



General Assembly

January Session, 2001

Raised Bill No. 6771

LCO No. 3794

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE UNIFORM ARBITRATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) As used in this act:

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

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

9 (3) "Court" means the Superior Court.

10 (4) "Knowledge" means actual knowledge.

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

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

18 Sec. 2. (NEW) (a) Except as otherwise provided in sections 9, 15, 19,
19 20 and 22 to 24, inclusive, of this act, a person gives notice to another
20 person by taking action that is reasonably necessary to inform the
21 other person in ordinary course, whether or not the other person
22 acquires knowledge of the notice.

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

25 (c) A person receives notice when it comes to the person's attention
26 or the notice is delivered at the person's place of residence or place of
27 business, or at another location held out by the person as a place of
28 delivery of such communications.

29 Sec. 3. (NEW) (a) This act governs an agreement to arbitrate made
30 on or after the effective date of this act.

31 (b) This act governs an agreement to arbitrate made before the
32 effective date of this act if all the parties to the agreement or to the
33 arbitration proceeding so agree in a record.

34 (c) On and after October 1, 2002, this act governs an agreement to
35 arbitrate whenever made.

36 Sec. 4. (NEW) (a) Except as otherwise provided in subsections (b)
37 and (c) of this section, a party to an agreement to arbitrate or to an
38 arbitration proceeding may waive, or the parties may vary the effect
39 of, the requirements of this act to the extent permitted by law.

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

42 (1) Waive or agree to vary the effect of the requirements of

43 subsection (a) of section 5 of this act, subsection (a) of section 6 of this
44 act, section 8 of this act, subsection (a) or (b) of section 17 of this act
45 and section 26 or 28 of this act;

46 (2) Agree to unreasonably restrict the right under section 9 of this
47 act to notice of the initiation of an arbitration proceeding;

48 (3) Agree to unreasonably restrict the right under section 12 of this
49 act to disclosure of any facts by a neutral arbitrator; or

50 (4) Waive the right under section 16 of this act of a party to an
51 agreement to arbitrate to be represented by a lawyer at any proceeding
52 or hearing under this act, but an employer and a labor organization
53 may waive the right to representation by a lawyer in a labor
54 arbitration.

55 (c) A party to an agreement to arbitrate or arbitration proceeding
56 may not waive, or the parties may not vary the effect of, the
57 requirements of this section or subsection (a) or (c) of section 3 of this
58 act, sections 7, 14 and 18 of this act, subsection (c) or (d) of section 20 of
59 this act, section 22, 23 or 24 subsection (a) or (b) of section 25 of this act
60 or section 29, 30, 31 or 32 of this act.

61 Sec. 5. (NEW) (a) Except as otherwise provided in section 28 of this
62 act, an application for judicial relief under this act shall be made by
63 motion to the court and heard in the manner provided by law or rule
64 of court for making and hearing motions.

65 (b) Unless a civil action involving the agreement to arbitrate is
66 pending, notice of an initial motion to the court under this act must be
67 served in the manner provided by law for the service of a summons in
68 a civil action. Otherwise, notice of the motion must be given in the
69 manner provided by law or rule of court for serving motions in
70 pending cases.

71 Sec. 6. (NEW) (a) An agreement contained in a record to submit to
72 arbitration any existing or subsequent controversy arising between the

73 parties to the agreement is valid, enforceable and irrevocable except
74 upon a ground that exists at law or in equity for the revocation of a
75 contract.

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

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

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

85 Sec. 7. (NEW) (a) On motion of a person showing an agreement to
86 arbitrate and alleging another person's refusal to arbitrate pursuant to
87 the agreement:

88 (1) If the refusing party does not appear or does not oppose the
89 motion, the court shall order the parties to arbitrate; and

90 (2) If the refusing party opposes the motion, the court shall proceed
91 summarily to decide the issue and order the parties to arbitrate unless
92 it finds that there is no enforceable agreement to arbitrate.

93 (b) On motion of a person alleging that an arbitration proceeding
94 has been initiated or threatened but that there is no agreement to
95 arbitrate, the court shall proceed summarily to decide the issue. If the
96 court finds that there is an enforceable agreement to arbitrate it shall
97 order the parties to arbitrate.

