

UNIFORM ARBITRATION ACT
(Last Revisions Completed Year 2000)

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES

at its

ANNUAL CONFERENCE
MEETING IN ITS ONE-HUNDRED-AND-NINTH YEAR
ST. AUGUSTINE, FLORIDA

JULY 28 – AUGUST 4, 2000

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By

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

Approved by the American Bar Association
San Diego, California, February 19, 2001

Uniform Arbitration Act (UAA)

Drafted by:

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Brief description of act:

The 2000 **Uniform Arbitration Act (UAA)** is a revision of the original Uniform Arbitration Act promulgated in 1955. The 2000 UAA continues the basic rule that agreements to arbitrate before a dispute arises are permissible. Like the 1955 UAA, the 2000 UAA provides for arbitration procedures that generally allow arbitrators to adduce evidence and make decisions, as a court is able to make them. The 2000 UAA expressly provides that its rules are mostly default rules, which may be waived or varied by agreement. Every arbitrator has an obligation to disclose any conflict of interest that may impact the arbitrator's decision. Pre-hearing discovery of evidence and determination of disputed issues is broadened to include pre-hearing meetings for that purpose. If punitive damages would be available in a court of law, they may be awarded by an arbitrator. Separate arbitration proceedings may be consolidated under appropriate conditions of party identity and related transactions. Arbitrators are given the same immunity from liability for making decisions as judges are given for judicial decisions. These are some of the changes made in the 2000 UAA over the 1955 UAA. The 2000 UAA was drafted with the Federal Arbitration Act as a background, with the intent of avoiding issues of federal preemption.

Questions about UAA?

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Notes about NCCUSL Acts:

For information on the specific drafting rules used by NCCUSL, the Conference *Procedural and Drafting Manual* is available online at www.nccusl.org.

Because these are uniform acts, it is important to keep the numbering sequence intact while drafting.

In general, the use of bracketed language in NCCUSL acts indicates that a choice must be made between alternate bracketed language, or that specific language must be inserted into the empty brackets. For example: "An athlete agent who violates Section 14 is guilty of a [misdemeanor] [felony] and, upon conviction, is punishable by []."

A word, number, or phrase, or even an entire section, may be placed in brackets to indicate that the bracketed language is suggested but may be changed to conform to state usage or requirements, or to indicate that the entire section is optional. For example: "An applicant for registration shall submit an application for registration to the [Secretary of State] in a form prescribed by the [Secretary of State]. [An application filed under this section is a public record.] The application must be in the name of an individual, and, except as otherwise provided in subsection (b), signed or otherwise authenticated by the applicant under penalty of perjury."

The sponsor may need to be consulted when dealing with bracketed language.

1 **UNIFORM ARBITRATION ACT**

2
3 **SECTION 1. DEFINITIONS.** In this [Act]:

4 (1) “Arbitration organization” means an association, agency, board, commission, or
5 other entity that is neutral and initiates, sponsors, or administers an arbitration proceeding or is
6 involved in the appointment of an arbitrator.

7 (2) “Arbitrator” means an individual appointed to render an award, alone or with others,
8 in a controversy that is subject to an agreement to arbitrate.

9 (3) “Court” means [a court of competent jurisdiction in this State].

10 (4) “Knowledge” means actual knowledge.

11 (5) “Person” means an individual, corporation, business trust, estate, trust, partnership,
12 limited liability company, association, joint venture, government; governmental subdivision,
13 agency, or instrumentality; public corporation; or any other legal or commercial entity.

14 (6) “Record” means information that is inscribed on a tangible medium or that is stored
15 in an electronic or other medium and is retrievable in perceivable form.

16 **SECTION 2. NOTICE.**

17 (a) Except as otherwise provided in this [Act], a person gives notice to another person by
18 taking action that is reasonably necessary to inform the other person in ordinary course, whether
19 or not the other person acquires knowledge of the notice.

20 (b) A person has notice if the person has knowledge of the notice or has received notice.

