

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1161

Introduced by Dungan, 26.

Read first time January 11, 2024

Committee:

- 1 A BILL FOR AN ACT relating to arbitration; to adopt the Consumer and
- 2 Employment Arbitration Data Reporting Act; and to provide a duty for
- 3 the Revisor of Statutes.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and may be
2 cited as the Consumer and Employment Arbitration Data Reporting Act.

3 Sec. 2. The Legislature finds that:

4 (1) Fairness in the arbitration process is needed to protect
5 consumers and employees involved in arbitration;

6 (2) Transparency in the arbitration process will help promote
7 fairness for consumers and employees during arbitration; and

8 (3) The Consumer and Employment Arbitration Data Reporting Act will
9 bring transparency to the arbitration process.

10 Sec. 3. For purposes of the Consumer and Employment Arbitration
11 Data Reporting Act:

12 (1) Arbitration means arbitration used to resolve a dispute between
13 a consumer and a retailer or between an employee and an employer;

14 (2) Arbitration data means the data specified in section 5 of this
15 act;

16 (3) Consumer means any individual who contracts to purchase or
17 purchases goods, products, or services that are intended to be used or
18 are used by such individual primarily for personal, family, or household
19 purposes and not for purposes that are directly related to
20 entrepreneurial or business activities;

21 (4) Employee means any employee involved in an employment-related
22 arbitration;

23 (5) Employer means any employer involved in an employment-related
24 arbitration; and

25 (6) Retailer means any person who contracts to sell to a consumer or
26 sells to a consumer goods, products, or services that are intended to be
27 used or are used primarily for personal, family, or household purposes
28 and not for purposes that are directly related to entrepreneurial or
29 business activities.

30 Sec. 4. (1) For any arbitration ongoing or beginning after the
31 effective date of this act, an arbitrator shall, within thirty days after

1 the conclusion of such arbitration:

2 (a) Collect all required arbitration data from the arbitration; and

3 (b) Publish such required arbitration data in a report on a website
4 in an electronically searchable format.

5 (2) The report published pursuant to this section shall be free to
6 and accessible by the general public for at least five years.

7 Sec. 5. The following arbitration data is required to be published
8 in a report pursuant to section 4 of this act:

9 (1) The name of the arbitrator;

10 (2) The total fee of the arbitrator for the arbitration and the
11 percentage of the fee allocated to be paid by each party;

12 (3) The name of each party who is an employer or a retailer;

13 (4) The classification for the arbitration dispute based on the
14 following classifications:

15 (a) Goods;

16 (b) Banking;

17 (c) Insurance;

18 (d) Health care;

19 (e) Employment. If the classification is employment, indicate the
20 amount of the most recent annual income received by the employee from
21 each employer that is a party to the arbitration; or

22 (f) Miscellaneous. If the classification does not fall under any of
23 the other classifications of this subdivision (4), include a brief
24 description for the miscellaneous classification for the arbitration;

25 (5) The amount of the claim;

26 (6) The amount of the award and any other relief granted;

27 (7) The prevailing party;

28 (8) The following information or an indication that the information
29 is inapplicable:

30 (a) The date of receipt of the demand for arbitration;

31 (b) The date the arbitrator was appointed;

1 (c) The date of the award; and
2 (d) The date of publication pursuant to section (4) of this act;
3 (9) The final disposition of the arbitration, excluding any change
4 or vacation of the award by a court, based on the following
5 classifications:

- 6 (a) Withdrawal;
- 7 (b) Abandonment;
- 8 (c) Settlement;
- 9 (d) Award after hearing;
- 10 (e) Award without hearing;
- 11 (f) Default; or
- 12 (g) Dismissal without hearing;

13 (10) The name of the attorney representing the consumer or employee
14 who is a party to the arbitration, if any;

15 (11) The number of all arbitrations for which the arbitrator served
16 as an arbitrator in an arbitration involving any retailer or employer
17 that is a party, excluding the arbitration for which the report is
18 published; and

19 (12) The number of all mediations for which the arbitrator served as
20 a mediator in a mediation involving any retailer or employer that is a
21 party.

22 Sec. 6. An arbitrator who violates section 4 of this act shall be
23 liable for a civil penalty of two thousand five hundred dollars for each
24 such violation. Such civil penalty shall be assessed and recovered in a
25 civil action brought by the Attorney General in any court of competent
26 jurisdiction. Any collected civil penalty shall be remitted to the State
27 Treasurer for distribution in accordance with Article VII, section 5, of
28 the Constitution of Nebraska.

29 Sec. 7. The Revisor of Statutes shall assign sections 1 to 6 of
30 this act to Chapter 25, article 26.