98 (c) If the court finds that there is no enforceable agreement,
99 pursuant to subsection (a) or (b) of this section, it may not order the
100 parties to arbitrate.

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

104 (e) If a proceeding involving a claim referable to arbitration under
105 an alleged agreement to arbitrate is pending in court, a motion under
106 this section must be made in that court. Otherwise a motion under this
107 section may be made in any court as provided in section 27 of this act.

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

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

116 Sec. 8. (NEW) (a) Before an arbitrator is appointed and is authorized
117 and able to act, the court, upon motion of a party to an arbitration
118 proceeding and for good cause shown, may enter an order for
119 provisional remedies to protect the effectiveness of the arbitration
120 proceeding to the same extent and under the same conditions as if the
121 controversy were the subject of a civil action.

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

123 (1) The arbitrator may issue such orders for provisional remedies,
124 including interim awards, as the arbitrator finds necessary to protect
125 the effectiveness of the arbitration proceeding and to promote the fair
126 and expeditious resolution of the controversy, to the same extent and
127 under the same conditions as if the controversy were the subject of a
128 civil action; and

129 (2) A party to an arbitration proceeding may move the court for a
130 provisional remedy only if the matter is urgent and the arbitrator is not

131 able to act timely or the arbitrator cannot provide an adequate remedy.

132 (c) A party does not waive a right of arbitration by making a motion
133 under subsection (a) or (b) of this section.

134 Sec. 9. (NEW) (a) A person initiates an arbitration proceeding by
135 giving notice in a record to the other parties to the agreement to
136 arbitrate in the agreed manner between the parties, or in the absence of
137 agreement, by certified or registered mail, return receipt requested and
138 obtained, or by service as authorized for the commencement of a civil
139 action. The notice must describe the nature of the controversy and the
140 remedy sought.

141 (b) Unless a person objects for lack or insufficiency of notice under
142 subsection (c) of section 15 of this act not later than the beginning of
143 the arbitration hearing, the person by appearing at the hearing waives
144 any objection to lack of or insufficiency of notice.

145 Sec. 10. (NEW) (a) Except as otherwise provided in subsection (c) of
146 this section, upon motion of a party to an agreement to arbitrate or to
147 an arbitration proceeding, the court may order consolidation of
148 separate arbitration proceedings as to all or some of the claims if:

149 (1) There are separate agreements to arbitrate or separate arbitration
150 proceedings between the same persons or one of them is a party to a
151 separate agreement to arbitrate or a separate arbitration proceeding
152 with a third person;

153 (2) The claims subject to the agreements to arbitrate arise in
154 substantial part from the same transaction or series of related
155 transactions;

156 (3) The existence of a common issue of law or fact creates the
157 possibility of conflicting decisions in the separate arbitration
158 proceedings; and

159 (4) Prejudice resulting from a failure to consolidate is not

160 outweighed by the risk of undue delay or prejudice to the rights of or
161 hardship to parties opposing consolidation.

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

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

167 Sec. 11. (NEW) (a) If the parties to an agreement to arbitrate agree
168 on a method for appointing an arbitrator, that method must be
169 followed, unless the method fails. If the parties have not agreed on a
170 method, the agreed method fails or an arbitrator appointed fails or is
171 unable to act and a successor has not been appointed, the court, on
172 motion of a party to the arbitration proceeding, shall appoint the
173 arbitrator. An arbitrator so appointed has all the powers of an
174 arbitrator designated in the agreement to arbitrate or appointed
175 pursuant to the agreed method.

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

180 Sec. 12. (NEW) (a) Before accepting appointment, an individual who
181 is requested to serve as an arbitrator, after making a reasonable
182 inquiry, shall disclose to all parties to the agreement to arbitrate and
183 arbitration proceeding and to any other arbitrators any known facts
184 that a reasonable person would consider likely to affect the
185 impartiality of the arbitrator in the arbitration proceeding, including:

186 (1) A financial or personal interest in the outcome of the arbitration
187 proceeding; and

188 (2) An existing or past relationship with any of the parties to the
189 agreement to arbitrate or the arbitration proceeding, their counsel or

190 representatives, a witness or another arbitrator.