21 (c) A person receives notice when it comes to the person’s attention or the notice is
22 delivered at the person’s place of residence or place of business, or at another location held out
23 by the person as a place of delivery of such communications.

1 **SECTION 3. WHEN [ACT] APPLIES.**

2 (a) This [Act] governs an agreement to arbitrate made on or after [the effective date of
3 this [Act]].

4 (b) This [Act] governs an agreement to arbitrate made before [the effective date of this
5 [Act]] if all the parties to the agreement or to the arbitration proceeding so agree in a record.

6 (c) On or after [a delayed date], this [Act] governs an agreement to arbitrate whenever
7 made.

8 **SECTION 4. EFFECT OF AGREEMENT TO ARBITRATE; NONWAIVABLE**
9 **PROVISIONS.**

10 (a) Except as otherwise provided in subsections (b) and (c), a party to an agreement to
11 arbitrate or to an arbitration proceeding may waive or, the parties may vary the effect of, the
12 requirements of this [Act] to the extent permitted by law.

13 (b) Before a controversy arises that is subject to an agreement to arbitrate, a party to the
14 agreement may not:

15 (1) waive or agree to vary the effect of the requirements of Section 5(a), 6(a), 8,
16 17(a), 17(b), 26, or 28;

17 (2) agree to unreasonably restrict the right under Section 9 to notice of the initiation
18 of an arbitration proceeding;

19 (3) agree to unreasonably restrict the right under Section 12 to disclosure of any facts
20 by a neutral arbitrator; or

21 (4) waive the right under Section 16 of a party to an agreement to arbitrate to be
22 represented by a lawyer at any proceeding or hearing under this [Act], but an employer and a
23 labor organization may waive the right to representation by a lawyer in a labor arbitration.

1 (c) A party to an agreement to arbitrate or arbitration proceeding may not waive, or the
2 parties may not vary the effect of, the requirements of this section or Section 3(a) or (c), 7, 14,
3 18, 20(d) or (e), 22, 23, 24, 25(a) or (b), 29, 30, 31, or 32.

4 **SECTION 5. [APPLICATION] FOR JUDICIAL RELIEF.**

5 (a) Except as otherwise provided in Section 28, an [application] for judicial relief under
6 this [Act] must be made by [motion] to the court and heard in the manner provided by law or rule
7 of court for making and hearing [motions].

8 (b) Unless a civil action involving the agreement to arbitrate is pending, notice of an
9 initial [motion] to the court under this [Act] must be served in the manner provided by law for
10 the service of a summons in a civil action. Otherwise, notice of the motion must be given in the
11 manner provided by law or rule of court for serving [motions] in pending cases.

12 **SECTION 6. VALIDITY OF AGREEMENT TO ARBITRATE.**

13 (a) An agreement contained in a record to submit to arbitration any existing or
14 subsequent controversy arising between the parties to the agreement is valid, enforceable, and
15 irrevocable except upon a ground that exists at law or in equity for the revocation of a contract.

16 (b) The court shall decide whether an agreement to arbitrate exists or a controversy is
17 subject to an agreement to arbitrate.

18 (c) An arbitrator shall decide whether a condition precedent to arbitrability has been
19 fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

20 (d) If a party to a judicial proceeding challenges the existence of, or claims that a
21 controversy is not subject to, an agreement to arbitrate, the arbitration proceeding may continue
22 pending final resolution of the issue by the court, unless the court otherwise orders.

23 **SECTION 7. [MOTION] TO COMPEL OR STAY ARBITRATION.**

1 (a) On [motion] of a person showing an agreement to arbitrate and alleging another
2 person's refusal to arbitrate pursuant to the agreement:

3 (1) if the refusing party does not appear or does not oppose the [motion], the court
4 shall order the parties to arbitrate; and

5 (2) if the refusing party opposes the [motion], the court shall proceed summarily to
6 decide the issue and order the parties to arbitrate unless it finds that there is no enforceable
7 agreement to arbitrate.

