



General Assembly

January Session, 2009

**Raised Bill No. 6628**

LCO No. 3517

\*03517\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT ADOPTING THE REVISED UNIFORM ARBITRATION ACT.***

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

1 Section 1. (NEW) (*Effective October 1, 2009*) As used in sections 1 to  
2 31, inclusive, of this act:

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

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

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

11 (4) "Knowledge" means actual knowledge.

12 (5) "Person" means an individual, corporation, business trust, estate,  
13 trust, partnership, limited liability company, association, joint venture,  
14 government, governmental subdivision, agency or instrumentality,

15 public corporation or any other legal or commercial entity.

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

19 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) Except as otherwise  
20 provided in sections 9, 15, 19, 20 and 22 to 24, inclusive, of this act, a  
21 person gives notice to another person by taking action that is  
22 reasonably necessary to inform the other person in ordinary course,  
23 whether or not the other person acquires knowledge of the notice.

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

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

30 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) Sections 1 to 31, inclusive,  
31 of this act govern an agreement to arbitrate made on or after October 1,  
32 2009, except that said sections shall not apply to any agreement  
33 governed by chapter 68, 113, 166 or 743b of the general statutes.

34 (b) Sections 1 to 31, inclusive, of this act govern an agreement to  
35 arbitrate made before October 1, 2009, if all the parties to the  
36 agreement or to the arbitration proceeding so agree in a record.

37 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) Except as otherwise  
38 provided in subsections (b) and (c) of this section, a party to an  
39 agreement to arbitrate or to an arbitration proceeding may waive, or  
40 the parties may vary the effect of, the requirements of sections 1 to 31,  
41 inclusive, of this act to the extent permitted by law.

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

44 (1) Waive or agree to vary the effect of the requirements of  
45 subsection (a) of section 5 of this act, subsection (a) of section 6 of this  
46 act, section 8 of this act, subsection (a) or (b) of section 17 of this act  
47 and section 26 or 28 of this act;

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

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

52 (4) Waive the right under section 16 of this act of a party to an  
53 agreement to arbitrate to be represented by a lawyer at any proceeding  
54 or hearing under sections 1 to 31, inclusive, of this act, but an employer  
55 and a labor organization may waive the right to representation by a  
56 lawyer in a labor arbitration.

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

63 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) Except as otherwise  
64 provided in section 28 of this act, an application for judicial relief  
65 under sections 1 to 31, inclusive, of this act shall be made by motion to  
66 the court and heard in the manner provided by law or rule of court for  
67 making and hearing motions.

68 (b) Unless a civil action involving the agreement to arbitrate is  
69 pending, notice of an initial motion to the court under sections 1 to 31,  
70 inclusive, of this act must be served in the manner provided by law for  
71 the service of a summons in a civil action. Otherwise, notice of the  
72 motion must be given in the manner provided by law or rule of court  
73 for serving motions in pending cases.

74       Sec. 6. (NEW) (*Effective October 1, 2009*) (a) An agreement contained  
75 in a record to submit to arbitration any existing or subsequent  
76 controversy arising between the parties to the agreement is valid,  
77 enforceable and irrevocable except upon a ground that exists at law or  
78 in equity for the revocation of a contract.

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

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

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

88       Sec. 7. (NEW) (*Effective October 1, 2009*) (a) On motion of a person  
89 showing an agreement to arbitrate and alleging another person's  
90 refusal to arbitrate pursuant to the agreement:

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

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

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

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

103 arbitrate.

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

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

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

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

119 Sec. 8. (NEW) (*Effective October 1, 2009*) (a) Before an arbitrator is  
120 appointed and is authorized and able to act, the court, upon motion of  
121 a party to an arbitration proceeding and for good cause shown, may  
122 enter an order for provisional remedies to protect the effectiveness of  
123 the arbitration proceeding to the same extent and under the same  
124 conditions as if the controversy were the subject of a civil action.

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

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

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

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

137 Sec. 9. (NEW) (*Effective October 1, 2009*) (a) A person initiates an  
138 arbitration proceeding by giving notice in a record to the other parties  
139 to the agreement to arbitrate in the agreed manner between the parties,  
140 or in the absence of agreement, by certified or registered mail, return  
141 receipt requested and obtained, or by service as authorized for the  
142 commencement of a civil action. The notice must describe the nature of  
143 the controversy and the remedy sought.

