



General Assembly

January Session, 2011

Raised Bill No. 6608

LCO No. 4599

04599_____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, 2011*) 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, 2011*) (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 the notice comes to the person's
27 attention or the notice is delivered at the person's place of residence or
28 place of business, or at another location held out by the person as a
29 place of delivery of such communications.

30 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) Sections 1 to 31, inclusive,
31 of this act govern an agreement to arbitrate made on or after October 1,
32 2011, except that (1) said sections shall not apply to any agreement or
33 arbitration proceeding governed by chapter 48, 68, 113, 166 or 743b of
34 the general statutes, and (2) chapter 909 of the general statutes shall
35 apply to grievance arbitration provisions agreed to in collective
36 bargaining agreements.

37 (b) Sections 1 to 31, inclusive, of this act govern an agreement to
38 arbitrate made before October 1, 2011, if all the parties to the
39 agreement or to the arbitration proceeding so agree in a record.

40 Sec. 4. (NEW) (*Effective October 1, 2011*) (a) Except as otherwise
41 provided in subsections (b) and (c) of this section, a party to an
42 agreement to arbitrate or to an arbitration proceeding may waive, or
43 the parties may vary the effect of, the requirements of sections 1 to 31,
44 inclusive, of this act to the extent permitted by law.

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

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

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

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

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

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

65 Sec. 5. (NEW) (*Effective October 1, 2011*) (a) Except as otherwise
66 provided in section 28 of this act, an application for judicial relief
67 under sections 1 to 31, inclusive, of this act shall be made by motion to
68 the court and heard in the manner provided by law or rule of court for
69 making and hearing motions.

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

75 for serving motions in pending cases.

76 Sec. 6. (NEW) (*Effective October 1, 2011*) (a) An agreement contained
77 in a record to submit to arbitration any existing or subsequent
78 controversy arising between the parties to the agreement is valid,
79 enforceable and irrevocable except upon a ground that exists at law or
80 in equity for the revocation of a contract.

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

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

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

90 Sec. 7. (NEW) (*Effective October 1, 2011*) (a) On motion of a person
91 showing an agreement to arbitrate and alleging another person's
92 refusal to arbitrate pursuant to the agreement:

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

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

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

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

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

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

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

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

121 Sec. 8. (NEW) (*Effective October 1, 2011*) (a) Before an arbitrator is
122 appointed and is authorized and able to act, the court, upon motion of
123 a party to an arbitration proceeding and for good cause shown, may
124 enter an order for provisional remedies to protect the effectiveness of
125 the arbitration proceeding to the same extent and under the same
126 conditions as if the controversy were the subject of a civil action.

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

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

133 civil action; and

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

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

139 Sec. 9. (NEW) (*Effective October 1, 2011*) (a) A person initiates an
140 arbitration proceeding by giving notice in a record to the other parties
141 to the agreement to arbitrate in the agreed manner between the parties,
142 or in the absence of agreement, by certified or registered mail, return
143 receipt requested and obtained, or by service as authorized for the
144 commencement of a civil action. The notice must describe the nature of
145 the controversy and the remedy sought.

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

150 Sec. 10. (NEW) (*Effective October 1, 2011*) (a) Except as otherwise
151 provided in subsection (c) of this section, upon motion of a party to an
152 agreement to arbitrate or to an arbitration proceeding, the court may
153 order consolidation of separate arbitration proceedings as to all or
154 some of the claims if:

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

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

162 (3) The existence of a common issue of law or fact creates the
163 possibility of conflicting decisions in the separate arbitration
164 proceedings; and

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

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

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

173 Sec. 11. (NEW) (*Effective October 1, 2011*) (a) If the parties to an
174 agreement to arbitrate agree on a method for appointing an arbitrator,
175 that method must be followed, unless the method fails. If the parties
176 have not agreed on a method, the agreed method fails or an arbitrator
177 appointed fails or is unable to act and a successor has not been
178 appointed, the court, on motion of a party to the arbitration
179 proceeding, shall appoint the arbitrator. An arbitrator so appointed has
180 all the powers of an arbitrator designated in the agreement to arbitrate
181 or appointed pursuant to the agreed method.

