

ASSEMBLY BILL NO. 145—ASSEMBLYWOMAN COHEN

FEBRUARY 18, 2021

JOINT SPONSOR: SENATOR OHRENSCHALL

Referred to Committee on Judiciary

SUMMARY—Adopts the Uniform Registration of Canadian Money Judgments Act. (BDR 2-772)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to judgments; adopting the Uniform Registration of Canadian Money Judgments Act; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Nevada Legislature enacted the Uniform Foreign-Country Money
2 Judgments Recognition Act in 2007. The Act provides a procedure for Nevada and
3 other states to follow when asked to recognize money judgments from foreign
4 countries and includes various procedural safeguards to ensure that only final
5 judgments that upheld the rights of the parties involved in the action are recognized
6 in Nevada. (NRS 17.700-17.820; Senate Bill No. 177, Chapter 60, Statutes of
7 Nevada 2007, at page 146)

8 This bill creates an alternative procedure for the recognition and enforcement of
9 Canadian money judgments in Nevada by adopting the Uniform Registration of
10 Canadian Money Judgments Act. **Section 6** of this bill provides that recognition
11 of a Canadian judgment only applies to final and enforceable judgments to recover
12 money. **Sections 7 and 12** of this bill provide the specific procedures that must be
13 followed under this bill for a Canadian judgment to be recognized in a Nevada
14 court. **Section 8** of this bill authorizes enforcement of the judgment in the same
15 manner and to the same extent as a judgment rendered in Nevada. **Sections 9-11** of
16 this bill require a person seeking to have a Canadian judgment recognized and
17 enforced in Nevada to provide to the adverse party notice and an opportunity to
18 petition the court to deny recognition of the Canadian judgment. **Section 13** of this
19 bill provides that in applying and construing the provisions of this bill,
20 consideration must be given to the need to promote uniformity of the law among
21 states that enact the Uniform Registration of Canadian Money Judgments Act.



22 **Section 14** of this bill provides that this bill applies to judgments entered in a
23 proceeding that is commenced in Canada on or after October 1, 2021.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 17 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this
3 act.

4 **Sec. 2.** *Sections 2 to 13, inclusive, of this act may be cited as*
5 *the Uniform Registration of Canadian Money Judgments Act.*

6 **Sec. 3.** *As used in sections 2 to 13, inclusive, of this act,*
7 *unless the context otherwise requires, the words and terms defined*
8 *in sections 4 and 5 of this act have the meanings ascribed to them*
9 *in those sections.*

10 **Sec. 4.** *“Canada” means the sovereign nation of Canada and*
11 *its provinces and territories. “Canadian” has a corresponding*
12 *meaning.*

13 **Sec. 5.** *“Canadian judgment” means a judgment of a court*
14 *of Canada, other than a judgment that recognizes the judgment of*
15 *another foreign country.*

16 **Sec. 6. 1.** *Sections 2 to 13, inclusive, of this act apply to a*
17 *Canadian judgment to the extent the judgment is within the scope*
18 *of NRS 17.740, if recognition of the judgment is sought to enforce*
19 *the judgment.*

20 **2.** *A Canadian judgment that grants both recovery of a sum*
21 *of money and other relief may be registered under sections 2 to 13,*
22 *inclusive, of this act, but only to the extent of the grant of recovery*
23 *of a sum of money.*

24 **3.** *A Canadian judgment regarding subject matter both within*
25 *and not within the scope of sections 2 to 13, inclusive, of this act*
26 *may be registered under sections 2 to 13, inclusive, of this act, but*
27 *only to the extent the judgment is with regard to subject matter*
28 *within the scope of sections 2 to 13, inclusive, of this act.*

29 **Sec. 7. 1.** *A person seeking recognition of a Canadian*
30 *judgment described in section 6 of this act to enforce the judgment*
31 *may register the judgment in the office of the clerk of a court in*
32 *which an action for recognition of the judgment could be filed*
33 *under NRS 17.770.*

34 **2.** *A registration under subsection 1 must be executed by the*
35 *person registering the judgment or the person’s attorney and*
36 *include:*

37 **(a)** *A copy of the Canadian judgment authenticated in the*
38 *same manner as a copy of a foreign judgment is authenticated in*



1 *an action under NRS 17.770 as an accurate copy by the court that*
2 *entered the judgment;*

3 *(b) The name and address of the person registering the*
4 *judgment;*

5 *(c) If the person registering the judgment is not the person in*
6 *whose favor the judgment was rendered, a statement describing*
7 *the interest the person registering the judgment has in the*
8 *judgment which entitles the person to seek its recognition and*
9 *enforcement;*

10 *(d) The name and last known address of the person against*
11 *whom the judgment is being registered;*

12 *(e) If the judgment is of the type described in subsection 2 or 3*
13 *of section 6 of this act, a description of the part of the judgment*
14 *being registered;*

15 *(f) The amount of the judgment or part of the judgment being*
16 *registered, identifying:*