8 (b) On [motion] of a person alleging that an arbitration proceeding has been initiated or
9 threatened but that there is no agreement to arbitrate, the court shall proceed summarily to decide
10 the issue. If the court finds that there is an enforceable agreement to arbitrate, it shall order the
11 parties to arbitrate.

12 (c) If the court finds that there is no enforceable agreement, it may not pursuant to
13 subsection (a) or (b) order the parties to arbitrate.

14 (d) The court may not refuse to order arbitration because the claim subject to arbitration
15 lacks merit or grounds for the claim have not been established.

16 (e) If a proceeding involving a claim referable to arbitration under an alleged agreement
17 to arbitrate is pending in court, a [motion] under this section must be made in that court.
18 Otherwise a [motion] under this section may be made in any court as provided in Section 27.

19 (f) If a party makes a [motion] to the court to order arbitration, the court on just terms
20 shall stay any judicial proceeding that involves a claim alleged to be subject to the arbitration
21 until the court renders a final decision under this section.

1 (g) If the court orders arbitration, the court on just terms shall stay any judicial
2 proceeding that involves a claim subject to the arbitration. If a claim subject to the arbitration is
3 severable, the court may limit the stay to that claim.

4 **SECTION 8. PROVISIONAL REMEDIES.**

5 (a) Before an arbitrator is appointed and is authorized and able to act, the court, upon
6 [motion] of a party to an arbitration proceeding and for good cause shown, may enter an order
7 for provisional remedies to protect the effectiveness of the arbitration proceeding to the same
8 extent and under the same conditions as if the controversy were the subject of a civil action.

9 (b) After an arbitrator is appointed and is authorized and able to act:

10 (1) the arbitrator may issue such orders for provisional remedies, including interim
11 awards, as the arbitrator finds necessary to protect the effectiveness of the arbitration proceeding
12 and to promote the fair and expeditious resolution of the controversy, to the same extent and
13 under the same conditions as if the controversy were the subject of a civil action and

14 (2) a party to an arbitration proceeding may move the court for a provisional remedy
15 only if the matter is urgent and the arbitrator is not able to act timely or the arbitrator cannot
16 provide an adequate remedy.

17 (c) A party does not waive a right of arbitration by making a [motion] under subsection
18 (a) or (b).

19 **SECTION 9. INITIATION OF ARBITRATION.**

20 (a) A person initiates an arbitration proceeding by giving notice in a record to the other
21 parties to the agreement to arbitrate in the agreed manner between the parties or, in the absence
22 of agreement, by certified or registered mail, return receipt requested and obtained, or by service

1 as authorized for the commencement of a civil action. The notice must describe the nature of the
2 controversy and the remedy sought.

3 (b) Unless a person objects for lack or insufficiency of notice under Section 15(c) not
4 later than the beginning of the arbitration hearing, the person by appearing at the hearing waives
5 any objection to lack of or insufficiency of notice.

6 **SECTION 10. CONSOLIDATION OF SEPARATE ARBITRATION**
7 **PROCEEDINGS.**

8 (a) Except as otherwise provided in subsection (c), upon [motion] of a party to an
9 agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of
10 separate arbitration proceedings as to all or some of the claims if:

11 (1) there are separate agreements to arbitrate or separate arbitration proceedings
12 between the same persons or one of them is a party to a separate agreement to arbitrate or a
13 separate arbitration proceeding with a third person;

14 (2) the claims subject to the agreements to arbitrate arise in substantial part from the
15 same transaction or series of related transactions;

16 (3) the existence of a common issue of law or fact creates the possibility of
17 conflicting decisions in the separate arbitration proceedings; and

18 (4) prejudice resulting from a failure to consolidate is not outweighed by the risk of
19 undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

20 (b) The court may order consolidation of separate arbitration proceedings as to some
21 claims and allow other claims to be resolved in separate arbitration proceedings.

22 (c) The court may not order consolidation of the claims of a party to an agreement to
23 arbitrate if the agreement prohibits consolidation.