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

186 Sec. 12. (NEW) (*Effective October 1, 2011*) (a) Before accepting
187 appointment, an individual who is requested to serve as an arbitrator,
188 after making a reasonable inquiry, shall disclose to all parties to the
189 agreement to arbitrate and arbitration proceeding and to any other
190 arbitrators any known facts that a reasonable person would consider
191 likely to affect the impartiality of the arbitrator in the arbitration

192 proceeding, including:

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

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

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

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

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

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

218 (f) If the parties to an arbitration proceeding agree to the procedures
219 of an arbitration organization or any other procedures for challenges to
220 arbitrators before an award is made, substantial compliance with those
221 procedures is a condition precedent to a motion to vacate an award on

222 that ground under subdivision (2) of subsection (a) of section 23 of this
223 act.

224 Sec. 13. (NEW) (*Effective October 1, 2011*) If there is more than one
225 arbitrator, the powers of an arbitrator must be exercised by a majority
226 of the arbitrators, but all of them shall conduct the hearing under
227 subsection (c) of section 15 of this act.

228 Sec. 14. (NEW) (*Effective October 1, 2011*) (a) An arbitrator or an
229 arbitration organization acting in that capacity is immune from civil
230 liability to the same extent as a judge of a court of this state acting in a
231 judicial capacity.

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

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

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

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

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

249 (e) If a person commences a civil action against an arbitrator,
250 arbitration organization or representative of an arbitration

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

261 Sec. 15. (NEW) (*Effective October 1, 2011*) (a) An arbitrator may
262 conduct an arbitration in such manner as the arbitrator considers
263 appropriate for a fair and expeditious disposition of the proceeding.
264 The authority conferred upon the arbitrator includes the power to hold
265 conferences with the parties to the arbitration proceeding before the
266 hearing and, among other matters, determine the admissibility,
267 relevance, materiality and weight of any evidence.

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

270 (1) If all interested parties agree; or

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

274 (c) If an arbitrator orders a hearing, the arbitrator shall set a time
275 and place and give notice of the hearing not less than five days before
276 the hearing begins. Unless a party to the arbitration proceeding makes
277 an objection to lack or insufficiency of notice not later than the
278 beginning of the hearing, the party's appearance at the hearing waives
279 the objection. Upon request of a party to the arbitration proceeding
280 and for good cause shown, or upon the arbitrator's own initiative, the
281 arbitrator may adjourn the hearing from time to time as necessary but

282 may not postpone the hearing to a time later than that fixed by the
283 agreement to arbitrate for making the award unless the parties to the
284 arbitration proceeding consent to a later date. The arbitrator may hear
285 and decide the controversy upon the evidence produced although a
286 party who was duly notified of the arbitration proceeding did not
287 appear. The court, on request, may direct the arbitrator to conduct the
288 hearing promptly and render a timely decision.

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

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

297 Sec. 16. (NEW) (*Effective October 1, 2011*) A party to an arbitration
298 proceeding may be represented by a lawyer.

299 Sec. 17. (NEW) (*Effective October 1, 2011*) (a) An arbitrator may issue
300 a subpoena for the attendance of a witness and for the production of
301 records and other evidence at any hearing and may administer oaths.
302 A subpoena must be served in the manner for service of subpoenas in
303 a civil action and, upon motion to the court by a party to the
304 arbitration proceeding or the arbitrator, enforced in the manner for
305 enforcement of subpoenas in a civil action.

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

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

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

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

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

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

345 Sec. 18. (NEW) (*Effective October 1, 2011*) If an arbitrator makes a
346 preaward ruling in favor of a party to the arbitration proceeding, the
347 party may request the arbitrator to incorporate the ruling into an
348 award under section 19 of this act. A prevailing party may make a
349 motion to the court for an expedited order to confirm the award under
350 section 22 of this act, in which case the court shall summarily decide
351 the motion. The court shall issue an order to confirm the award unless
352 the court vacates, modifies or corrects the award under section 23 or 24
353 of this act.