191 (b) An arbitrator has a continuing obligation to disclose to all parties
192 to the agreement to arbitrate and arbitration proceeding and to any
193 other arbitrators any facts that the arbitrator learns after accepting
194 appointment which a reasonable person would consider likely to affect
195 the impartiality of the arbitrator.

196 (c) If an arbitrator discloses a fact required by subsection (a) or (b) of
197 this section to be disclosed and a party timely objects to the
198 appointment or continued service of the arbitrator based upon the fact
199 disclosed, the objection may be a ground under subdivision (2) of
200 subsection (a) of section 23 of this act for vacating an award made by
201 the arbitrator.

202 (d) If the arbitrator did not disclose a fact as required by subsection
203 (a) or (b) of this section, upon timely objection by a party, the court
204 under subdivision (2) of subsection (a) of section 23 of this act may
205 vacate an award.

206 (e) An arbitrator appointed as a neutral arbitrator who does not
207 disclose a known, direct and material interest in the outcome of the
208 arbitration proceeding or a known, existing and substantial
209 relationship with a party is presumed to act with evident partiality
210 under subdivision (2) of subsection (a) of section 23 of this act.

211 (f) If the parties to an arbitration proceeding agree to the procedures
212 of an arbitration organization or any other procedures for challenges to
213 arbitrators before an award is made, substantial compliance with those
214 procedures is a condition precedent to a motion to vacate an award on
215 that ground under subdivision (2) of subsection (a) of section 23 of this
216 act.

217 Sec. 13. (NEW) If there is more than one arbitrator, the powers of an
218 arbitrator must be exercised by a majority of the arbitrators, but all of
219 them shall conduct the hearing under subsection (c) of section 15 of

220 this act.

221 Sec. 14. (NEW) (a) An arbitrator or an arbitration organization
222 acting in that capacity is immune from civil liability to the same extent
223 as a judge of a court of this state acting in a judicial capacity.

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

226 (c) The failure of an arbitrator to make a disclosure required by
227 section 12 of this act does not cause any loss of immunity under this
228 section.

229 (d) In a judicial, administrative or similar proceeding, an arbitrator
230 or representative of an arbitration organization is not competent to
231 testify and may not be required to produce records as to any
232 statement, conduct, decision or ruling occurring during the arbitration
233 proceeding to the same extent as a judge of a court of this state acting
234 in a judicial capacity. This subsection does not apply:

235 (1) To the extent necessary to determine the claim of an arbitrator,
236 arbitration organization or representative of the arbitration
237 organization against a party to the arbitration proceeding; or

238 (2) To a hearing on a motion to vacate an award under subdivision
239 (1) or (2) of subsection (a) of section 23 of this act if the movant
240 establishes prima facie that a ground for vacating the award exists.

241 (e) If a person commences a civil action against an arbitrator,
242 arbitration organization or representative of an arbitration
243 organization arising from the services of the arbitrator, organization or
244 representative or if a person seeks to compel an arbitrator or a
245 representative of an arbitration organization to testify or produce
246 records in violation of subsection (d) of this section, and the court
247 decides that the arbitrator, arbitration organization or representative of
248 an arbitration organization is immune from civil liability or that the
249 arbitrator or representative of the organization is not competent to

250 testify, the court shall award to the arbitrator, organization or
251 representative reasonable attorney's fees and other reasonable
252 expenses of litigation.

253 Sec. 15. (NEW) (a) An arbitrator may conduct an arbitration in such
254 manner as the arbitrator considers appropriate for a fair and
255 expeditious disposition of the proceeding. The authority conferred
256 upon the arbitrator includes the power to hold conferences with the
257 parties to the arbitration proceeding before the hearing and, among
258 other matters, determine the admissibility, relevance, materiality and
259 weight of any evidence.

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

262 (1) If all interested parties agree; or

263 (2) Upon request of one party to the arbitration proceeding if that
264 party gives notice to all other parties to the proceeding and the other
265 parties have a reasonable opportunity to respond.