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

148 Sec. 10. (NEW) (*Effective October 1, 2009*) (a) Except as otherwise  
149 provided in subsection (c) of this section, upon motion of a party to an  
150 agreement to arbitrate or to an arbitration proceeding, the court may  
151 order consolidation of separate arbitration proceedings as to all or  
152 some of the claims if:

153 (1) There are separate agreements to arbitrate or separate arbitration  
154 proceedings between the same persons or one of them is a party to a  
155 separate agreement to arbitrate or a separate arbitration proceeding  
156 with a third person;

157 (2) The claims subject to the agreements to arbitrate arise in  
158 substantial part from the same transaction or series of related  
159 transactions;

160 (3) The existence of a common issue of law or fact creates the  
161 possibility of conflicting decisions in the separate arbitration

162 proceedings; and

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

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

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

171 Sec. 11. (NEW) (*Effective October 1, 2009*) (a) If the parties to an  
172 agreement to arbitrate agree on a method for appointing an arbitrator,  
173 that method must be followed, unless the method fails. If the parties  
174 have not agreed on a method, the agreed method fails or an arbitrator  
175 appointed fails or is unable to act and a successor has not been  
176 appointed, the court, on motion of a party to the arbitration  
177 proceeding, shall appoint the arbitrator. An arbitrator so appointed has  
178 all the powers of an arbitrator designated in the agreement to arbitrate  
179 or appointed pursuant to the agreed method.

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

184 Sec. 12. (NEW) (*Effective October 1, 2009*) (a) Before accepting  
185 appointment, an individual who is requested to serve as an arbitrator,  
186 after making a reasonable inquiry, shall disclose to all parties to the  
187 agreement to arbitrate and arbitration proceeding and to any other  
188 arbitrators any known facts that a reasonable person would consider  
189 likely to affect the impartiality of the arbitrator in the arbitration  
190 proceeding, including:

191 (1) A financial or personal interest in the outcome of the arbitration

192 proceeding; and

193 (2) An existing or past relationship with any of the parties to the  
194 agreement to arbitrate or the arbitration proceeding, their counsel or  
195 representatives, a witness or another arbitrator.

196 (b) An arbitrator has a continuing obligation to disclose to all parties  
197 to the agreement to arbitrate and arbitration proceeding and to any  
198 other arbitrators any facts that the arbitrator learns after accepting  
199 appointment which a reasonable person would consider likely to affect  
200 the impartiality of the arbitrator.

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

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

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

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

222 Sec. 13. (NEW) (*Effective October 1, 2009*) If there is more than one  
223 arbitrator, the powers of an arbitrator must be exercised by a majority  
224 of the arbitrators, but all of them shall conduct the hearing under  
225 subsection (c) of section 15 of this act.

226 Sec. 14. (NEW) (*Effective October 1, 2009*) (a) An arbitrator or an  
227 arbitration organization acting in that capacity is immune from civil  
228 liability to the same extent as a judge of a court of this state acting in a  
229 judicial capacity.

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

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

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

241 (1) To the extent necessary to determine the claim of an arbitrator,  
242 arbitration organization or representative of the arbitration  
243 organization against a party to the arbitration proceeding; or

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

247 (e) If a person commences a civil action against an arbitrator,  
248 arbitration organization or representative of an arbitration  
249 organization arising from the services of the arbitrator, organization or  
250 representative or if a person seeks to compel an arbitrator or a  
251 representative of an arbitration organization to testify or produce

252 records in violation of subsection (d) of this section, and the court  
253 decides that the arbitrator, arbitration organization or representative of  
254 an arbitration organization is immune from civil liability or that the  
255 arbitrator or representative of the organization is not competent to  
256 testify, the court shall award to the arbitrator, organization or  
257 representative reasonable attorney's fees and other reasonable  
258 expenses of litigation.

259       Sec. 15. (NEW) (*Effective October 1, 2009*) (a) An arbitrator may  
260 conduct an arbitration in such manner as the arbitrator considers  
261 appropriate for a fair and expeditious disposition of the proceeding.  
262 The authority conferred upon the arbitrator includes the power to hold  
263 conferences with the parties to the arbitration proceeding before the  
264 hearing and, among other matters, determine the admissibility,  
265 relevance, materiality and weight of any evidence.