17 *(1) The amount of interest accrued as of the date of*
18 *registration on the judgment or part of the judgment being*
19 *registered, the rate of interest, the part of the judgment to which*
20 *interest applies and the date when interest began to accrue;*

21 *(2) Costs and expenses included in the judgment or part of*
22 *the judgment being registered, other than an amount awarded for*
23 *attorney's fees; and*

24 *(3) The amount of an award of attorney's fees included in*
25 *the judgment or part of the judgment being registered;*

26 *(g) The amount, as of the date of registration, of postjudgment*
27 *costs, expenses, and attorney's fees claimed by the person*
28 *registering the judgment or part of the judgment;*

29 *(h) The amount of the judgment or part of the judgment being*
30 *registered which has been satisfied as of the date of registration;*

31 *(i) A statement that:*

32 *(1) The judgment is final, conclusive and enforceable*
33 *under the law of the Canadian jurisdiction in which it was*
34 *rendered;*

35 *(2) The judgment or part of the judgment being registered*
36 *is within the scope of sections 2 to 13, inclusive, of this act; and*

37 *(3) If a part of the judgment is being registered, the*
38 *amounts stated in the registration under paragraphs (f), (g) and*
39 *(h) relate to the part;*

40 *(j) If the judgment is not in English, a certified translation of*
41 *the judgment into English; and*

42 *(k) A registration in an amount equal to the fee for filing an*
43 *action for recognition of a judgment pursuant to NRS 17.700 to*
44 *17.820, inclusive.*



1 3. On receipt of a registration that includes the documents,
2 information and registration fee required by subsection 2, the
3 clerk shall file the registration, assign a docket number and enter
4 the Canadian judgment in the court's docket.

5 4. A registration substantially in the following form complies
6 with the registration requirements under subsection 2 if the
7 registration includes the attachments specified in the form:

8
9 **REGISTRATION OF CANADIAN MONEY JUDGMENT**
10 Complete and file this form, together with the documents
11 required by Part V of this form, with the clerk of court.
12 When stating an amount of money, identify the currency in
13 which the amount is stated.

14 **PART I. IDENTIFICATION OF CANADIAN**
15 **JUDGMENT**

16 Canadian Court Rendering the Judgment:
17 Case/Docket Number in Canadian Court:
18 Name of Plaintiff(s):.....
19 Name of Defendant(s):.....
20 The Canadian Court entered the judgment on
21 [Date] in [City] in
22 [Province or Territory]. The judgment
23 includes an award for the payment of money in favor of
24 in the amount of
25 If only part of the Canadian judgment is subject to
26 registration (see subsections 2 and 3 of section 6 of this act),
27 describe the part of the judgment being registered:
28

29 **PART II. IDENTIFICATION OF PERSON**
30 **REGISTERING JUDGMENT AND PERSON AGAINST**
31 **WHOM JUDGMENT IS BEING REGISTERED**

32 Provide the following information for all persons seeking to
33 register the judgment under this registration and all persons
34 against whom the judgment is being registered under this
35 registration.
36 Name of Person(s) Registering Judgment:
37 If a person registering the judgment is not the person in
38 whose favor the judgment was rendered, describe the
39 interest the person registering the judgment has in the
40 judgment which entitles the person to seek its recognition
41 and enforcement:
42 Address of Person(s) Registering Judgment:
43 Additional Contact Information for Person(s) Registering
44 Judgment (Optional):
45 Telephone Number:..... Facsimile Number:.....



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Electronic Mail Address:
Name of Attorney for Person(s) Registering Judgment, if any:
Address:
Telephone Number:..... Facsimile Number:.....
Electronic Mail Address:
Name of Person(s) Against Whom Judgment is Being Registered:
Address of Person(s) Against Whom Judgment is Being Registered:
(provide the most recent address known)
Additional Contact Information for Person(s) Against Whom Judgment is Being Registered (Optional) (provide most recent information known):
Telephone Number:..... Facsimile Number:.....
Electronic Mail Address:

PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS SOUGHT

Identify the currency or currencies in which each amount is stated.
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 to accrue 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 which 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 postjudgment costs and expenses in the amount of and postjudgment attorney's fees in the amount 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 which 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

PART 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 judgment being registered is within the scope of sections 2 to 13, inclusive, of this act.

3. If only a part of the Canadian judgment is being registered, the amounts stated in Part III of this form relate to that part.

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 in the same manner a copy of a foreign judgment is authenticated in an action under NRS 17.770 as an accurate copy by the Canadian court that entered the judgment.

..... If the Canadian judgment is not in English, a certified translation of the judgment into English.

..... A registration fee in the amount of \$150.

I declare that the information provided on this form is true and correct to the best of my knowledge and belief.

Submitted by:.....

*Signature of [Person Registering Judgment]
[Attorney for Person Registering Judgment]*

[specify whether signer is the person registering the judgment or that person's attorney]

Date of submission:

Sec. 8. 1. Subject to subsection 2, a Canadian judgment registered under section 7 of this act has the same effect provided in NRS 17.780 for a judgment a court determines to be entitled to recognition.

