



General Assembly

February Session, 2018

Raised Bill No. 5258

LCO No. 1553



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, 2018*) 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, 2018*) (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, 2018*) (a) Sections 1 to 31, inclusive,
31 of this act govern an agreement to arbitrate made on or after October 1,
32 2018, except that any proceeding that is governed by chapter 48, 68,
33 113, 166 or 743b of the general statutes, or any other provision of the
34 general statutes, related to an agreement to arbitrate that was made
35 prior to, on or after October 1, 2018, shall be subject to chapter 909 of
36 the general statutes, unless:

37 (1) (A) All the parties to the proceeding agree in a record to be
38 governed by sections 1 to 31, inclusive, of this act, and (B) the
39 agreement under subparagraph (A) of this subdivision is permitted by
40 law of this state other than sections 1 to 31, inclusive, of this act; or

41 (2) The proceeding is governed by sections 1 to 31, inclusive, of this
42 act pursuant to law of this state other than sections 1 to 31, inclusive, of
43 this act.

44 Sec. 4. (NEW) (*Effective October 1, 2018*) (a) Except as otherwise
45 provided in subsections (b) and (c) of this section, a party to an
46 agreement to arbitrate or to an arbitration proceeding may waive, or
47 the parties may vary the effect of, the requirements of sections 1 to 31,
48 inclusive, of this act to the extent permitted by law.

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

51 (1) Waive or agree to vary the effect of the requirements of
52 subsection (a) of section 5 of this act, subsection (a) of section 6 of this
53 act, section 8 of this act, subsection (a) or (b) of section 17 of this act
54 and section 26 or 28 of this act;

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

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

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

64 (c) A party to an agreement to arbitrate or arbitration proceeding
65 may not waive, or the parties may not vary the effect of, the
66 requirements of this section or subsection (a) of section 3 of this act,
67 section 7, 14 or 18 of this act, subsection (d) or (e) of section 20 of this
68 act, or section 22, 23, 24, 25, 29, 30, 31 or section 37-3a of the general
69 statutes, as amended by this act.

70 Sec. 5. (NEW) (*Effective October 1, 2018*) (a) Except as otherwise
71 provided in section 28 of this act, an application for judicial relief
72 under sections 1 to 31, inclusive, of this act shall be made by motion to
73 the court and heard in the manner provided by law or rule of court for

74 making and hearing motions.

75 (b) Unless a civil action involving the agreement to arbitrate is
76 pending, notice of an initial motion to the court under sections 1 to 31,
77 inclusive, of this act must be served in the manner provided by law for
78 the service of a summons in a civil action. Otherwise, notice of the
79 motion must be given in the manner provided by law or rule of court
80 for serving motions in pending cases.

81 Sec. 6. (NEW) (*Effective October 1, 2018*) (a) An agreement contained
82 in a record to submit to arbitration any existing or subsequent
83 controversy arising between the parties to the agreement is valid,
84 enforceable and irrevocable except upon a ground that exists at law or
85 in equity for the revocation of a contract.

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

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

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

95 Sec. 7. (NEW) (*Effective October 1, 2018*) (a) On motion of a person
96 showing an agreement to arbitrate and alleging another person's
97 refusal to arbitrate pursuant to the agreement:

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

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

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

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

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

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

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

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

126 Sec. 8. (NEW) (*Effective October 1, 2018*) (a) Before an arbitrator is
127 appointed and is authorized and able to act, the court, upon motion of
128 a party to an arbitration proceeding and for good cause shown, may
129 enter an order for provisional remedies to protect the effectiveness of
130 the arbitration proceeding to the same extent and under the same
131 conditions as if the controversy were the subject of a civil action.

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

133 (1) The arbitrator may issue such orders for provisional remedies,
134 including interim awards, as the arbitrator finds necessary to protect
135 the effectiveness of the arbitration proceeding and to promote the fair
136 and expeditious resolution of the controversy, to the same extent and
137 under the same conditions as if the controversy were the subject of a
138 civil action; and

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

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

144 Sec. 9. (NEW) (*Effective October 1, 2018*) (a) A person initiates an
145 arbitration proceeding by giving notice in a record to the other parties
146 to the agreement to arbitrate in the agreed manner between the parties,
147 or in the absence of agreement, by certified or registered mail, return
148 receipt requested and obtained, or by service as authorized for the
149 commencement of a civil action. The notice must describe the nature of
150 the controversy and the remedy sought.