1 **SECTION 11. APPOINTMENT OF ARBITRATOR; SERVICE AS A NEUTRAL**
2 **ARBITRATOR.**

3 (a) If the parties to an agreement to arbitrate agree on a method for appointing an
4 arbitrator, that method must be followed, unless the method fails. If the parties have not agreed
5 on a method, the agreed method fails, or an arbitrator appointed fails or is unable to act and a
6 successor has not been appointed, the court, on [motion] of a party to the arbitration proceeding,
7 shall appoint the arbitrator. An arbitrator so appointed has all the powers of an arbitrator
8 designated in the agreement to arbitrate or appointed pursuant to the agreed method.

9 (b) An individual who has a known, direct, and material interest in the outcome of the
10 arbitration proceeding or a known, existing, and substantial relationship with a party may not
11 serve as an arbitrator required by an agreement to be neutral.

12 **SECTION 12. DISCLOSURE BY ARBITRATOR.**

13 (a) Before accepting appointment, an individual who is requested to serve as an
14 arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to
15 arbitrate and arbitration proceeding and to any other arbitrators any known facts that a reasonable
16 person would consider likely to affect the impartiality of the arbitrator in the arbitration
17 proceeding, including:

18 (1) a financial or personal interest in the outcome of the arbitration proceeding; and

19 (2) an existing or past relationship with any of the parties to the agreement to arbitrate
20 or the arbitration proceeding, their counsel or representatives, a witness, or another arbitrators.

21 (b) An arbitrator has a continuing obligation to disclose to all parties to the agreement to
22 arbitrate and arbitration proceeding and to any other arbitrators any facts that the arbitrator learns

1 after accepting appointment which a reasonable person would consider likely to affect the
2 impartiality of the arbitrator.

3 (c) If an arbitrator discloses a fact required by subsection (a) or (b) to be disclosed and a
4 party timely objects to the appointment or continued service of the arbitrator based upon the fact
5 disclosed, the objection may be a ground under Section 23(a)(2) for vacating an award made by
6 the arbitrator.

7 (d) If the arbitrator did not disclose a fact as required by subsection (a) or (b), upon
8 timely objection by a party, the court under Section 23(a)(2) may vacate an award.

9 (e) An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct,
10 and material interest in the outcome of the arbitration proceeding or a known, existing, and
11 substantial relationship with a party is presumed to act with evident partiality under Section
12 23(a)(2).

13 (f) If the parties to an arbitration proceeding agree to the procedures of an arbitration
14 organization or any other procedures for challenges to arbitrators before an award is made,
15 substantial compliance with those procedures is a condition precedent to a [motion] to vacate an
16 award on that ground under Section 23(a)(2).

17 **SECTION 13. ACTION BY MAJORITY.** If there is more than one arbitrator, the powers
18 of an arbitrator must be exercised by a majority of the arbitrators, but all of them shall conduct
19 the hearing under Section 15(c).

20 **SECTION 14. IMMUNITY OF ARBITRATOR; COMPETENCY TO TESTIFY;**
21 **ATTORNEY'S FEES AND COSTS.**

22 (a) An arbitrator or an arbitration organization acting in that capacity is immune from
23 civil liability to the same extent as a judge of a court of this State acting in a judicial capacity.

1 (b) The immunity afforded by this section supplements any immunity under other law.

2 (c) The failure of an arbitrator to make a disclosure required by Section 12 does not
3 cause any loss of immunity under this section.

4 (d) In a judicial, administrative, or similar proceeding, an arbitrator or representative of
5 an arbitration organization is not competent to testify, and may not be required to produce
6 records as to any statement, conduct, decision, or ruling occurring during the arbitration
7 proceeding, to the same extent as a judge of a court of this State acting in a judicial capacity.

8 This subsection does not apply:

9 (1) to the extent necessary to determine the claim of an arbitrator, arbitration
10 organization, or representative of the arbitration organization against a party to the arbitration
11 proceeding; or

12 (2) to a hearing on a [motion] to vacate an award under Section 23(a)(1) or (2) if the
13 [movant] establishes prima facie that a ground for vacating the award exists.