2. A Canadian judgment registered under section 7 of this act may not be enforced by sale or other disposition of property, or by seizure of property or garnishment, until 31 days after notice under section 9 of this act of registration is served. The court for



1 *cause may provide for a shorter or longer time. This subsection*
2 *does not preclude use of relief available under law of this State*
3 *other than sections 2 to 13, inclusive, of this act to prevent*
4 *dissipation, disposition or removal of property.*

5 **Sec. 9. 1.** *A person that registers a Canadian judgment*
6 *under section 7 of this act shall cause notice of registration to be*
7 *served on the person against whom the judgment has been*
8 *registered.*

9 *2. Notice under this section must be served in the same*
10 *manner that a summons and complaint must be served in an*
11 *action seeking recognition under NRS 17.770 of a foreign-country*
12 *money judgment.*

13 *3. Notice under this section must include:*

14 *(a) The date of registration and court in which the judgment*
15 *was registered;*

16 *(b) The docket number assigned to the registration;*

17 *(c) The name and address of:*

18 *(1) The person registering the judgment; and*

19 *(2) The person's attorney, if any;*

20 *(d) A copy of the registration, including the documents*
21 *required under subsection 2 of section 7 of this act; and*

22 *(e) A statement that:*

23 *(1) The person against whom the judgment has been*
24 *registered, not later than 30 days after the date of service of notice,*
25 *may petition the court to vacate the registration; and*

26 *(2) The court for cause may provide for a shorter or longer*
27 *time.*

28 *4. Proof of service of notice under this section must be filed*
29 *with the clerk of the court.*

30 **Sec. 10. 1.** *Not later than 30 days after notice under section*
31 *9 of this act is served, the person against whom the judgment was*
32 *registered may petition the court to vacate the registration. The*
33 *court for cause may provide for a shorter or longer time for filing*
34 *the petition.*

35 *2. A petition under this section may assert only:*

36 *(a) A ground that could be asserted to deny recognition of the*
37 *judgment under the Uniform Foreign-Country Money Judgments*
38 *Recognition Act; or*

39 *(b) A failure to comply with a requirement of sections 2 to 13,*
40 *inclusive, of this act for registration of the judgment.*

41 *3. A petition filed under this section does not itself stay*
42 *enforcement of the registered judgment.*

43 *4. If the court grants a petition under this section, the*
44 *registration is vacated, and any act under the registration to*
45 *enforce the registered judgment is void.*



1 5. *If the court grants a petition under this section on a*
2 *ground under paragraph (a) of subsection 2, the court also shall*
3 *render a judgment denying recognition of the Canadian judgment.*
4 *A judgment rendered under this subsection has the same effect as*
5 *a judgment denying recognition to a judgment on the same ground*
6 *under the Uniform Foreign-Country Money Judgments*
7 *Recognition Act.*

8 **Sec. 11.** *A person that files a petition under subsection 1 of*
9 *section 10 of this act to vacate registration of a Canadian*
10 *judgment may request the court to stay enforcement of the*
11 *judgment pending determination of the petition. The court shall*
12 *grant the stay if the person establishes a likelihood of success on*
13 *the merits with regard to a ground listed in subsection 2 of section*
14 *10 of this act for vacating a registration. The court may require*
15 *the person to provide security in an amount determined by the*
16 *court as a condition of granting the stay.*

17 **Sec. 12.** *1. Sections 2 to 13, inclusive, of this act*
18 *supplement the Uniform Foreign-Country Money Judgments*
19 *Recognition Act and that Act, other than NRS 17.770, applies to a*
20 *registration under sections 2 to 13, inclusive, of this act.*

21 2. *A person may seek recognition of a Canadian judgment*
22 *described in section 6 of this act either:*

23 (a) *By registration under sections 2 to 13, inclusive, of this act;*
24 *or*

25 (b) *Under NRS 17.770.*

26 3. *Subject to subsection 4, a person may not seek recognition*
27 *in this State of the same judgment or part of a judgment described*
28 *in subsection 2 or 3 of section 6 of this act with regard to the same*
29 *person under both sections 2 to 13, inclusive, of this act and*
30 *NRS 17.770.*

31 4. *If the court grants a petition to vacate a registration solely*
32 *on a ground under paragraph (b) of subsection 2 of section 10 of*
33 *this act, the person seeking registration may:*

34 (a) *If the defect in the registration can be cured, file a new*
35 *registration under sections 2 to 13, inclusive, of this act; or*

36 (b) *Seek recognition of the judgment under NRS 17.770.*

37 **Sec. 13.** *In applying and construing the Uniform*
38 *Registration of Canadian Money Judgments Act, consideration*
39 *must be given to the need to promote uniformity of the law with*
40 *respect to its subject matter among states that enact it.*

41 **Sec. 14.** *Sections 2 to 13, inclusive, of this act apply to the*
42 *registration of a Canadian judgment entered in a proceeding that is*
43 *commenced in Canada on or after October 1, 2021.*

