WITHIN THE SCOPE OF ARTICLE 62.3 OF TITLE 13, COLORADO REVISED STATUTES.
3. IF ONLY A PART OF THE CANADIAN JUDGMENT IS BEING REGISTERED, THE AMOUNTS STATED IN SUBPART III OF THE REGISTRATION RELATE TO THAT PART.

V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION

ATTACHED ARE (CHECK TO SIGNIFY REQUIRED ITEMS ARE INCLUDED):

____ A COPY OF THE CANADIAN JUDGMENT AUTHENTICATED AS ACCURATE BY THE CANADIAN COURT THAT ENTERED THE JUDGMENT IN ACCORDANCE WITH SECTION 13-53-103, COLORADO REVISED STATUTES.

____ IF THE CANADIAN JUDGMENT IS NOT IN ENGLISH, A CERTIFIED TRANSLATION OF THE JUDGMENT INTO ENGLISH.

____ A DOCKET FEE IN THE AMOUNT OF \$201.00.

I DECLARE THAT THE INFORMATION PROVIDED ON THIS FORM IS TRUE AND CORRECT, EXCEPT AS TO MATTERS STATED TO BE ON INFORMATION AND BELIEF AND, AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

SUBMITTED BY: _____
 PERSON REGISTERING JUDGMENT OR ATTORNEY FOR
 PERSON REGISTERING JUDGMENT (SPECIFY WHETHER
 SIGNER IS THE PERSON REGISTERING THE JUDGMENT OR
 THAT PERSON'S ATTORNEY)
 DATE OF SUBMISSION: _____

13-62.3-105. Effect of registration. (1) SUBJECT TO SUBSECTION (2) OF THIS SECTION, A CANADIAN JUDGMENT REGISTERED UNDER SECTION 13-62.3-104 HAS THE SAME EFFECT PROVIDED IN SECTION 13-62-107 FOR A JUDGMENT DETERMINED BY A COURT TO BE ENTITLED TO RECOGNITION.

(2) A CANADIAN JUDGMENT REGISTERED UNDER SECTION 13-62.3-104 MAY NOT BE ENFORCED BY SALE OR OTHER DISPOSITION OF PROPERTY, OR BY SEIZURE OF PROPERTY OR GARNISHMENT, UNTIL THIRTY-FIVE CALENDAR DAYS AFTER SERVICE OF NOTICE OF REGISTRATION UNDER SECTION 13-62.3-106. THE COURT FOR CAUSE MAY PROVIDE FOR A SHORTER OR LONGER TIME. THIS SUBSECTION (2) DOES NOT PRECLUDE USE OF RELIEF AVAILABLE UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE 62.3 TO PREVENT DISSIPATION, DISPOSITION, OR REMOVAL OF PROPERTY.

13-62.3-106. Notice of registration. (1) A PERSON THAT REGISTERS A CANADIAN JUDGMENT UNDER SECTION 13-62.3-104 SHALL CAUSE NOTICE OF REGISTRATION TO BE SERVED ON THE PERSON AGAINST WHOM THE JUDGMENT HAS BEEN REGISTERED.

(2) NOTICE UNDER THIS SECTION MUST BE SERVED IN THE SAME MANNER THAT A SUMMONS AND COMPLAINT MUST BE SERVED IN AN ACTION UNDER SECTION 13-62-106 SEEKING RECOGNITION OF A FOREIGN-COUNTRY JUDGMENT.

(3) NOTICE UNDER THIS SECTION MUST INCLUDE:

(a) THE DATE OF REGISTRATION AND COURT IN WHICH THE JUDGMENT WAS REGISTERED;

(b) THE DOCKET NUMBER ASSIGNED TO THE REGISTRATION;

(c) THE NAME AND ADDRESS OF:

(I) THE PERSON REGISTERING THE JUDGMENT; AND

(II) THE PERSON'S ATTORNEY, IF ANY;

(d) A COPY OF THE REGISTRATION, INCLUDING THE DOCUMENTS REQUIRED UNDER SECTION 13-62.3-104 (2); AND

(e) A STATEMENT THAT:

(I) THE PERSON AGAINST WHOM THE JUDGMENT HAS BEEN REGISTERED HAS THIRTY-FIVE DAYS AFTER THE DATE OF SERVICE OF NOTICE IN WHICH TO PETITION THE COURT TO VACATE THE REGISTRATION; AND

(II) THE COURT FOR CAUSE MAY PROVIDE FOR A SHORTER OR LONGER TIME.

(4) PROOF OF SERVICE OF NOTICE UNDER THIS SECTION MUST BE FILED WITH THE CLERK OF THE COURT.

