

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 23 Session of 2013

INTRODUCED BY GRELL, BLOOM, CUTLER, ROCK, MARSICO, M. K. KELLER, GROVE, PETRI, GIBBONS, MOUL, MILLER, MILNE, MURT AND EVERETT, JANUARY 16, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 12, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, extensively revising the
3 Uniform Arbitration Act; and making editorial changes.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Subchapter A of Chapter 73 of Title 42 of the
7 Pennsylvania Consolidated Statutes is repealed:

8 [SUBCHAPTER A

9 STATUTORY ARBITRATION

10 Sec.

11 7301. Short title of subchapter.

12 7302. Scope of subchapter.

13 7303. Validity of agreement to arbitrate.

14 7304. Court proceedings to compel or stay arbitration.

15 7305. Appointment of arbitrators by court.

16 7306. Action by arbitrators.

17 7307. Hearing before arbitrators.

- 1 7308. Representation by attorney.
2 7309. Witnesses, subpoenas, oaths and depositions.
3 7310. Award of arbitrators.
4 7311. Change of award by arbitrators.
5 7312. Fees and expenses of arbitration.
6 7313. Confirmation of award by court.
7 7314. Vacating award by court.
8 7315. Modification or correction of award by court.
9 7316. Judgment or decree on award.
10 7317. Form and service of applications to court.
11 7318. Court and jurisdiction.
12 7319. Venue of court proceedings.
13 7320. Appeals from court orders.
14 § 7301. Short title of subchapter.

15 This subchapter shall be known and may be cited as the
16 "Uniform Arbitration Act."

17 § 7302. Scope of subchapter.

18 (a) General rule.--An agreement to arbitrate a controversy
19 on a nonjudicial basis shall be conclusively presumed to be an
20 agreement to arbitrate pursuant to Subchapter B (relating to
21 common law arbitration) unless the agreement to arbitrate is in
22 writing and expressly provides for arbitration pursuant to this
23 subchapter or any other similar statute, in which case the
24 arbitration shall be governed by this subchapter.

25 (b) Collective bargaining agreements.--This subchapter shall
26 apply to a collective bargaining agreement to arbitrate
27 controversies between employers and employees or their
28 respective representatives only where the arbitration pursuant
29 to this subchapter is consistent with any statute regulating
30 labor and management relations.

1 (c) Government contracts.--This subchapter shall apply to
2 any written contract to which a government unit of this
3 Commonwealth is a party to the same extent as if the government
4 unit were a private person, except that where a contract to
5 which the Commonwealth government is a party provides for
6 arbitration of controversies but does not provide for
7 arbitration pursuant to any specified statutory provision, the
8 arbitration shall be governed by this subchapter.

9 (d) Special application.--

10 (1) Paragraph (2) shall be applicable where:

11 (i) The Commonwealth government submits a
12 controversy to arbitration.

13 (ii) A political subdivision submits a controversy
14 with an employee or a representative of employees to
15 arbitration.

16 (iii) Any person has been required by law to submit
17 or to agree to submit a controversy to arbitration
18 pursuant to this subchapter.

19 (2) Where this paragraph is applicable a court in
20 reviewing an arbitration award pursuant to this subchapter
21 shall, notwithstanding any other provision of this
22 subchapter, modify or correct the award where the award is
23 contrary to law and is such that had it been a verdict of a
24 jury the court would have entered a different judgment or a
25 judgment notwithstanding the verdict.

26 § 7303. Validity of agreement to arbitrate.

27 A written agreement to subject any existing controversy to
28 arbitration or a provision in a written agreement to submit to
29 arbitration any controversy thereafter arising between the
30 parties is valid, enforceable and irrevocable, save upon such

1 grounds as exist at law or in equity relating to the validity,
2 enforceability or revocation of any contract.

3 § 7304. Court proceedings to compel or stay arbitration.

4 (a) Compelling arbitration.--On application to a court to
5 compel arbitration made by a party showing an agreement
6 described in section 7303 (relating to validity of agreement to
7 arbitrate) and a showing that an opposing party refused to
8 arbitrate, the court shall order the parties to proceed with
9 arbitration. If the opposing party denies the existence of an
10 agreement to arbitrate, the court shall proceed summarily to
11 determine the issue so raised and shall order the parties to
12 proceed with arbitration if it finds for the moving party.
13 Otherwise, the application shall be denied.