266 (c) If an arbitrator orders a hearing, the arbitrator shall set a time
267 and place and give notice of the hearing not less than five days before
268 the hearing begins. Unless a party to the arbitration proceeding makes
269 an objection to lack or insufficiency of notice not later than the
270 beginning of the hearing, the party's appearance at the hearing waives
271 the objection. Upon request of a party to the arbitration proceeding
272 and for good cause shown, or upon the arbitrator's own initiative, the
273 arbitrator may adjourn the hearing from time to time as necessary but
274 may not postpone the hearing to a time later than that fixed by the
275 agreement to arbitrate for making the award unless the parties to the
276 arbitration proceeding consent to a later date. The arbitrator may hear
277 and decide the controversy upon the evidence produced although a
278 party who was duly notified of the arbitration proceeding did not
279 appear. The court, on request, may direct the arbitrator to conduct the
280 hearing promptly and render a timely decision.

281 (d) At a hearing under subsection (c) of this section, a party to the
282 arbitration proceeding has a right to be heard, to present evidence
283 material to the controversy and to cross-examine witnesses appearing
284 at the hearing.

285 (e) If an arbitrator ceases or is unable to act during the arbitration
286 proceeding, a replacement arbitrator must be appointed in accordance
287 with section 11 of this act to continue the proceeding and to resolve the
288 controversy.

289 Sec. 16. (NEW) A party to an arbitration proceeding may be
290 represented by a lawyer.

291 Sec. 17. (NEW) (a) An arbitrator may issue a subpoena for the
292 attendance of a witness and for the production of records and other
293 evidence at any hearing and may administer oaths. A subpoena must
294 be served in the manner for service of subpoenas in a civil action and,
295 upon motion to the court by a party to the arbitration proceeding or
296 the arbitrator, enforced in the manner for enforcement of subpoenas in
297 a civil action.

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

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

310 (d) If an arbitrator permits discovery under subsection (c) of this

311 section, the arbitrator may order a party to the arbitration proceeding
312 to comply with the arbitrator's discovery-related orders, issue
313 subpoenas for the attendance of a witness and for the production of
314 records and other evidence at a discovery proceeding, and take action
315 against a noncomplying party to the extent a court could if the
316 controversy were the subject of a civil action in this state.

317 (e) An arbitrator may issue a protective order to prevent the
318 disclosure of privileged information, confidential information, trade
319 secrets and other information protected from disclosure to the extent a
320 court could if the controversy were the subject of a civil action in this
321 state.

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

326 (g) The court may enforce a subpoena or discovery-related order for
327 the attendance of a witness within this state and for the production of
328 records and other evidence issued by an arbitrator in connection with
329 an arbitration proceeding in another state upon conditions determined
330 by the court so as to make the arbitration proceeding fair, expeditious
331 and cost effective. A subpoena or discovery-related order issued by an
332 arbitrator in another state must be served in the manner provided by
333 law for service of subpoenas in a civil action in this state and, upon
334 motion to the court by a party to the arbitration proceeding or the
335 arbitrator, enforced in the manner provided by law for enforcement of
336 subpoenas in a civil action in this state.

337 Sec. 18. (NEW) If an arbitrator makes a preaward ruling in favor of a
338 party to the arbitration proceeding, the party may request the
339 arbitrator to incorporate the ruling into an award under section 19 of
340 this act. A prevailing party may make a motion to the court for an
341 expedited order to confirm the award under section 22 of this act, in
342 which case the court shall summarily decide the motion. The court

343 shall issue an order to confirm the award unless the court vacates,
344 modifies or corrects the award under section 23 or 24 of this act.

345 Sec. 19. (NEW) (a) An arbitrator shall make a record of an award.
346 The record must be signed or otherwise authenticated by any
347 arbitrator who concurs with the award. The arbitrator or the
348 arbitration organization shall give notice of the award, including a
349 copy of the award, to each party to the arbitration proceeding.

350 (b) An award must be made within the time specified by the
351 agreement to arbitrate or, if not specified therein, within the time
352 ordered by the court. The court may extend or the parties to the
353 arbitration proceeding may agree in a record to extend the time. The
354 court or the parties may do so within or after the time specified or
355 ordered. A party waives any objection that an award was not timely
356 made unless the party gives notice of the objection to the arbitrator
357 before receiving notice of the award.