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

155 Sec. 10. (NEW) (*Effective October 1, 2018*) (a) Except as otherwise
156 provided in subsection (c) of this section, upon motion of a party to an
157 agreement to arbitrate or to an arbitration proceeding, the court may
158 order consolidation of separate arbitration proceedings as to all or
159 some of the claims if:

160 (1) There are separate agreements to arbitrate or separate arbitration
161 proceedings between the same persons or one of them is a party to a
162 separate agreement to arbitrate or a separate arbitration proceeding
163 with a third person;

164 (2) The claims subject to the agreements to arbitrate arise in
165 substantial part from the same transaction or series of related
166 transactions;

167 (3) The existence of a common issue of law or fact creates the
168 possibility of conflicting decisions in the separate arbitration
169 proceedings; and

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

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

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

178 Sec. 11. (NEW) (*Effective October 1, 2018*) (a) If the parties to an
179 agreement to arbitrate agree on a method for appointing an arbitrator,
180 that method must be followed, unless the method fails. If the parties
181 have not agreed on a method, the agreed method fails or an arbitrator
182 appointed fails or is unable to act and a successor has not been
183 appointed, the court, on motion of a party to the arbitration
184 proceeding, shall appoint the arbitrator. An arbitrator so appointed has
185 all the powers of an arbitrator designated in the agreement to arbitrate
186 or appointed pursuant to the agreed method.

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

191 Sec. 12. (NEW) (*Effective October 1, 2018*) (a) Before accepting
192 appointment, an individual who is requested to serve as an arbitrator,
193 after making a reasonable inquiry, shall disclose to all parties to the

194 agreement to arbitrate and arbitration proceeding and to any other
195 arbitrators any known facts that a reasonable person would consider
196 likely to affect the impartiality of the arbitrator in the arbitration
197 proceeding, including:

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

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

203 (b) An arbitrator has a continuing obligation to disclose to all parties
204 to the agreement to arbitrate and arbitration proceeding and to any
205 other arbitrators any facts that the arbitrator learns after accepting
206 appointment which a reasonable person would consider likely to affect
207 the impartiality of the arbitrator.

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

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

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

223 (f) If the parties to an arbitration proceeding agree to the procedures

224 of an arbitration organization or any other procedures for challenges to
225 arbitrators before an award is made, substantial compliance with those
226 procedures is a condition precedent to a motion to vacate an award on
227 that ground under subdivision (2) of subsection (a) of section 23 of this
228 act.

229 Sec. 13. (NEW) (*Effective October 1, 2018*) If there is more than one
230 arbitrator, the powers of an arbitrator must be exercised by a majority
231 of the arbitrators, but all of them shall conduct the hearing under
232 subsection (c) of section 15 of this act.

233 Sec. 14. (NEW) (*Effective October 1, 2018*) (a) An arbitrator or an
234 arbitration organization acting in that capacity is immune from civil
235 liability to the same extent as a judge of a court of this state acting in a
236 judicial capacity.

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

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

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

248 (1) To the extent necessary to determine the claim of an arbitrator,
249 arbitration organization or representative of the arbitration
250 organization against a party to the arbitration proceeding; or

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

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

266 Sec. 15. (NEW) (*Effective October 1, 2018*) (a) An arbitrator may
267 conduct an arbitration in such manner as the arbitrator considers
268 appropriate for a fair and expeditious disposition of the proceeding.
269 The authority conferred upon the arbitrator includes the power to hold
270 conferences with the parties to the arbitration proceeding before the
271 hearing and, among other matters, determine the admissibility,
272 relevance, materiality and weight of any evidence.

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

275 (1) If all interested parties agree; or

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

279 (c) If an arbitrator orders a hearing, the arbitrator shall set a time
280 and place and give notice of the hearing not less than five days before
281 the hearing begins. Unless a party to the arbitration proceeding makes
282 an objection to lack or insufficiency of notice not later than the
283 beginning of the hearing, the party's appearance at the hearing waives
284 the objection. Upon request of a party to the arbitration proceeding
285 and for good cause shown, or upon the arbitrator's own initiative, the

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

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

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

302 Sec. 16. (NEW) (*Effective October 1, 2018*) A party to an arbitration
303 proceeding may be represented by a lawyer.

304 Sec. 17. (NEW) (*Effective October 1, 2018*) (a) An arbitrator may issue
305 a subpoena for the attendance of a witness and for the production of
306 records and other evidence at any hearing and may administer oaths.
307 A subpoena must be served in the manner for service of subpoenas in
308 a civil action and, upon motion to the court by a party to the
309 arbitration proceeding or the arbitrator, enforced in the manner for
310 enforcement of subpoenas in a civil action.