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

268       (1) If all interested parties agree; or

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

272       (c) If an arbitrator orders a hearing, the arbitrator shall set a time  
273 and place and give notice of the hearing not less than five days before  
274 the hearing begins. Unless a party to the arbitration proceeding makes  
275 an objection to lack or insufficiency of notice not later than the  
276 beginning of the hearing, the party's appearance at the hearing waives  
277 the objection. Upon request of a party to the arbitration proceeding  
278 and for good cause shown, or upon the arbitrator's own initiative, the  
279 arbitrator may adjourn the hearing from time to time as necessary but  
280 may not postpone the hearing to a time later than that fixed by the  
281 agreement to arbitrate for making the award unless the parties to the  
282 arbitration proceeding consent to a later date. The arbitrator may hear

283 and decide the controversy upon the evidence produced although a  
284 party who was duly notified of the arbitration proceeding did not  
285 appear. The court, on request, may direct the arbitrator to conduct the  
286 hearing promptly and render a timely decision.

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

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

295 Sec. 16. (NEW) (*Effective October 1, 2009*) A party to an arbitration  
296 proceeding may be represented by a lawyer.

297 Sec. 17. (NEW) (*Effective October 1, 2009*) (a) An arbitrator may issue  
298 a subpoena for the attendance of a witness and for the production of  
299 records and other evidence at any hearing and may administer oaths.  
300 A subpoena must be served in the manner for service of subpoenas in  
301 a civil action and, upon motion to the court by a party to the  
302 arbitration proceeding or the arbitrator, enforced in the manner for  
303 enforcement of subpoenas in a civil action.

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

311 (c) An arbitrator may permit such discovery as the arbitrator  
312 decides is appropriate in the circumstances, taking into account the

313 needs of the parties to the arbitration proceeding and other affected  
314 persons and the desirability of making the proceeding fair, expeditious  
315 and cost effective.

316 (d) If an arbitrator permits discovery under subsection (c) of this  
317 section, the arbitrator may order a party to the arbitration proceeding  
318 to comply with the arbitrator's discovery-related orders, issue  
319 subpoenas for the attendance of a witness and for the production of  
320 records and other evidence at a discovery proceeding, and take action  
321 against a noncomplying party to the extent a court could if the  
322 controversy were the subject of a civil action in this state.

323 (e) An arbitrator may issue a protective order to prevent the  
324 disclosure of privileged information, confidential information, trade  
325 secrets and other information protected from disclosure to the extent a  
326 court could if the controversy were the subject of a civil action in this  
327 state.

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

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

343 Sec. 18. (NEW) (*Effective October 1, 2009*) If an arbitrator makes a

344 preaward ruling in favor of a party to the arbitration proceeding, the  
345 party may request the arbitrator to incorporate the ruling into an  
346 award under section 19 of this act. A prevailing party may make a  
347 motion to the court for an expedited order to confirm the award under  
348 section 22 of this act, in which case the court shall summarily decide  
349 the motion. The court shall issue an order to confirm the award unless  
350 the court vacates, modifies or corrects the award under section 23 or 24  
351 of this act.

352       Sec. 19. (NEW) (*Effective October 1, 2009*) (a) An arbitrator shall make  
353 a record of an award. The record must be signed or otherwise  
354 authenticated by any arbitrator who concurs with the award. The  
355 arbitrator or the arbitration organization shall give notice of the award,  
356 including a copy of the award, to each party to the arbitration  
357 proceeding.

358       (b) An award must be made within the time specified by the  
359 agreement to arbitrate or, if not specified therein, within the time  
360 ordered by the court. The court may extend or the parties to the  
361 arbitration proceeding may agree in a record to extend the time. The  
362 court or the parties may do so within or after the time specified or  
363 ordered. A party waives any objection that an award was not timely  
364 made unless the party gives notice of the objection to the arbitrator  
365 before receiving notice of the award.

366       Sec. 20. (NEW) (*Effective October 1, 2009*) (a) On motion to an  
367 arbitrator by a party to an arbitration proceeding, the arbitrator may  
368 modify or correct an award:

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

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

373       (3) To clarify the award.

