



General Assembly

Substitute Bill No. 5258

February Session, 2018



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 a 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*) Sections 1 to 31, inclusive, of
31 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 a 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 a law of this state other than sections 1 to 31, inclusive,
43 of 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, provided an
62 employer and a labor organization may waive the right to
63 representation by a 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 section 3, 7, 14 or 18 of this act,
67 subsection (d) or (e) of section 20 of this act, or sections 22, 23, 24, 25,
68 29, 30 and 31 of this act or section 37-3a of the general statutes, as
69 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 order the parties to arbitrate under this section.

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

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

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

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

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

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

132 (1) The arbitrator may issue such orders for provisional remedies,
133 including interim awards, as the arbitrator finds necessary to protect

134 the effectiveness of the arbitration proceeding and to promote the fair
135 and expeditious resolution of the controversy, to the same extent and
136 under the same conditions as if the controversy were the subject of a
137 civil action; and

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

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

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

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

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

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

163 (2) The claims subject to the agreements to arbitrate arise in

164 substantial part from the same transaction or series of related
165 transactions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

222 (f) If the parties to an arbitration proceeding agree to the procedures
223 of an arbitration organization or any other procedures for challenges to

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

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

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

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

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

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

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

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

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

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

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

274 (1) If all interested parties agree; or

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

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

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

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

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

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

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

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

315 arbitrator shall determine the conditions under which the deposition is
316 taken.

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

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

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

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

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

346 motion to the court by a party to the arbitration proceeding or the
347 arbitrator, enforced in the manner provided by law for enforcement of
348 subpoenas in a civil action in this state.

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

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

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

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

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

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

379 (3) To clarify the award.

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

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

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

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

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

392 (3) To clarify the award.

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

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

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

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

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

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

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

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

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

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

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

435 rights of a party to the arbitration proceeding;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

494 an agreement to arbitrate.

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

498 Sec. 27. (NEW) (*Effective October 1, 2018*) A motion pursuant to
499 section 5 of this act shall be made in the court for the judicial district in
500 which the agreement to arbitrate specifies the arbitration hearing is to
501 be held or, if the hearing has been held, in the court for the judicial
502 district in which it was held. Otherwise, the motion may be made in
503 the court for any judicial district in which an adverse party resides or
504 has a place of business or, if no adverse party has a residence or place
505 of business in this state, in the court for any judicial district in this
506 state. All subsequent motions shall be made in the court hearing the
507 initial motion unless the court otherwise directs.

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

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

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

522 Sec. 30. (NEW) (*Effective October 1, 2018*) The provisions of sections 1
523 to 31, inclusive, of this act governing the legal effect, validity or
524 enforceability of electronic records or signatures and of contracts

525 formed or performed with the use of such records or signatures
526 conform to the requirements of Section 102 of the Electronic Signatures
527 in Global and National Commerce Act.

528 Sec. 31. (NEW) (*Effective October 1, 2018*) The provisions of sections 1
529 to 30, inclusive, of this act do not affect an action or proceeding
530 commenced or right accrued before October 1, 2018. Subject to section
531 3 of this act, an arbitration agreement made before October 1, 2018, is
532 governed by sections 52-408 to 52-424, inclusive, of the general
533 statutes.

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

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

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

JUD *Joint Favorable Subst.*