358 Sec. 20. (NEW) (a) On motion to an arbitrator by a party to an
359 arbitration proceeding, the arbitrator may modify or correct an award:

360 (1) Upon a ground stated in subdivision (1) or (3) of subsection (a)
361 of section 24 of this act;

362 (2) Because the arbitrator has not made a final and definite award
363 upon a claim submitted by the parties to the arbitration proceeding; or

364 (3) To clarify the award.

365 (b) A motion under subsection (a) of this section shall be made and
366 notice given to all parties within twenty days after the movant receives
367 notice of the award.

368 (c) A party to the arbitration proceeding must give notice of any
369 objection to the motion within ten days after receipt of the notice.

370 (d) If a motion to the court is pending under section 22, 23 or 24 of

371 this act, the court may submit the claim to the arbitrator to consider
372 whether to modify or correct the award:

373 (1) Upon a ground stated in subdivision (1) or (3) of subsection (a)
374 of section 24 of this act;

375 (2) Because the arbitrator has not made a final and definite award
376 upon a claim submitted by the parties to the arbitration proceeding; or

377 (3) To clarify the award.

378 (e) An award modified or corrected pursuant to this section is
379 subject to subsection (a) of section 19 of this act and sections 22, 23 and
380 24 of this act.

381 Sec. 21. (NEW) (a) An arbitrator may award punitive damages or
382 other exemplary relief if such an award is authorized by law in a civil
383 action involving the same claim and the evidence produced at the
384 hearing justifies the award under the legal standards otherwise
385 applicable to the claim.

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

390 (c) As to all remedies other than those authorized by subsections (a)
391 and (b) of this section, an arbitrator may order such remedies as the
392 arbitrator considers just and appropriate under the circumstances of
393 the arbitration proceeding. The fact that such a remedy could not or
394 would not be granted by the court is not a ground for refusing to
395 confirm an award under section 22 of this act or for vacating an award
396 under section 23 of this act.

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

399 (e) If an arbitrator awards punitive damages or other exemplary
400 relief under subsection (a) of this section, the arbitrator shall specify in
401 the award the basis in fact justifying and the basis in law authorizing
402 the award and state separately the amount of the punitive damages or
403 other exemplary relief.

404 Sec. 22. (NEW) After a party to an arbitration proceeding receives
405 notice of an award, the party may make a motion to the court for an
406 order confirming the award at which time the court shall issue a
407 confirming order unless the award is modified or corrected pursuant
408 to section 20 or 24 of this act or is vacated pursuant to section 23 of this
409 act.

410 Sec. 23. (NEW) (a) Upon motion to the court by a party to an
411 arbitration proceeding, the court shall vacate an award made in the
412 arbitration proceeding if:

413 (1) The award was procured by corruption, fraud or other undue
414 means;

415 (2) There was: (A) Evident partiality by an arbitrator appointed as a
416 neutral arbitrator; (B) corruption by an arbitrator; or (C) misconduct by
417 an arbitrator prejudicing the rights of a party to the arbitration
418 proceeding;

419 (3) An arbitrator refused to postpone the hearing upon showing of
420 sufficient cause for postponement, refused to consider evidence
421 material to the controversy or otherwise conducted the hearing
422 contrary to section 15 of this act so as to prejudice substantially the
423 rights of a party to the arbitration proceeding;

424 (4) An arbitrator exceeded the arbitrator's powers;

425 (5) There was no agreement to arbitrate, unless the person
426 participated in the arbitration proceeding without raising the objection
427 under subsection (c) of section 15 of this act not later than the
428 beginning of the arbitration hearing; or

429 (6) The arbitration was conducted without proper notice of the
430 initiation of an arbitration as required in section 9 of this act so as to
431 prejudice substantially the rights of a party to the arbitration
432 proceeding.

433 (b) A motion under this section must be filed within ninety days
434 after the movant receives notice of the award pursuant to section 19 of
435 this act or within ninety days after the movant receives notice of a
436 modified or corrected award pursuant to section 20 of this act, unless
437 the movant alleges that the award was procured by corruption, fraud
438 or other undue means, in which case the motion must be made within
439 ninety days after the ground is known or by the exercise of reasonable
440 care would have been known by the movant.