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

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

379 (d) If a motion to the court is pending under section 22, 23 or 24 of  
380 this act, the court may submit the claim to the arbitrator to consider  
381 whether to modify or correct the award:

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

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

386 (3) To clarify the award.

387 (e) An award modified or corrected pursuant to this section is  
388 subject to subsection (a) of section 19 of this act and sections 22, 23 and  
389 24 of this act.

390 Sec. 21. (NEW) (*Effective October 1, 2009*) (a) An arbitrator may  
391 award punitive damages or other exemplary relief if such an award is  
392 authorized by law in a civil action involving the same claim and the  
393 evidence produced at the hearing justifies the award under the legal  
394 standards otherwise applicable to the claim.

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

399 (c) As to all remedies other than those authorized by subsections (a)  
400 and (b) of this section, an arbitrator may order such remedies as the  
401 arbitrator considers just and appropriate under the circumstances of

402 the arbitration proceeding.

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

405 (e) If an arbitrator awards punitive damages or other exemplary  
406 relief under subsection (a) of this section, the arbitrator shall specify in  
407 the award the basis in fact justifying and the basis in law authorizing  
408 the award and state separately the amount of the punitive damages or  
409 other exemplary relief.

410 Sec. 22. (NEW) (*Effective October 1, 2009*) After a party to an  
411 arbitration proceeding receives notice of an award, the party may  
412 make a motion to the court for an order confirming the award at which  
413 time the court shall issue a confirming order unless the award is  
414 modified or corrected pursuant to section 20 or 24 of this act or is  
415 vacated pursuant to section 23 of this act.

416 Sec. 23. (NEW) (*Effective October 1, 2009*) (a) Upon motion to the  
417 court by a party to an arbitration proceeding, the court shall vacate an  
418 award made in the arbitration proceeding if:

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

421 (2) There was: (A) Evident partiality by an arbitrator appointed as a  
422 neutral arbitrator; (B) corruption by an arbitrator; or (C) misconduct by  
423 an arbitrator prejudicing the rights of a party to the arbitration  
424 proceeding;

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

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

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

435 (6) The arbitration was conducted without proper notice of the  
436 initiation of an arbitration as required in section 9 of this act so as to  
437 prejudice substantially the rights of a party to the arbitration  
438 proceeding.

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

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

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

459 Sec. 24. (NEW) (*Effective October 1, 2009*) (a) Upon motion made  
460 within ninety days after the movant receives notice of the award  
461 pursuant to section 19 of this act or within ninety days after the

462 movant receives notice of a modified or corrected award pursuant to  
463 section 20 of this act, the court shall modify or correct the award if:

464 (1) There was an evident mathematical miscalculation or an evident  
465 mistake in the description of a person, thing or property referred to in  
466 the award;

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

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

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

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

478 Sec. 25. (NEW) (*Effective October 1, 2009*) (a) Upon granting an order  
479 confirming an award, vacating an award without directing a  
480 rehearing, modifying an award or correcting an award, the court shall  
481 enter a judgment in conformity therewith. The judgment may be  
482 recorded, docketed and enforced as any other judgment in a civil  
483 action.

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

486 Sec. 26. (NEW) (*Effective October 1, 2009*) (a) A court of this state  
487 having jurisdiction over the controversy and the parties may enforce  
488 an agreement to arbitrate.

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

490 confers exclusive jurisdiction on the court to enter judgment on an  
491 award under sections 1 to 31, inclusive, of this act.

492       Sec. 27. (NEW) (*Effective October 1, 2009*) A motion pursuant to  
493 section 5 of this act shall be made in the court for the judicial district in  
494 which the agreement to arbitrate specifies the arbitration hearing is to  
495 be held or, if the hearing has been held, in the court for the judicial  
496 district in which it was held. Otherwise, the motion may be made in  
497 the court for any judicial district in which an adverse party resides or  
498 has a place of business or, if no adverse party has a residence or place  
499 of business in this state, in the court for any judicial district in this  
500 state. All subsequent motions shall be made in the court hearing the  
501 initial motion unless the court otherwise directs.

