



State of Tennessee

PUBLIC CHAPTER NO. 319

HOUSE BILL NO. 1162

By Representative Todd

Substituted for: Senate Bill No. 775

By Senator Stevens

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 5; Section 47-18-5519(f)(2); Section 56-7-1206(h)(1); Section 60-1-607(c)(2) and Section 66-34-104(f), relative to arbitration.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 5, Part 3, is amended by deleting the part and substituting:

29-5-301. Short title.

This part is known and may be cited as the "Uniform Arbitration Act."

29-5-302. Part definitions.

As used in this part:

- (1) "Arbitration organization" means an association, agency, board, commission, or other entity that is neutral and initiates, sponsors, or administers an arbitration proceeding or is involved in the appointment of an arbitrator;
- (2) "Arbitrator" means an individual appointed to render an award, alone or with others, in a controversy that is subject to an agreement to arbitrate;
- (3) "Court" means a court of competent jurisdiction in this state;
- (4) "Knowledge" means actual knowledge;
- (5) "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or another legal or commercial entity; and
- (6) "Record" means information that:
 - (A) Is inscribed on a tangible medium; or
 - (B) Is stored in an electronic or other medium and is retrievable in perceivable form.

29-5-303. Notice.

(a) Except as otherwise provided in this part, a person gives notice to another person by taking action that is reasonably necessary to inform the other person in ordinary course. A form of notice that is specified by the agreement to arbitrate or the rules of an arbitration organization specified in the agreement to arbitrate, is conclusively presumed reasonable.

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

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

29-5-304. Applicability of the part.

(a) This part governs an agreement to arbitrate made on or after the effective date of this act.

(b) This part governs an agreement to arbitrate made before the effective date of this act, if all the parties to the agreement or to the arbitration proceeding so agree in a record.

(c) On or after the effective date of this act, this part governs an agreement to arbitrate whenever made.

29-5-305. Effect of agreement to arbitrate; nonwaivable provisions.

(a) Except as otherwise provided in subsections (b) and (c), a party to an agreement to arbitrate or to an arbitration proceeding may waive or, the parties may vary the effect of, the requirements of this part to the extent permitted by law.

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

(1) Waive or agree to vary the effect of the requirements of § 29-5-306(a), § 29-5-307(a), § 29-5-309, § 29-5-318(a) or (b), § 29-5-327, or § 29-5-329;

(2) Agree to unreasonably restrict the right under § 29-5-310 to notice of the initiation of an arbitration proceeding;

(3) Agree to unreasonably restrict the right under § 29-5-313 to disclosure of facts by a neutral arbitrator; or

(4) Waive the right under § 29-5-317 of a party to an agreement to arbitrate to be represented by a lawyer at a proceeding or hearing under this part, but an employer or a labor organization may waive the right to representation by a lawyer in a labor arbitration.

(c) A party to an agreement to arbitrate or arbitration proceeding shall not waive, or the parties shall not vary the effect of, the requirements of this section or § 29-5-304(a) or (c), § 29-5-308, § 29-5-315, § 29-5-319, § 29-5-321(d) or (e), § 29-5-323, § 29-5-324, § 29-5-325, § 29-5-326(a) or (b), § 29-5-330, § 29-5-331, § 29-5-332, or § 29-5-333.

29-5-306. Application for judicial relief.

(a) Except as otherwise provided in § 29-5-329, an application for judicial relief under this part must be made by petition to the court and heard in the manner provided by law or rule of court for making and hearing motions.

(b) Unless a civil action involving the agreement to arbitrate is pending, notice of an initial petition to the court under this part must be served in the manner provided by law for the service of a summons in a civil action. Otherwise, notice of the motion must be given in the manner provided by law or rule of court for serving motions in pending cases.

29-5-307. Validity of agreement to arbitrate.

(a) An agreement contained in a record to submit to arbitration an existing or subsequent controversy arising between the parties to the agreement is valid, enforceable, and irrevocable, except upon a ground that exists at law or in equity for the revocation of a contract.

