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**HOUSE BILL 1246**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Shea, Scott, Taylor, G. Hunt, Griffey, Rodne, Young, Holy, McCaslin, Buys, and Magendanz

AN ACT Relating to protecting citizens from the application of foreign laws that would result in a violation of a constitutional right; and adding a new section to chapter 1.20 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 1.20 RCW to read as follows:

(1) The legislature finds that Washington has a compelling state interest in protecting citizens and lawful residents within its borders from the application of a foreign law when the application of the foreign law would result in the violation of any right guaranteed by the Constitution of this state or of the United States, including but not limited to the rights of due process, freedom of religion, speech, and press, and the rights to privacy, property, and to bear arms in the defense of self or others.

(2) A court, arbitrator, administrative agency, and any other adjudicative, mediation, or enforcement authority may not enforce a foreign law if doing so would violate any right guaranteed by the Constitution of this state or of the United States.

(3)(a) 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 any right guaranteed by the Constitution of this state or of the United States, the agreement or contractual provision must be modified or amended to the extent necessary to preserve the constitutional rights of the parties.

(b) 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 must be interpreted or construed to preserve the constitutional rights of the natural person against whom enforcement is sought. Similarly, if a natural person subject to personal jurisdiction in this state seeks to maintain litigation, arbitration, administrative, or similarly binding proceedings in this state, and if a court of this state finds that granting a claim of forum non conveniens or a related claim would violate any constitutional right of the nonclaimant in the foreign forum with respect to the matter in dispute, the claim must be denied.

(c) Any contractual provision or agreement incapable of being modified or amended in order to preserve the constitutional rights of the parties pursuant to the provisions of this section is null and void and unenforceable as against the public policy of this state.

(4) Without prejudice to any other legal right, this section does not apply when an entity other than a natural person is a party to the contract or agreement.

(5) The public policies expressed in this section apply only if the application of foreign law would violate or would more likely than not violate any constitutional right of a natural person.

(6) For the purposes of this section:

(a) "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.

(b) "Natural person" means a human being.

**--- END ---**