14 (b) Stay of arbitration.--On application of a party to a
15 court to stay an arbitration proceeding threatened or commenced
16 the court may stay an arbitration on a showing that there is no
17 agreement to arbitrate. When in substantial and bona fide
18 dispute, such an issue shall be forthwith and summarily tried
19 and determined and a stay of the arbitration proceedings shall
20 be ordered if the court finds for the moving party. If the court
21 finds for the opposing party, the court shall order the parties
22 to proceed with arbitration.

23 (c) Venue.--If a controversy alleged to be or not to be
24 referable to arbitration under the agreement is also involved in
25 an action or proceeding pending in a court having jurisdiction
26 to hear applications to compel or stay arbitration, the
27 application shall be made to that court. Otherwise, subject to
28 section 7319 (relating to venue of court proceedings), the
29 application may be made in any court of competent jurisdiction.

30 (d) Stay of judicial proceedings.--An action or proceeding,

1 allegedly involving an issue subject to arbitration, shall be
2 stayed if a court order to proceed with arbitration has been
3 made or an application for such an order has been made under
4 this section. If the issue allegedly subject to arbitration is
5 severable, the stay of the court action or proceeding may be
6 made with respect to the severable issue only. If the
7 application for an order to proceed with arbitration is made in
8 such action or proceeding and is granted, the court order to
9 proceed with arbitration shall include a stay of the action or
10 proceeding.

11 (e) No examination of merits.--An application for a court
12 order to proceed with arbitration shall not be refused, nor
13 shall an application to stay arbitration be granted, by the
14 court on the ground that the controversy lacks merit or bona
15 fides or on the ground that no fault or basis for the
16 controversy sought to be arbitrated has been shown.

17 § 7305. Appointment of arbitrators by court.

18 If the agreement to arbitrate prescribes a method of
19 appointment of arbitrators, the prescribed method shall be
20 followed. In the absence of a prescribed method or if the
21 prescribed method fails or for any reason cannot be followed, or
22 when an arbitrator appointed fails to act or is unable to act
23 and his successor has not been appointed, the court on
24 application of a party shall appoint one or more arbitrators. An
25 arbitrator so appointed has all the powers of an arbitrator
26 specifically named in the agreement.

27 § 7306. Action by arbitrators.

28 The powers of the arbitrators shall be exercised by a
29 majority unless otherwise prescribed by the agreement or
30 provided by this subchapter.

1 § 7307. Hearing before arbitrators.

2 (a) General rule.--Unless otherwise prescribed by the
3 agreement:

4 (1) The arbitrators shall appoint a time and place for
5 the arbitration hearing and cause written notice thereof to
6 be served personally or by registered or certified mail on
7 all parties not less than ten days before the hearing.
8 Appearance at the hearing constitutes a waiver of such
9 notice.

10 (2) The arbitrators may adjourn the hearing from time to
11 time as necessary and, on request of a party and for good
12 cause, or upon their own motion, may postpone the hearing to
13 a time not later than the date fixed by the agreement for
14 making the award unless the parties consent to a later date.

15 (3) The arbitrators may hear and determine the
16 controversy upon the evidence produced at the arbitration
17 hearing notwithstanding the failure of a duly notified party
18 to appear. On application by a party the court may direct the
19 arbitrators to proceed promptly with the hearing and
20 determination of the controversy.

21 (4) The parties and their attorneys have the right to be
22 heard, to present evidence material to the controversy and to
23 cross-examine witnesses appearing at the hearing.

24 (5) The hearing shall be conducted by all the
25 arbitrators but a majority may determine any issue and render
26 a final award. If, during the course of the hearing, an
27 arbitrator for any reason ceases to act, the remaining
28 arbitrator or arbitrators appointed to act as neutrals may
29 continue with the hearing and determine the controversy.

30 (b) Record.--On request of a party who shall pay the fees

1 therefor all testimony shall be taken stenographically and a
2 transcript thereof made a part of the record.

3 § 7308. Representation by attorney.

4 A party has the right to be represented by an attorney at any
5 proceeding or hearing under this subchapter. A waiver thereof
6 prior to the proceeding or hearing is ineffective.

7 § 7309. Witnesses, subpoenas, oaths and depositions.