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

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

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

29-5-308. Motion to compel or stay arbitration.

(a) On motion of a person showing an agreement to arbitrate and alleging another person's refusal to arbitrate pursuant to the agreement:

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

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

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

(c) If the court finds that there is no enforceable agreement, then the court must not order the parties to arbitrate pursuant to subsection (a) or (b).

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

(e) If a proceeding involving a claim referable to arbitration under an alleged agreement to arbitrate is pending in court, then a motion under this section must be made in that court. Otherwise a motion under this section must be made in a court as provided in § 29-5-328.

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

(g) If the court orders arbitration, then the court on just terms must stay a judicial proceeding that involves a claim subject to the arbitration. If a claim subject to the arbitration is severable, then the court may limit the stay to that claim.

29-5-309. Provisional remedies.

(a) Before an arbitrator is appointed and is authorized and able to act, the court, upon a motion of a party to an arbitration proceeding and for good cause shown, may enter an order for provisional remedies to protect the effectiveness of the arbitration proceeding to the same extent, and under the same conditions, as if the controversy were the subject of a civil action.

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

(1) The arbitrator may issue orders for provisional remedies, including interim awards, as the arbitrator finds necessary to protect the effectiveness of the arbitration proceeding and to promote the fair and expeditious resolution of the controversy, to the extent permitted by the agreement to arbitrate or by the rules of an arbitration organization provided in the agreement; and

(2) A party to an arbitration proceeding may move the court for a provisional remedy only if the matter is urgent and the arbitrator is not able to act timely or the arbitrator cannot provide an adequate remedy. The provisional remedy is limited to remedies calculated to preserve the parties' status quo pending appointment of and action by the arbitrator.

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

29-5-310. Initiation of arbitration.

(a) A person initiates an arbitration proceeding by giving notice in a record to the other parties to the agreement to arbitrate in the agreed manner between the parties or, in the absence of agreement, by certified or registered mail, return receipt requested and obtained, or by service as authorized for the commencement of a civil action. The notice must describe the nature of the controversy and the remedy sought.

(b) Unless a person objects for lack or insufficiency of notice under § 29-5-316(c) no later than the beginning of the arbitration hearing, the person, by appearing at the hearing, waives an objection to lack of or insufficiency of notice.

29-5-311. Consolidation of separate arbitration proceedings.

(a) Class or collective arbitrations in any case governed by this chapter shall not be permitted, unless the agreements to arbitrate of all parties to be joined expressly permit the arbitrator or arbitrators to entertain such actions. In cases where class or collective arbitration is permitted, the arbitrator or arbitrators shall have the authority specified in this section. Nothing in this section prohibits the consolidation of proceedings in cases where all affected parties expressly agree to consolidation; provided, consolidation is not prohibited by the parties' agreement as provided in subsection (d).

(b) Except as otherwise provided in subsection (d), upon a motion of a party to an agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of separate arbitration proceedings as to all or some of the claims, if:

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

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

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

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

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

(d) The court shall not order consolidation of the claims of a party to an agreement to arbitrate if the agreement prohibits consolidation.

29-5-312. Appointment of arbitrator; service as a neutral arbitrator.

(a) If the parties to an agreement to arbitrate agree on a method for appointing an arbitrator, then that method must be followed, unless the method fails. If the parties have not agreed on a method, the agreed method fails, or an arbitrator appointed fails or is unable to act and a successor has not been appointed, then the court, on a motion of a party to the arbitration proceeding, must appoint the arbitrator. An arbitrator so

appointed has all the powers of an arbitrator designated in the agreement to arbitrate or appointed pursuant to the agreed method.

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

29-5-313. Disclosure by arbitrator.

(a) Before accepting appointment, an individual who is requested to serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to arbitrate and arbitration proceeding and to other arbitrators known facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitration proceeding, including:

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

(2) An existing or past relationship with the parties to the agreement to arbitrate or the arbitration proceeding, the parties' counsel or representatives, a witness, or other arbitrators.