502       Sec. 28. (NEW) (*Effective October 1, 2009*) (a) An appeal may be taken  
503 from: (1) An order denying a motion to compel arbitration; (2) an order  
504 granting a motion to stay arbitration; (3) an order confirming or  
505 denying confirmation of an award; (4) an order modifying or  
506 correcting an award; (5) an order vacating an award without directing  
507 a rehearing; or (6) a final judgment entered pursuant to sections 1 to  
508 31, inclusive, of this act.

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

511       Sec. 29. (NEW) (*Effective October 1, 2009*) In applying and construing  
512 the uniform provisions of sections 1 to 31, inclusive, of this act,  
513 consideration must be given to the need to promote uniformity of the  
514 law with respect to its subject matter among states that enact such  
515 uniform provisions.

516       Sec. 30. (NEW) (*Effective October 1, 2009*) The provisions of sections 1  
517 to 31, inclusive, of this act governing the legal effect, validity or  
518 enforceability of electronic records or signatures and of contracts  
519 formed or performed with the use of such records or signatures  
520 conform to the requirements of Section 102 of the Electronic Signatures

521 in Global and National Commerce Act.

522       Sec. 31. (NEW) (*Effective October 1, 2009*) The provisions of sections 1  
 523 to 30, inclusive, of this act do not affect an action or proceeding  
 524 commenced or right accrued before October 1, 2009. Subject to section  
 525 3 of this act, an arbitration agreement made before October 1, 2009, is  
 526 governed by sections 52-408 to 52-424, inclusive, of the general  
 527 statutes.

528       Sec. 32. Subsection (a) of section 37-3a of the general statutes is  
 529 repealed and the following is substituted in lieu thereof (*Effective*  
 530 *October 1, 2009*):

531       (a) Except as provided in sections 37-3b, 37-3c and 52-192a, interest  
 532 at the rate of ten per cent a year, and no more, may be recovered and  
 533 allowed in civil actions or arbitration proceedings under chapter 909 or  
 534 sections 1 to 31, inclusive, of this act, including actions to recover  
 535 money loaned at a greater rate, as damages for the detention of money  
 536 after it becomes payable. Judgment may be given for the recovery of  
 537 taxes assessed and paid upon the loan, and the insurance upon the  
 538 estate mortgaged to secure the loan, whenever the borrower has  
 539 agreed in writing to pay such taxes or insurance or both. Whenever the  
 540 maker of any contract is a resident of another state or the mortgage  
 541 security is located in another state, any obligee or holder of such  
 542 contract, residing in this state, may lawfully recover any agreed rate of  
 543 interest or damages on such contract until it is fully performed, not  
 544 exceeding the legal rate of interest in the state where such contract  
 545 purports to have been made or such mortgage security is located.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section

Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	New section
Sec. 8	<i>October 1, 2009</i>	New section
Sec. 9	<i>October 1, 2009</i>	New section
Sec. 10	<i>October 1, 2009</i>	New section
Sec. 11	<i>October 1, 2009</i>	New section
Sec. 12	<i>October 1, 2009</i>	New section
Sec. 13	<i>October 1, 2009</i>	New section
Sec. 14	<i>October 1, 2009</i>	New section
Sec. 15	<i>October 1, 2009</i>	New section
Sec. 16	<i>October 1, 2009</i>	New section
Sec. 17	<i>October 1, 2009</i>	New section
Sec. 18	<i>October 1, 2009</i>	New section
Sec. 19	<i>October 1, 2009</i>	New section
Sec. 20	<i>October 1, 2009</i>	New section
Sec. 21	<i>October 1, 2009</i>	New section
Sec. 22	<i>October 1, 2009</i>	New section
Sec. 23	<i>October 1, 2009</i>	New section
Sec. 24	<i>October 1, 2009</i>	New section
Sec. 25	<i>October 1, 2009</i>	New section
Sec. 26	<i>October 1, 2009</i>	New section
Sec. 27	<i>October 1, 2009</i>	New section
Sec. 28	<i>October 1, 2009</i>	New section
Sec. 29	<i>October 1, 2009</i>	New section
Sec. 30	<i>October 1, 2009</i>	New section
Sec. 31	<i>October 1, 2009</i>	New section
Sec. 32	<i>October 1, 2009</i>	37-3a(a)

**Statement of Purpose:**

To respond to the increased use of arbitration in resolving disputes and revise and modernize arbitration procedures by adopting the Revised 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.]*