14 (e) If a person commences a civil action against an arbitrator, arbitration organization, or
15 representative of an arbitration organization arising from the services of the arbitrator,
16 organization, or representative or if a person seeks to compel an arbitrator or a representative of
17 an arbitration organization to testify or produce records in violation of subsection (d), and the
18 court decides that the arbitrator, arbitration organization, or representative of an arbitration
19 organization is immune from civil liability or that the arbitrator or representative of the
20 organization is not competent to testify, the court shall award to the arbitrator, organization, or
21 representative reasonable attorney's fees and other reasonable expenses of litigation.

22 **SECTION 15. ARBITRATION PROCESS.**

1 (a) An arbitrator may conduct an arbitration in such manner as the arbitrator considers
2 appropriate for a fair and expeditious disposition of the proceeding. The authority conferred
3 upon the arbitrator includes the power to hold conferences with the parties to the arbitration
4 proceeding before the hearing and, among other matters, determine the admissibility, relevance,
5 materiality and weight of any evidence.

6 (b) An arbitrator may decide a request for summary disposition of a claim or particular
7 issue:

8 (1) if all interested parties agree; or

9 (2) upon request of one party to the arbitration proceeding if that party gives notice to
10 all other parties to the proceeding, and the other parties have a reasonable opportunity to
11 respond.

12 (c) If an arbitrator orders a hearing, the arbitrator shall set a time and place and give
13 notice of the hearing not less than five days before the hearing begins. Unless a party to the
14 arbitration proceeding makes an objection to lack or insufficiency of notice not later than the
15 beginning of the hearing, the party's appearance at the hearing waives the objection. Upon
16 request of a party to the arbitration proceeding and for good cause shown, or upon the
17 arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time as necessary
18 but may not postpone the hearing to a time later than that fixed by the agreement to arbitrate for
19 making the award unless the parties to the arbitration proceeding consent to a later date. The
20 arbitrator may hear and decide the controversy upon the evidence produced although a party who
21 was duly notified of the arbitration proceeding did not appear. The court, on request, may direct
22 the arbitrator to conduct the hearing promptly and render a timely decision.

1 (d) At a hearing under subsection (c), a party to the arbitration proceeding has a right to
2 be heard, to present evidence material to the controversy, and to cross-examine witnesses
3 appearing at the hearing.

4 (e) If an arbitrator ceases or is unable to act during the arbitration proceeding, a
5 replacement arbitrator must be appointed in accordance with Section 11 to continue the
6 proceeding and to resolve the controversy.

7 **SECTION 16. REPRESENTATION BY LAWYER.** A party to an arbitration proceeding
8 may be represented by a lawyer.

9 **SECTION 17. WITNESSES; SUBPOENAS; DEPOSITIONS; DISCOVERY.**

10 (a) An arbitrator may issue a subpoena for the attendance of a witness and for the
11 production of records and other evidence at any hearing and may administer oaths. A subpoena
12 must be served in the manner for service of subpoenas in a civil action and, upon [motion] to the
13 court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for
14 enforcement of subpoenas in a civil action.

15 (b) In order to make the proceedings fair, expeditious, and cost effective, upon request of
16 a party to or a witness in an arbitration proceeding, an arbitrator may permit a deposition of any
17 witness to be taken for use as evidence at the hearing, including a witness who cannot be
18 subpoenaed for or is unable to attend a hearing. The arbitrator shall determine the conditions
19 under which the deposition is taken.

20 (c) An arbitrator may permit such discovery as the arbitrator decides is appropriate in the
21 circumstances, taking into account the needs of the parties to the arbitration proceeding and other
22 affected persons and the desirability of making the proceeding fair, expeditious, and cost
23 effective.

1 (d) If an arbitrator permits discovery under subsection (c), the arbitrator may order a
2 party to the arbitration proceeding to comply with the arbitrator’s discovery-related orders, issue
3 subpoenas for the attendance of a witness and for the production of records and other evidence at
4 a discovery proceeding, and take action against a noncomplying party to the extent a court could
5 if the controversy were the subject of a civil action in this State.