13-62.3-107. Petition to vacate registration. (1) NOT LATER THAN THIRTY-FIVE DAYS AFTER NOTICE UNDER SECTION 13-62.3-106 IS SERVED, THE PERSON AGAINST WHOM THE JUDGMENT WAS REGISTERED MAY PETITION THE COURT TO VACATE THE REGISTRATION. THE COURT FOR CAUSE MAY PROVIDE FOR A SHORTER OR LONGER TIME.

(2) A PETITION UNDER THIS SECTION MAY ASSERT ONLY:

(a) A GROUND THAT COULD BE ASSERTED TO DENY RECOGNITION OF THE JUDGMENT UNDER THE "UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT", ARTICLE 62 OF THIS TITLE 13; OR

(b) A FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE 62.3 FOR REGISTRATION OF THE JUDGMENT.

(3) A PETITION UNDER THIS SECTION DOES NOT ITSELF STAY ENFORCEMENT OF THE REGISTERED JUDGMENT.

(4) IF THE COURT GRANTS A PETITION UNDER THIS SECTION, THE REGISTRATION IS VACATED AND ANY ACT UNDER THE REGISTRATION TO ENFORCE THE REGISTERED JUDGMENT IS VOID.

(5) IF THE COURT GRANTS A PETITION UNDER THIS SECTION ON A GROUND UNDER SUBSECTION (2)(a) OF THIS SECTION, THE COURT ALSO SHALL RENDER AN ORDER DENYING RECOGNITION OF THE CANADIAN JUDGMENT. AN ORDER RENDERED UNDER THIS SUBSECTION (5) HAS THE SAME EFFECT AS A ORDER DENYING RECOGNITION TO A JUDGMENT ON THE SAME GROUND UNDER THE "UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT", ARTICLE 62 OF THIS TITLE 13.

13-62.3-108. Stay of enforcement proceedings. A PERSON THAT FILES A PETITION UNDER SECTION 13-62.3-107 (1) TO VACATE REGISTRATION OF A CANADIAN JUDGMENT MAY REQUEST THE COURT TO STAY ENFORCEMENT OF THE JUDGMENT PENDING DETERMINATION OF THE PETITION. THE COURT SHALL GRANT THE STAY IF THE COURT DETERMINES THAT THE PERSON HAS ESTABLISHED A LIKELIHOOD OF SUCCESS ON THE MERITS WITH REGARD TO A GROUND UNDER SECTION 13-62.3-107 (2) FOR VACATING A REGISTRATION. THE COURT MAY REQUIRE THE PERSON TO PROVIDE SECURITY IN AN AMOUNT DETERMINED BY THE COURT.

13-62.3-109. Relationship to "Uniform Foreign-country Money Judgments Recognition Act". (1) THIS ARTICLE 62.3 SUPPLEMENTS THE "UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT", ARTICLE 62 OF THIS TITLE 13, AND THAT ACT, OTHER THAN SECTION 13-62-106, APPLIES TO A REGISTRATION UNDER THIS ARTICLE 62.3.

(2) A PERSON MAY SEEK RECOGNITION OF A CANADIAN JUDGMENT EITHER:

(a) BY REGISTRATION UNDER THIS ARTICLE 62.3; OR

(b) AS PROVIDED UNDER SECTION 13-62-106.

(3) SUBJECT TO SUBSECTION (4) OF THIS SECTION, A PERSON MAY NOT SEEK RECOGNITION IN THIS STATE OF THE SAME JUDGMENT OR PART OF A JUDGMENT DESCRIBED IN SECTION 13-62.3-103 (2) OR (3) WITH REGARD TO THE SAME PERSON UNDER BOTH THIS ARTICLE 62.3 AND SECTION 13-62-106.

(4) IF THE COURT GRANTS A PETITION TO VACATE A REGISTRATION SOLELY ON A GROUND UNDER SECTION 13-62.3-107 (2)(b), THE PERSON SEEKING REGISTRATION MAY:

(a) IF THE DEFECT IN THE REGISTRATION IS ONE THAT CAN BE CURED, FILE A NEW REGISTRATION UNDER THIS ARTICLE 62.3; OR

(b) SEEK RECOGNITION OF THE JUDGMENT UNDER SECTION 13-62-106.

13-62.3-110. Uniformity of application and interpretation. IN APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE GIVEN TO THE NEED TO

PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

13-62.3-111. Transitional provision. THIS ARTICLE 62.3 APPLIES TO THE REGISTRATION OF A CANADIAN JUDGMENT ENTERED IN A PROCEEDING COMMENCED IN CANADA ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE 62.3.

13-62.3-112. Effective date. THIS ARTICLE 62.3 TAKES EFFECT JULY 1, 2021.

SECTION 2. Act subject to petition - effective date. This act takes effect July 1, 2021; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on July 1, 2021.

Approved: March 23, 2020