441 (c) If the court vacates an award on a ground other than that set
442 forth in subdivision (5) of subsection (a) of this section, it may order a
443 rehearing. If the award is vacated on a ground stated in subdivision (1)
444 or (2) of subsection (a) of this section, the rehearing must be before a
445 new arbitrator. If the award is vacated on a ground stated in
446 subdivision (3), (4) or (6) of subsection (a) of this section, the rehearing
447 may be before the arbitrator who made the award or the arbitrator's
448 successor. The arbitrator must render the decision in the rehearing
449 within the same time as that provided in subsection (b) of section 19 of
450 this act for an award.

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

453 Sec. 24. (NEW) (a) Upon motion made within ninety days after the
454 movant receives notice of the award pursuant to section 19 of this act
455 or within ninety days after the movant receives notice of a modified or
456 corrected award pursuant to section 20 of this act, the court shall
457 modify or correct the award if:

458 (1) There was an evident mathematical miscalculation or an evident
459 mistake in the description of a person, thing or property referred to in

460 the award;

461 (2) The arbitrator has made an award on a claim not submitted to
462 the arbitrator and the award may be corrected without affecting the
463 merits of the decision upon the claims submitted; or

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

466 (b) If a motion made under subsection (a) of this section is granted,
467 the court shall modify or correct and confirm the award as modified or
468 corrected. Otherwise, unless a motion to vacate is pending, the court
469 shall confirm the award.

470 (c) A motion to modify or correct an award pursuant to this section
471 may be joined with a motion to vacate the award.

472 Sec. 25. (NEW) (a) Upon granting an order confirming, vacating
473 without directing a rehearing, modifying or correcting an award, the
474 court shall enter a judgment in conformity therewith. The judgment
475 may be recorded, docketed and enforced as any other judgment in a
476 civil action.

477 (b) A court may allow reasonable costs of the motion and
478 subsequent judicial proceedings.

479 (c) On application of a prevailing party to a contested judicial
480 proceeding under section 22, 23 or 24 of this act, the court may add
481 reasonable attorney's fees and other reasonable expenses of litigation
482 incurred in a judicial proceeding after the award is made to a
483 judgment confirming, vacating without directing a rehearing,
484 modifying or correcting an award.

485 Sec. 26. (NEW) (a) A court of this state having jurisdiction over the
486 controversy and the parties may enforce an agreement to arbitrate.

487 (b) An agreement to arbitrate providing for arbitration in this state

488 confers exclusive jurisdiction on the court to enter judgment on an
489 award under this act.

490 Sec. 27. (NEW) A motion pursuant to section 5 of this act shall be
491 made in the court for the judicial district in which the agreement to
492 arbitrate specifies the arbitration hearing is to be held or, if the hearing
493 has been held, in the court for the judicial district in which it was held.
494 Otherwise, the motion may be made in the court for any judicial
495 district in which an adverse party resides or has a place of business or,
496 if no adverse party has a residence or place of business in this state, in
497 the court for any judicial district in this state. All subsequent motions
498 shall be made in the court hearing the initial motion unless the court
499 otherwise directs.

500 Sec. 28. (NEW) (a) An appeal may be taken from: (1) An order
501 denying a motion to compel arbitration; (2) an order granting a motion
502 to stay arbitration; (3) an order confirming or denying confirmation of
503 an award; (4) an order modifying or correcting an award; (5) an order
504 vacating an award without directing a rehearing; or (6) a final
505 judgment entered pursuant to this act.

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

508 Sec. 29. (NEW) In applying and construing this uniform act,
509 consideration must be given to the need to promote uniformity of the
510 law with respect to its subject matter among states that enact it.

511 Sec. 30. (NEW) The provisions of this act governing the legal effect,
512 validity or enforceability of electronic records or signatures and of
513 contracts formed or performed with the use of such records or
514 signatures conform to the requirements of Section 102 of the Electronic
515 Signatures in Global and National Commerce Act, P. L. No. 106-229,
516 114 Stat. 464 (2000), and supersede, modify and limit the Electronic
517 Signatures in Global and National Commerce Act.

518 Sec. 31. Sections 52-408 to 52-424, inclusive, of the general statutes
519 are repealed.

520 Sec. 32. This act shall take effect October 1, 2001, except that section
521 31 shall take effect October 1, 2002.

Statement of Purpose:

To adopt the Uniform Arbitration Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]