6 (e) An arbitrator may issue a protective order to prevent the disclosure of privileged
7 information, confidential information, trade secrets, and other information protected from
8 disclosure to the extent a court could if the controversy were the subject of a civil action in this
9 State.

10 (f) All laws compelling a person under subpoena to testify and all fees for attending a
11 judicial proceeding, a deposition, or a discovery proceeding as a witness apply to an arbitration
12 proceeding as if the controversy were the subject of a civil action in this State.

13 (g) The court may enforce a subpoena or discovery-related order for the attendance of a
14 witness within this State and for the production of records and other evidence issued by an
15 arbitrator in connection with an arbitration proceeding in another State upon conditions
16 determined by the court so as to make the arbitration proceeding fair, expeditious, and cost
17 effective. A subpoena or discovery-related order issued by an arbitrator in another State must be
18 served in the manner provided by law for service of subpoenas in a civil action in this State and,
19 upon [motion] to the court by a party to the arbitration proceeding or the arbitrator, enforced in
20 the manner provided by law for enforcement of subpoenas in a civil action in this State.

21 **SECTION 18. JUDICIAL ENFORCEMENT OF PREAWARD RULING BY**
22 **ARBITRATOR.** If an arbitrator makes a preaward ruling in favor of a party to the arbitration
23 proceeding, the party may request the arbitrator to incorporate the ruling into an award under

1 Section 19. A prevailing party may make a [motion] to the court for an expedited order to
2 confirm the award under Section 22, in which case the court shall summarily decide the
3 [motion]. The court shall issue an order to confirm the award unless the court vacates, modifies,
4 or corrects the award under Section 23 or 24.

5 **SECTION 19. AWARD.**

6 (a) An arbitrator shall make a record of an award. The record must be signed or
7 otherwise authenticated by any arbitrator who concurs with the award. The arbitrator or the
8 arbitration organization shall give notice of the award, including a copy of the award, to each
9 party to the arbitration proceeding.

10 (b) An award must be made within the time specified by the agreement to arbitrate or, if
11 not specified therein, within the time ordered by the court. The court may extend or the parties
12 to the arbitration proceeding may agree in a record to extend the time. The court or the parties
13 may do so within or after the time specified or ordered. A party waives any objection that an
14 award was not timely made unless the party gives notice of the objection to the arbitrator before
15 receiving notice of the award.

16 **SECTION 20. CHANGE OF AWARD BY ARBITRATOR.**

17 (a) On [motion] to an arbitrator by a party to an arbitration proceeding, the arbitrator
18 may modify or correct an award:

19 (1) upon a ground stated in Section 24(a)(1) or (3);

20 (2) because the arbitrator has not made a final and definite award upon a claim
21 submitted by the parties to the arbitration proceeding; or

22 (3) to clarify the award.

1 (b) A [motion] under subsection (a) must be made and notice given to all parties within
2 20 days after the movant receives notice of the award.

3 (c) A party to the arbitration proceeding must give notice of any objection to the
4 [motion] within 10 days after receipt of the notice.

5 (d) If a [motion] to the court is pending under Section 22, 23, or 24, the court may
6 submit the claim to the arbitrator to consider whether to modify or correct the award:

7 (1) upon a ground stated in Section 24(a)(1) or (3);

8 (2) because the arbitrator has not made a final and definite award upon a claim
9 submitted by the parties to the arbitration proceeding; or

10 (3) to clarify the award.

11 (e) An award modified or corrected pursuant to this section is subject to Sections 19(a),
12 22, 23, and 24.

13 **SECTION 21. REMEDIES; FEES AND EXPENSES OF ARBITRATION**
14 **PROCEEDING.**

15 (a) An arbitrator may award punitive damages or other exemplary relief if such an award
16 is authorized by law in a civil action involving the same claim and the evidence produced at the
17 hearing justifies the award under the legal standards otherwise applicable to the claim.