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

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

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

330 (e) An arbitrator may issue a protective order to prevent the
331 disclosure of privileged information, confidential information, trade
332 secrets and other information protected from disclosure to the extent a
333 court could if the controversy were the subject of a civil action in this
334 state.

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

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

350 Sec. 18. (NEW) (*Effective October 1, 2018*) If an arbitrator makes a
351 preaward ruling in favor of a party to the arbitration proceeding, the
352 party may request the arbitrator to incorporate the ruling into an
353 award under section 19 of this act. A prevailing party may make a
354 motion to the court for an expedited order to confirm the award under
355 section 22 of this act, in which case the court shall summarily decide
356 the motion. The court shall issue an order to confirm the award unless
357 the court vacates, modifies or corrects the award under section 23 or 24
358 of this act.

359 Sec. 19. (NEW) (*Effective October 1, 2018*) (a) An arbitrator shall make
360 a record of an award. The record must be signed or otherwise
361 authenticated by any arbitrator who concurs with the award. The
362 arbitrator or the arbitration organization shall give notice of the award,
363 including a copy of the award, to each party to the arbitration
364 proceeding.

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

373 Sec. 20. (NEW) (*Effective October 1, 2018*) (a) On motion to an
374 arbitrator by a party to an arbitration proceeding, the arbitrator may
375 modify or correct an award:

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

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

380 (3) To clarify the award.

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

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

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

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

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

393 (3) To clarify the award.

394 (e) An award modified or corrected pursuant to this section is
395 subject to subsection (a) of section 19 of this act and sections 22, 23 and
396 24 of this act.

397 Sec. 21. (NEW) (*Effective October 1, 2018*) (a) An arbitrator may
398 award punitive damages or other exemplary relief if such an award is
399 authorized by law in a civil action involving the same claim and the
400 evidence produced at the hearing justifies the award under the legal
401 standards otherwise applicable to the claim.

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

406 (c) As to all remedies other than those authorized by subsections (a)
407 and (b) of this section, an arbitrator may order such remedies as the
408 arbitrator considers just and appropriate under the circumstances of
409 the arbitration proceeding.

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

412 (e) If an arbitrator awards punitive damages or other exemplary
413 relief under subsection (a) of this section, the arbitrator shall specify in
414 the award the basis in fact justifying and the basis in law authorizing
415 the award and state separately the amount of the punitive damages or
416 other exemplary relief.

417 Sec. 22. (NEW) (*Effective October 1, 2018*) After a party to an
418 arbitration proceeding receives notice of an award, the party may
419 make a motion to the court for an order confirming the award at which
420 time the court shall issue a confirming order unless the award is
421 modified or corrected pursuant to section 20 or 24 of this act or is
422 vacated pursuant to section 23 of this act.

423 Sec. 23. (NEW) (*Effective October 1, 2018*) (a) Upon motion to the
424 court by a party to an arbitration proceeding, the court shall vacate an
425 award made in the arbitration proceeding if:

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

428 (2) There was: (A) Evident partiality by an arbitrator appointed as a
429 neutral arbitrator; (B) corruption by an arbitrator; or (C) misconduct by
430 an arbitrator prejudicing the rights of a party to the arbitration
431 proceeding;

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

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

438 (5) There was no agreement to arbitrate, unless the person
439 participated in the arbitration proceeding without raising the objection

440 under subsection (c) of section 15 of this act not later than the
441 beginning of the arbitration hearing; or

442 (6) The arbitration was conducted without proper notice of the
443 initiation of an arbitration as required in section 9 of this act so as to
444 prejudice substantially the rights of a party to the arbitration
445 proceeding.

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

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

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

466 Sec. 24. (NEW) (*Effective October 1, 2018*) (a) Upon motion made
467 within ninety days after the movant receives notice of the award
468 pursuant to section 19 of this act or within ninety days after the
469 movant receives notice of a modified or corrected award pursuant to
470 section 20 of this act, the court shall modify or correct the award if:

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

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

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

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

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

485 Sec. 25. (NEW) (*Effective October 1, 2018*) (a) Upon granting an order
486 confirming an award, vacating an award without directing a
487 rehearing, modifying an award or correcting an award, the court shall
488 enter a judgment in conformity therewith. The judgment may be
489 recorded, docketed and enforced as any other judgment in a civil
490 action.