354 Sec. 19. (NEW) (*Effective October 1, 2011*) (a) An arbitrator shall make
355 a record of an award. The record must be signed or otherwise
356 authenticated by any arbitrator who concurs with the award. The
357 arbitrator or the arbitration organization shall give notice of the award,
358 including a copy of the award, to each party to the arbitration
359 proceeding.

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

368 Sec. 20. (NEW) (*Effective October 1, 2011*) (a) On motion to an
369 arbitrator by a party to an arbitration proceeding, the arbitrator may
370 modify or correct an award:

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

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

375 (3) To clarify the award.

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

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

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

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

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

388 (3) To clarify the award.

389 (e) An award modified or corrected pursuant to this section is
390 subject to subsection (a) of section 19 of this act and sections 22, 23 and
391 24 of this act.

392 Sec. 21. (NEW) (*Effective October 1, 2011*) (a) An arbitrator may
393 award punitive damages or other exemplary relief if such an award is
394 authorized by law in a civil action involving the same claim and the
395 evidence produced at the hearing justifies the award under the legal
396 standards otherwise applicable to the claim.

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

401 (c) As to all remedies other than those authorized by subsections (a)
402 and (b) of this section, an arbitrator may order such remedies as the

403 arbitrator considers just and appropriate under the circumstances of
404 the arbitration proceeding.

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

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

412 Sec. 22. (NEW) (*Effective October 1, 2011*) After a party to an
413 arbitration proceeding receives notice of an award, the party may
414 make a motion to the court for an order confirming the award at which
415 time the court shall issue a confirming order unless the award is
416 modified or corrected pursuant to section 20 or 24 of this act or is
417 vacated pursuant to section 23 of this act.

418 Sec. 23. (NEW) (*Effective October 1, 2011*) (a) Upon motion to the
419 court by a party to an arbitration proceeding, the court shall vacate an
420 award made in the arbitration proceeding if:

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

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

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

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

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

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

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

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

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

461 Sec. 24. (NEW) (*Effective October 1, 2011*) (a) Upon motion made

462 within ninety days after the movant receives notice of the award
463 pursuant to section 19 of this act or within ninety days after the
464 movant receives notice of a modified or corrected award pursuant to
465 section 20 of this act, the court shall modify or correct the award if:

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

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

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

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

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

480 Sec. 25. (NEW) (*Effective October 1, 2011*) (a) Upon granting an order
481 confirming an award, vacating an award without directing a
482 rehearing, modifying an award or correcting an award, the court shall
483 enter a judgment in conformity therewith. The judgment may be
484 recorded, docketed and enforced as any other judgment in a civil
485 action.

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

488 Sec. 26. (NEW) (*Effective October 1, 2011*) (a) A court of this state
489 having jurisdiction over the controversy and the parties may enforce
490 an agreement to arbitrate.

491 (b) An agreement to arbitrate providing for arbitration in this state
492 confers exclusive jurisdiction on the court to enter judgment on an
493 award under sections 1 to 31, inclusive, of this act.

494 Sec. 27. (NEW) (*Effective October 1, 2011*) A motion pursuant to
495 section 5 of this act shall be made in the court for the judicial district in
496 which the agreement to arbitrate specifies the arbitration hearing is to
497 be held or, if the hearing has been held, in the court for the judicial
498 district in which it was held. Otherwise, the motion may be made in
499 the court for any judicial district in which an adverse party resides or
500 has a place of business or, if no adverse party has a residence or place
501 of business in this state, in the court for any judicial district in this
502 state. All subsequent motions shall be made in the court hearing the
503 initial motion unless the court otherwise directs.

504 Sec. 28. (NEW) (*Effective October 1, 2011*) (a) An appeal may be taken
505 from: (1) An order denying a motion to compel arbitration; (2) an order
506 granting a motion to stay arbitration; (3) an order confirming or
507 denying confirmation of an award; (4) an order modifying or
508 correcting an award; (5) an order vacating an award without directing
509 a rehearing; or (6) a final judgment entered pursuant to sections 1 to
510 31, inclusive, of this act.