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

(c) If an arbitrator discloses a fact required by subsection (a) or (b) to be disclosed and a party timely objects to the appointment or continued service of the arbitrator based upon the fact disclosed, then the objection may be a ground under § 29-5-324(a)(2) for vacating an award made by the arbitrator.

(d) If the arbitrator did not disclose a fact as required by subsection (a) or (b), upon timely objection by a party, then the court under § 29-5-324(a)(2) may vacate an award.

(e) An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct, and material interest in the outcome of the arbitration proceeding, or a known, existing, and substantial relationship with a party, is presumed to act with evident partiality under § 29-5-324(a)(2).

(f) If the parties to an arbitration proceeding agree to the procedures of an arbitration organization or other procedures for challenges to arbitrators before an award is made, then substantial compliance with those procedures is a condition precedent to a motion to vacate an award on that ground under § 29-5-324(a)(2).

29-5-314. Action by majority.

If there is more than one (1) arbitrator, then the powers of an arbitrator must be exercised by a majority of the arbitrators, and all of them must conduct the hearing under § 29-5-316(c).

29-5-315. Immunity of arbitrator; competency to testify; attorney's fees and costs.

(a) An arbitrator or an arbitration organization acting in that capacity is immune from civil liability to the same extent as a judge of a court of this state acting in a judicial capacity.

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

(c) The failure of an arbitrator to make a disclosure required by § 29-5-313 does not cause a loss of immunity under this section.

(d) In a judicial, administrative, or similar proceeding, an arbitrator or representative of an arbitration organization is not competent to testify, and is not required to produce records as to statements, conduct, decisions, or rulings occurring during the arbitration proceeding, to the same extent as a judge of a court of this state acting in a judicial capacity. This subsection (d) does not apply:

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

(2) To a hearing on a motion to vacate an award under § 29-5-324(a)(1) or (2) if the movant establishes prima facie that a ground for vacating the award exists.

(e) If a person commences a civil action against an arbitrator, arbitration organization, or representative of an arbitration organization arising from the services of the arbitrator, organization, or representative, or if a person seeks to compel an arbitrator or a representative of an arbitration organization to testify or produce records in violation of subsection (d), and the court decides that the arbitrator, arbitration organization, or representative of an arbitration organization is immune from civil liability or that the arbitrator or representative of the organization is not competent to testify, then the court must award to the arbitrator, organization, or representative reasonable attorney's fees and other reasonable expenses of litigation.

29-5-316. Arbitration process.

(a) An arbitrator may conduct an arbitration in the manner as the arbitrator considers appropriate for a fair and expeditious disposition of the proceeding. The authority conferred upon the arbitrator includes the power to hold conferences with the parties to the arbitration proceeding before the hearing and, among other matters, determine the admissibility, relevance, materiality, and weight of evidence.

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

(1) If all interested parties agree; or

(2) Upon request of one (1) party to the arbitration proceeding, if that party gives notice to all other parties to the proceeding and the other parties have a reasonable opportunity to respond.

(c) If an arbitrator orders a hearing, then the arbitrator must set a time and place and give notice of the hearing no less than five (5) days before the hearing begins. Unless a party to the arbitration proceeding makes an objection to lack or insufficiency of notice no later than the beginning of the hearing, the party's appearance at the hearing waives the objection. Upon request of a party to the arbitration proceeding and for good cause shown, or upon the arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time as necessary but shall not postpone the hearing to a time later than that fixed by the agreement to arbitrate for making the award, unless the parties to the arbitration proceeding consent to a later date. The arbitrator may hear and decide the controversy upon the evidence produced, although a party who was duly notified of the arbitration proceeding did not appear. The court, on request, may direct the arbitrator to conduct the hearing promptly and render a timely decision.

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

(e) If an arbitrator ceases or is unable to act during the arbitration proceeding, then a replacement arbitrator must be appointed in accordance with § 29-5-312 to continue the proceeding and to resolve the controversy.