18 (b) An arbitrator may award reasonable attorney's fees and other reasonable expenses of
19 arbitration if such an award is authorized by law in a civil action involving the same claim or by
20 the agreement of the parties to the arbitration proceeding.

21 (c) As to all remedies other than those authorized by subsections (a) and (b), an arbitrator
22 may order such remedies as the arbitrator considers just and appropriate under the circumstances
23 of the arbitration proceeding. The fact that such a remedy could not or would not be granted by

1 the court is not a ground for refusing to confirm an award under Section 22 or for vacating an
2 award under Section 23.

3 (d) An arbitrator's expenses and fees, together with other expenses, must be paid as
4 provided in the award.

5 (e) If an arbitrator awards punitive damages or other exemplary relief under subsection
6 (a), the arbitrator shall specify in the award the basis in fact justifying and the basis in law
7 authorizing the award and state separately the amount of the punitive damages or other
8 exemplary relief.

9 **SECTION 22. CONFIRMATION OF AWARD.** After a party to an arbitration
10 proceeding receives notice of an award, the party may make a [motion] to the court for an order
11 confirming the award at which time the court shall issue a confirming order unless the award is
12 modified or corrected pursuant to Section 20 or 24 or is vacated pursuant to Section 23.

13 **SECTION 23. VACATING AWARD.**

14 (a) Upon [motion] to the court by a party to an arbitration proceeding, the court shall
15 vacate an award made in the arbitration proceeding if:

16 (1) the award was procured by corruption, fraud, or other undue means;

17 (2) there was:

18 (A) evident partiality by an arbitrator appointed as a neutral arbitrator;

19 (B) corruption by an arbitrator; or

20 (C) misconduct by an arbitrator prejudicing the rights of a party to the arbitration
21 proceeding;

22 (3) an arbitrator refused to postpone the hearing upon showing of sufficient cause for
23 postponement, refused to consider evidence material to the controversy, or otherwise conducted

1 the hearing contrary to Section 15, so as to prejudice substantially the rights of a party to the
2 arbitration proceeding;

3 (4) an arbitrator exceeded the arbitrator's powers;

4 (5) there was no agreement to arbitrate, unless the person participated in the
5 arbitration proceeding without raising the objection under Section 15(c) not later than the
6 beginning of the arbitration hearing; or

7 (6) the arbitration was conducted without proper notice of the initiation of an
8 arbitration as required in Section 9 so as to prejudice substantially the rights of a party to the
9 arbitration proceeding.

10 (b) A [motion] under this section must be filed within 90 days after the [movant]
11 receives notice of the award pursuant to Section 19 or within 90 days after the [movant] receives
12 notice of a modified or corrected award pursuant to Section 20, unless the [movant] alleges that
13 the award was procured by corruption, fraud, or other undue means, in which case the [motion]
14 must be made within 90 days after the ground is known or by the exercise of reasonable care
15 would have been known by the [movant].

16 (c) If the court vacates an award on a ground other than that set forth in subsection
17 (a)(5), it may order a rehearing. If the award is vacated on a ground stated in subsection (a)(1) or
18 (2), the rehearing must be before a new arbitrator. If the award is vacated on a ground stated in
19 subsection (a)(3), (4), or (6), the rehearing may be before the arbitrator who made the award or
20 the arbitrator's successor. The arbitrator must render the decision in the rehearing within the
21 same time as that provided in Section 19(b) for an award.

22 (d) If the court denies a [motion] to vacate an award, it shall confirm the award unless a
23 [motion] to modify or correct the award is pending.

1 **SECTION 24. MODIFICATION OR CORRECTION OF AWARD.**

2 (a) Upon [motion] made within 90 days after the [movant] receives notice of the award
3 pursuant to Section 19 or within 90 days after the [movant] receives notice of a modified or
4 corrected award pursuant to Section 20, the court shall modify or correct the award if:

5 (1) there was an evident mathematical miscalculation or an evident mistake in the
6 description of a person, thing, or property referred to in the award;

7 (2) the arbitrator has made an award on a claim not submitted to the arbitrator and the
8 award may be corrected without affecting the merits of the decision upon the claims submitted;

9 or

10 (3) the award is imperfect in a matter of form not affecting the merits of the decision
11 on the claims submitted.

