

By: Berman, Miller of Erath, Flynn,
Howard of Fort Bend, Weber, et al.

H.B. No. 911

Substitute the following for H.B. No. 911:

By: Jackson

C.S.H.B. No. 911

A BILL TO BE ENTITLED

AN ACT

relating to the application of foreign laws and foreign forum
selection in this state with regard to family law matters.

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

SECTION 1. Title 6, Civil Practice and Remedies Code, is
amended by adding Chapter 148 to read as follows:

CHAPTER 148. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN
FORUM

Sec. 148.001. DEFINITION. In this chapter, "foreign law"
means a law, rule, or legal code of a jurisdiction outside of the
states and territories of the United States.

Sec. 148.002. DECISION BASED ON FOREIGN LAW. A ruling or
decision of a court, arbitrator, or administrative adjudicator on a
matter arising under the Family Code may not be based on a foreign
law if the application of that law would violate a right guaranteed
by the United States Constitution or the constitution or a statute
of this state.

Sec. 148.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.
(a) A contract provision providing that a foreign law is to govern
a dispute arising under the Family Code is void to the extent that
the application of the foreign law to the dispute would violate a
right guaranteed by the United States Constitution or the
constitution of this state.

(b) A contract provision providing that the forum to resolve

1 a dispute arising under the Family Code is located outside the
2 states and territories of the United States is void if the foreign
3 law that would be applied to the dispute in that forum would, as
4 applied, violate a right guaranteed by the United States
5 Constitution or the constitution of this state.

6 SECTION 2. (a) Section 148.002, Civil Practice and
7 Remedies Code, as added by this Act, applies only to a ruling or
8 decision that becomes final on or after the effective date of this
9 Act. A ruling or decision that becomes final before the effective
10 date of this Act and any appeal of that ruling or decision are
11 governed by the law in effect immediately before the effective date
12 of this Act, and that law is continued in effect for that purpose.

13 (b) Section 148.003, Civil Practice and Remedies Code, as
14 added by this Act, applies only to a contract entered into on or
15 after the effective date of this Act. A contract entered into
16 before the effective date of this Act is governed by the law in
17 effect immediately before that date, and that law is continued in
18 effect for that purpose.

19 SECTION 3. This Act takes effect September 1, 2011.