8 (a) General rule.--The arbitrators may issue subpoenas in
9 the form prescribed by general rules for the attendance of
10 witnesses and for the production of books, records, documents
11 and other evidence. Subpoenas so issued shall be served and,
12 upon application to the court by a party or by the arbitrators,
13 shall be enforced in the manner provided or prescribed by law
14 for the service and enforcement of subpoenas in a civil action.

15 (b) Depositions.--On application of a party and for use as
16 evidence the arbitrators, in the manner and upon the terms
17 designated by them, may permit a deposition to be taken of a
18 witness who cannot be served with a subpoena or who is unable to
19 attend the hearing.

20 (c) Compulsory testimony.--The arbitrators shall have power
21 to administer oaths. All provisions of law compelling a person
22 under subpoena to testify are applicable.

23 (d) Fees.--Fees and expenses for attendance as a witness
24 shall be governed by the provisions of section 5903 (relating to
25 compensation and expenses of witnesses).

26 § 7310. Award of arbitrators.

27 (a) General rule.--The award of the arbitrators shall be in
28 writing and signed by the arbitrators joining in the award. The
29 arbitrators shall deliver a copy of the award to each party
30 personally or by registered or certified mail, or as prescribed

1 in the agreement to arbitrate.

2 (b) Time limitation.--The award shall be made within the
3 time fixed by the agreement or, if not fixed by the agreement,
4 within such time as is ordered by the court on application of a
5 party. The parties by written stipulation may extend the time
6 either before or after the expiration thereof. A party waives
7 the objection that an award was not made within the time
8 required unless he notifies the arbitrators of his objection
9 prior to delivery of the award to him.

10 § 7311. Change of award by arbitrators.

11 (a) General rule.--On application of a party to the
12 arbitrators, or on submission to the arbitrators by the court
13 under such conditions as the court may order if an application
14 to the court is pending under section 7313 (relating to
15 confirmation of award by court), section 7314 (relating to
16 vacating award by court) or section 7315 (relating to
17 modification or correction of award by court), the arbitrators
18 may modify or correct the award upon the grounds stated in
19 section 7315(a)(1) and (2), or for the purpose of clarifying the
20 award.

21 (b) Time limitation.--An application to the arbitrators
22 under subsection (a) shall be made within ten days after
23 delivery of the award to the applicant. Written notice of
24 presentation of the application shall be given forthwith by the
25 applicant to all other parties stating that they must serve
26 objections thereto within ten days from the date of the notice.
27 The award as modified or corrected is subject to the provisions
28 of sections 7313, 7314 and 7315.

29 § 7312. Fees and expenses of arbitration.

30 Unless otherwise prescribed in the agreement to arbitrate,

1 the expenses and fees of the arbitrators and other expenses (but
2 not including counsel fees) incurred in the conduct of the
3 arbitration shall be paid as prescribed in the award.

4 § 7313. Confirmation of award by court.

5 On application of a party, the court shall confirm an award,
6 unless within the time limits imposed by this subchapter,
7 grounds are urged for vacating or modifying or correcting the
8 award, in which case the court shall proceed as provided in
9 section 7314 (relating to vacating award by court) or section
10 7315 (relating to modification or correction of award by court).

11 § 7314. Vacating award by court.

12 (a) General rule.--

13 (1) On application of a party, the court shall vacate an
14 award where:

15 (i) the court would vacate the award under section
16 7341 (relating to common law arbitration) if this
17 subchapter were not applicable;

18 (ii) there was evident partiality by an arbitrator
19 appointed as a neutral or corruption or misconduct in any
20 of the arbitrators prejudicing the rights of any party;

21 (iii) the arbitrators exceeded their powers;

22 (iv) the arbitrators refused to postpone the hearing
23 upon good cause being shown therefor or refused to hear
24 evidence material to the controversy or otherwise so
25 conducted the hearing, contrary to the provisions of
26 section 7307 (relating to hearing before arbitrators), as
27 to prejudice substantially the rights of a party; or

28 (v) there was no agreement to arbitrate and the
29 issue of the existence of an agreement to arbitrate was
30 not adversely determined in proceedings under section

1 7304 (relating to court proceedings to compel or stay
2 arbitration) and the applicant-party raised the issue of
3 the existence of an agreement to arbitrate at the
4 hearing.

5 (2) The fact that the relief awarded by the arbitrators
6 was such that it could not or would not be granted by a court
7 of law or equity is not a ground for vacating or refusing to
8 confirm the award.