12 (b) If a [motion] made under subsection (a) is granted, the court shall modify or correct
13 and confirm the award as modified or corrected. Otherwise, unless a motion to vacate is
14 pending, the court shall confirm the award.

15 (c) A [motion] to modify or correct an award pursuant to this section may be joined with
16 a [motion] to vacate the award.

17 **SECTION 25. JUDGMENT ON AWARD; ATTORNEY’S FEES AND LITIGATION**
18 **EXPENSES.**

19 (a) Upon granting an order confirming, vacating without directing a rehearing,
20 modifying, or correcting an award, the court shall enter a judgment in conformity therewith. The
21 judgment may be recorded, docketed, and enforced as any other judgment in a civil action.

22 (b) A court may allow reasonable costs of the [motion] and subsequent judicial
23 proceedings.

1 (c) On [application] of a prevailing party to a contested judicial proceeding under
2 Section 22, 23, or 24, the court may add reasonable attorney's fees and other reasonable
3 expenses of litigation incurred in a judicial proceeding after the award is made to a judgment
4 confirming, vacating without directing a rehearing, modifying, or correcting an award.

5 **SECTION 26. JURISDICTION.**

6 (a) A court of this State having jurisdiction over the controversy and the parties may
7 enforce an agreement to arbitrate.

8 (b) An agreement to arbitrate providing for arbitration in this State confers exclusive
9 jurisdiction on the court to enter judgment on an award under this [Act].

10 **SECTION 27. VENUE.**

11 A [motion] pursuant to Section 5 must be made in the court of the [county] in which the
12 agreement to arbitrate specifies the arbitration hearing is to be held or, if the hearing has been
13 held, in the court of the [county] in which it was held. Otherwise, the [motion] may be made in
14 the court of any [county] in which an adverse party resides or has a place of business or, if no
15 adverse party has a residence or place of business in this State, in the court of any [county] in this
16 State. All subsequent [motions] must be made in the court hearing the initial [motion] unless the
17 court otherwise directs.

18 **SECTION 28. APPEALS.**

19 (a) An appeal may be taken from:

20 (1) an order denying a [motion] to compel arbitration;

21 (2) an order granting a [motion] to stay arbitration;

22 (3) an order confirming or denying confirmation of an award;

23 (4) an order modifying or correcting an award;

1 (5) an order vacating an award without directing a rehearing; or

2 (6) a final judgment entered pursuant to this [Act].

3 (b) An appeal under this section must be taken as from an order or a judgment in a civil
4 action.

5 **SECTION 29. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In
6 applying and construing this uniform act, consideration must be given to the need to promote
7 uniformity of the law with respect to its subject matter among States that enact it.

8 **SECTION 30. RELATIONSHIP TO ELECTRONIC SIGNATURES IN GLOBAL
9 AND NATIONAL COMMERCE ACT.**

10 The provisions of this Act governing the legal effect, validity, and enforceability of
11 electronic records or electronic signatures, and of contracts performed with the use of such
12 records or signatures conform to the requirements of Section 102 of the Electronic Signatures in
13 Global and National Commerce Act.

14 **SECTION 31. EFFECTIVE DATE.**

15 This [Act] takes effect on [effective date].

16 **SECTION 32. REPEAL.**

17 Effective on [delayed date should be the same as that in Section 3(c)], the [Uniform
18 Arbitration Act] is repealed.

19 **SECTION 33. SAVINGS CLAUSE.**

20 This [Act] does not affect an action or proceeding commenced or right accrued before
21 this [Act] takes effect. Subject to Section 3 of this [Act], an arbitration agreement made before
22 the effective date of this [Act] is governed by the [Uniform Arbitration Act].