29-5-317. Representation by lawyer.

A party to an arbitration proceeding may be represented by a lawyer.

29-5-318. Witnesses; subpoenas; depositions; discovery.

(a) An arbitrator may issue a subpoena for the attendance of a witness, and for the production of records and other evidence at a hearing, and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon a motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.

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

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

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

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

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

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

29-5-319. Judicial enforcement of pre-award ruling by arbitrator.

If an arbitrator makes a pre-award ruling in favor of a party to the arbitration proceeding, then the party may request the arbitrator to incorporate the ruling into an award under § 29-5-320. A prevailing party may make a motion to the court for an expedited order to confirm the award under § 29-5-323, in which case the court shall summarily decide the motion. The court shall issue an order to confirm the award, unless the court vacates, modifies, or corrects the award under § 29-5-324 or § 29-5-325.

29-5-320. Award.

(a) An arbitrator shall make a record of an award. The record must be signed or otherwise authenticated by an arbitrator who concurs with the award. The arbitrator or the arbitration organization shall give notice of the award, including a copy of the award, to each party to the arbitration proceeding.

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

29-5-321. Change of award by arbitrator.

(a) On a motion to an arbitrator by a party to an arbitration proceeding, the arbitrator may modify or correct an award:

(1) Upon a ground stated in § 29-5-325(a)(1) or (3);

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

(3) To clarify the award.

(b) A motion under subsection (a) must be made and notice given to all parties within twenty (20) days after the movant receives notice of the award.

(c) A party to the arbitration proceeding shall give notice of an objection to the motion within ten (10) days after receipt of the notice.

(d) If a motion to the court is pending under § 29-5-323, § 29-5-324, or § 29-5-325, then the court may submit the claim to the arbitrator to consider whether to modify or correct the award:

(1) Upon a ground stated in § 29-5-325(a)(1) or (a)(3);

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

(3) To clarify the award.

(e) An award modified or corrected pursuant to this section is subject to §§ 29-5-320(a), 29-5-323, 29-5-324, and 29-5-325.

29-5-322. Remedies; fees, and expenses of arbitration proceeding.

(a) In all cases in which the agreement of the parties does not exclude the seeking of punitive damages, an arbitrator may award punitive damages or other exemplary relief, if the award is authorized by law in a civil action involving the same claim and the evidence produced at the hearing justifies the award under the legal standards otherwise applicable to the claim.

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

(c) As to all remedies other than those authorized by subsections (a) and (b), an arbitrator may order remedies as the arbitrator considers just and appropriate under the circumstances of the arbitration proceeding. The fact that a remedy could not or would not be granted by the court is not a ground for refusing to confirm an award under § 29-5-323 or for vacating an award under § 29-5-324.

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

(e) If an arbitrator awards punitive damages or other exemplary relief under subsection (a), then the arbitrator must specify in the award the basis in fact justifying, and the basis in law authorizing, the award and state separately the amount of the punitive damages or other exemplary relief.

29-5-323. Confirmation of award.

After a party to an arbitration proceeding receives notice of an award, the party may make a motion or petition to the court for an order confirming the award, at which time, the court must issue a confirming order, unless the award is modified or corrected pursuant to § 29-5-321 or § 29-5-325, or is vacated pursuant to § 29-5-324.

29-5-324. Vacating award.

(a) Upon a motion to the court by a party to an arbitration proceeding, the court shall vacate an award made in the arbitration proceeding if:

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

(2) There was:

(A) Evident partiality by an arbitrator appointed as a neutral arbitrator;

(B) Corruption by an arbitrator; or

(C) Misconduct by an arbitrator prejudicing the rights of a party to the arbitration proceeding;

(3) An arbitrator refused to postpone the hearing upon showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to § 29-5-316, so as to prejudice substantially the rights of a party to the arbitration proceeding;

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

(5) There was no agreement to arbitrate, unless the person participated in the arbitration proceeding without raising the objection under § 29-5-316(c) no later than the beginning of the arbitration hearing; or

(6) The arbitration was conducted without proper notice of the initiation of an arbitration as required in § 29-5-310 so as to prejudice substantially the rights of a party to the arbitration proceeding.