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

513 Sec. 29. (NEW) (*Effective October 1, 2011*) In applying and construing
514 the uniform provisions of sections 1 to 31, inclusive, of this act,
515 consideration must be given to the need to promote uniformity of the
516 law with respect to its subject matter among states that enact such
517 uniform provisions.

518 Sec. 30. (NEW) (*Effective October 1, 2011*) The provisions of sections 1
519 to 31, inclusive, of this act governing the legal effect, validity or
520 enforceability of electronic records or signatures and of contracts
521 formed or performed with the use of such records or signatures

522 conform to the requirements of Section 102 of the Electronic Signatures
523 in Global and National Commerce Act.

524 Sec. 31. (NEW) (*Effective October 1, 2011*) The provisions of sections 1
525 to 30, inclusive, of this act do not affect an action or proceeding
526 commenced or right accrued before October 1, 2011. Subject to section
527 3 of this act, an arbitration agreement made before October 1, 2011, is
528 governed by sections 52-408 to 52-424, inclusive, of the general
529 statutes.

530 Sec. 32. Subsection (a) of section 37-3a of the general statutes is
531 repealed and the following is substituted in lieu thereof (*Effective*
532 *October 1, 2011*):

533 (a) Except as provided in sections 37-3b, 37-3c and 52-192a, interest
534 at the rate of ten per cent a year, and no more, may be recovered and
535 allowed in civil actions or arbitration proceedings under chapter 909 or
536 sections 1 to 31, inclusive, of this act, including actions to recover
537 money loaned at a greater rate, as damages for the detention of money
538 after it becomes payable. Judgment may be given for the recovery of
539 taxes assessed and paid upon the loan, and the insurance upon the
540 estate mortgaged to secure the loan, whenever the borrower has
541 agreed in writing to pay such taxes or insurance or both. Whenever the
542 maker of any contract is a resident of another state or the mortgage
543 security is located in another state, any obligee or holder of such
544 contract, residing in this state, may lawfully recover any agreed rate of
545 interest or damages on such contract until it is fully performed, not
546 exceeding the legal rate of interest in the state where such contract
547 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, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section

Sec. 4	<i>October 1, 2011</i>	New section
Sec. 5	<i>October 1, 2011</i>	New section
Sec. 6	<i>October 1, 2011</i>	New section
Sec. 7	<i>October 1, 2011</i>	New section
Sec. 8	<i>October 1, 2011</i>	New section
Sec. 9	<i>October 1, 2011</i>	New section
Sec. 10	<i>October 1, 2011</i>	New section
Sec. 11	<i>October 1, 2011</i>	New section
Sec. 12	<i>October 1, 2011</i>	New section
Sec. 13	<i>October 1, 2011</i>	New section
Sec. 14	<i>October 1, 2011</i>	New section
Sec. 15	<i>October 1, 2011</i>	New section
Sec. 16	<i>October 1, 2011</i>	New section
Sec. 17	<i>October 1, 2011</i>	New section
Sec. 18	<i>October 1, 2011</i>	New section
Sec. 19	<i>October 1, 2011</i>	New section
Sec. 20	<i>October 1, 2011</i>	New section
Sec. 21	<i>October 1, 2011</i>	New section
Sec. 22	<i>October 1, 2011</i>	New section
Sec. 23	<i>October 1, 2011</i>	New section
Sec. 24	<i>October 1, 2011</i>	New section
Sec. 25	<i>October 1, 2011</i>	New section
Sec. 26	<i>October 1, 2011</i>	New section
Sec. 27	<i>October 1, 2011</i>	New section
Sec. 28	<i>October 1, 2011</i>	New section
Sec. 29	<i>October 1, 2011</i>	New section
Sec. 30	<i>October 1, 2011</i>	New section
Sec. 31	<i>October 1, 2011</i>	New section
Sec. 32	<i>October 1, 2011</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.]