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

493 Sec. 26. (NEW) (*Effective October 1, 2018*) (a) A court of this state
494 having jurisdiction over the controversy and the parties may enforce
495 an agreement to arbitrate.

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

499 Sec. 27. (NEW) (*Effective October 1, 2018*) A motion pursuant to

500 section 5 of this act shall be made in the court for the judicial district in
501 which the agreement to arbitrate specifies the arbitration hearing is to
502 be held or, if the hearing has been held, in the court for the judicial
503 district in which it was held. Otherwise, the motion may be made in
504 the court for any judicial district in which an adverse party resides or
505 has a place of business or, if no adverse party has a residence or place
506 of business in this state, in the court for any judicial district in this
507 state. All subsequent motions shall be made in the court hearing the
508 initial motion unless the court otherwise directs.

509 Sec. 28. (NEW) (*Effective October 1, 2018*) (a) An appeal may be taken
510 from: (1) An order denying a motion to compel arbitration; (2) an order
511 granting a motion to stay arbitration; (3) an order confirming or
512 denying confirmation of an award; (4) an order modifying or
513 correcting an award; (5) an order vacating an award without directing
514 a rehearing; or (6) a final judgment entered pursuant to sections 1 to
515 31, inclusive, of this act.

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

518 Sec. 29. (NEW) (*Effective October 1, 2018*) In applying and construing
519 the uniform provisions of sections 1 to 31, inclusive, of this act,
520 consideration must be given to the need to promote uniformity of the
521 law with respect to its subject matter among states that enact such
522 uniform provisions.

523 Sec. 30. (NEW) (*Effective October 1, 2018*) The provisions of sections 1
524 to 31, inclusive, of this act governing the legal effect, validity or
525 enforceability of electronic records or signatures and of contracts
526 formed or performed with the use of such records or signatures
527 conform to the requirements of Section 102 of the Electronic Signatures
528 in Global and National Commerce Act.

529 Sec. 31. (NEW) (*Effective October 1, 2018*) The provisions of sections 1
530 to 30, inclusive, of this act do not affect an action or proceeding
531 commenced or right accrued before October 1, 2018. Subject to section

532 3 of this act, an arbitration agreement made before October 1, 2018, is
533 governed by sections 52-408 to 52-424, inclusive, of the general
534 statutes.

535 Sec. 32. Section 37-3a of the general statutes is repealed and the
536 following is substituted in lieu thereof (*Effective October 1, 2018*):

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

552 (b) In the case of a debt arising out of services provided at a
553 hospital, prejudgment and postjudgment interest shall be no more
554 than five per cent per year. The awarding of interest in such cases is
555 discretionary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section
Sec. 2	<i>October 1, 2018</i>	New section
Sec. 3	<i>October 1, 2018</i>	New section
Sec. 4	<i>October 1, 2018</i>	New section
Sec. 5	<i>October 1, 2018</i>	New section
Sec. 6	<i>October 1, 2018</i>	New section
Sec. 7	<i>October 1, 2018</i>	New section

Sec. 8	<i>October 1, 2018</i>	New section
Sec. 9	<i>October 1, 2018</i>	New section
Sec. 10	<i>October 1, 2018</i>	New section
Sec. 11	<i>October 1, 2018</i>	New section
Sec. 12	<i>October 1, 2018</i>	New section
Sec. 13	<i>October 1, 2018</i>	New section
Sec. 14	<i>October 1, 2018</i>	New section
Sec. 15	<i>October 1, 2018</i>	New section
Sec. 16	<i>October 1, 2018</i>	New section
Sec. 17	<i>October 1, 2018</i>	New section
Sec. 18	<i>October 1, 2018</i>	New section
Sec. 19	<i>October 1, 2018</i>	New section
Sec. 20	<i>October 1, 2018</i>	New section
Sec. 21	<i>October 1, 2018</i>	New section
Sec. 22	<i>October 1, 2018</i>	New section
Sec. 23	<i>October 1, 2018</i>	New section
Sec. 24	<i>October 1, 2018</i>	New section
Sec. 25	<i>October 1, 2018</i>	New section
Sec. 26	<i>October 1, 2018</i>	New section
Sec. 27	<i>October 1, 2018</i>	New section
Sec. 28	<i>October 1, 2018</i>	New section
Sec. 29	<i>October 1, 2018</i>	New section
Sec. 30	<i>October 1, 2018</i>	New section
Sec. 31	<i>October 1, 2018</i>	New section
Sec. 32	<i>October 1, 2018</i>	37-3a

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.]