(b) A motion under this section must be filed within ninety (90) days after the movant receives notice of the award pursuant to § 29-5-320, or within ninety (90) days after the movant receives notice of a modified or corrected award pursuant to § 29-5-321, unless the movant alleges that the award was procured by corruption, fraud, or other undue means, in which case, the motion must be made within ninety (90) days after the ground is known or by the exercise of reasonable care would have been known by the movant.

(c) If the court vacates an award on a ground other than that set forth in subdivision (a)(5), then the court may order a rehearing. If the award is vacated on a ground stated in subdivision (a)(1) or (a)(2), then the rehearing must be before a new arbitrator. If the award is vacated on a ground stated in subdivision (a)(3), (a)(4), or (a)(6), then the rehearing may be before the arbitrator who made the award or the arbitrator's successor. The arbitrator must render the decision in the rehearing within the same time as that provided in § 29-5-320(b) for an award.

(d) If the court denies a motion to vacate an award, then the court must confirm the award, unless a motion to modify or correct the award is pending.

29-5-325. Modification or correction of award.

(a) Upon a motion made within ninety (90) days after the movant receives notice of the award pursuant to § 29-5-320, or within ninety (90) days after the movant receives notice of a modified or corrected award pursuant to § 29-5-321, the court shall modify or correct the award if:

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

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

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

(b) If a motion made under subsection (a) is granted, then the court must modify or correct and confirm the award as modified or corrected. Otherwise, unless a motion to vacate is pending, the court shall confirm the award.

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

29-5-326. Judgment on award; attorney's fees, and litigation expenses.

(a) Upon granting an order confirming, vacating without directing a rehearing, modifying, or correcting an award, the court shall enter a judgment in conformity with the award. The judgment may be recorded, docketed, and enforced as other judgments in a civil action.

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

(c) On application of a prevailing party to a contested judicial proceeding under § 29-5-323, § 29-5-324, or § 29-5-325, the court may add reasonable attorney's fees and other reasonable expenses of litigation incurred in a judicial proceeding after the award is made to a judgment confirming, vacating without directing a rehearing, modifying, or correcting an award.

29-5-327. Jurisdiction.

(a) A court of this state having jurisdiction over the controversy and the parties may enforce an agreement to arbitrate.

(b) An agreement to arbitrate providing for arbitration in this state confers exclusive jurisdiction on the court to enter judgment on an award under this part.

29-5-328. Venue.

A motion pursuant to § 29-5-306 must be made in the court of the county in which the agreement to arbitrate specifies the arbitration hearing is to be held or, if the hearing has been held, in the court of the county in which the hearing was held. Otherwise, the motion may be made in the court of a county in which an adverse party resides or has a place of business or, if no adverse party has a residence or place of business in this state, then in the court of any county in this state. Subsequent motions must be made in the court hearing the initial motion unless the court otherwise directs.

29-5-329. Appeals.

(a) An appeal may be taken from:

(1) An order denying a motion to compel arbitration;

(2) An order granting a motion to stay arbitration;

(3) An order confirming or denying confirmation of an award;

(4) An order modifying or correcting an award;

(5) An order vacating an award without directing a rehearing; or

(6) A final judgment entered pursuant to this part.

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

29-5-330. Uniformity of application and construction.

In applying and construing this part, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

29-5-331. Relationship to electronic signatures in global and national commerce act.

The provisions of this part governing the legal effect, validity, and enforceability of electronic records or electronic signatures, and of contracts performed with the use of electronic records or signatures conform to the requirements of Section 102 of the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. § 7002).

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to an action or proceeding commenced, or right accrued, on or after that date.

HOUSE BILL NO. 1162

PASSED: April 12, 2023



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 28th day of April 2023



BILL LEE, GOVERNOR