9 (b) Time limitation.--An application under this section
10 shall be made within 30 days after delivery of a copy of the
11 award to the applicant, except that, if predicated upon
12 corruption, fraud, misconduct or other improper means, it shall
13 be made within 30 days after such grounds are known or should
14 have been known to the applicant.

15 (c) Further hearing.--If the court vacates the award on
16 grounds other than stated in subsection (a) (1) (v), the court may
17 order a rehearing before new arbitrators chosen as prescribed in
18 the agreement to arbitrate. Absent a method prescribed in the
19 agreement to arbitrate, the court shall choose new arbitrators
20 in accordance with section 7305 (relating to appointment of
21 arbitrators by court). If the award is vacated on grounds not
22 affecting the competency of the arbitrators under subsection (a)
23 (1) (i) through (iv), the court may order a rehearing before the
24 arbitrators who made the award or their successors appointed in
25 accordance with section 7305. The time period within which the
26 agreement requires the original award to be made is applicable
27 to the rehearing and commences from the date of the court order
28 directing a rehearing.

29 (d) Confirmation of award.--If an application to vacate the
30 award is denied and no application to modify or correct the

1 award is pending, the court shall confirm the award.

2 § 7315. Modification or correction of award by court.

3 (a) General rule.--On application to the court made within
4 30 days after delivery of a copy of the award to the applicant,
5 the court shall modify or correct the award where:

6 (1) there was an evident miscalculation of figures or an
7 evident mistake in the description of any person, thing or
8 property referred to in the award;

9 (2) the arbitrators awarded upon a matter not submitted
10 to them and the award may be corrected without affecting the
11 merits of the decision upon the issues submitted; or

12 (3) the award is deficient in a matter of form, not
13 affecting the merits of the controversy.

14 (b) Confirmation of award.--If an application to modify or
15 correct the award is granted, the court shall modify and correct
16 the award so as to effect its intent and shall confirm the award
17 as so modified and corrected. Otherwise, the court shall confirm
18 the award as made by the arbitrators.

19 (c) Alternative applications.--An application to modify or
20 correct an award may be joined in the alternative with an
21 application to vacate the award.

22 § 7316. Judgment or decree on award.

23 Upon the granting of an order of court confirming, modifying
24 or correcting an award, a judgment or decree shall be entered in
25 conformity with the order. The judgment or decree may be
26 enforced as any other judgment or decree. Subject to general
27 rules, costs of any application to the court and of the
28 proceedings subsequent thereto, and disbursements may be imposed
29 by the court.

30 § 7317. Form and service of applications to court.

1 Except as otherwise prescribed by general rules, an
2 application to the court under this subchapter shall be by
3 petition and shall be heard in the manner and upon the notice
4 provided or prescribed by law for the making and hearing of
5 petitions in civil matters. Unless the parties otherwise agree,
6 notice of an initial application for an order of court shall be
7 served in the manner provided or prescribed by law for the
8 service of a writ of summons in a civil action.

9 § 7318. Court and jurisdiction.

10 The following words and phrases when used in this subchapter
11 shall have, unless the context clearly indicates otherwise, the
12 meanings given to them in this section:

13 "Court." As used in this subchapter means any court of
14 competent jurisdiction of this Commonwealth.

15 "Jurisdiction." The making of an agreement described in
16 section 7303 (relating to validity of agreement to arbitrate)
17 providing for arbitration in this Commonwealth confers
18 jurisdiction on the courts of this Commonwealth to enforce the
19 agreement under this subchapter and to enter judgment on an
20 award made thereunder.

21 § 7319. Venue of court proceedings.

22 Except as otherwise prescribed by general rules:

23 (1) An initial application to a court under this
24 subchapter shall be made to the court of the county in which
25 the agreement prescribes that the arbitration hearing shall
26 be held or, if the hearing has been held, in the county in
27 which the hearing was held.

28 (2) If an application to a court cannot be made under
29 paragraph (1) the application shall be made to the court in
30 the county where the adverse party resides or has a place of

1 business or, if he has no residence or place of business in
2 this Commonwealth, to the court of any county.

3 (3) All subsequent applications to a court shall be made
4 to the court hearing the initial application unless that
5 court otherwise directs.

6 § 7320. Appeals from court orders.

7 (a) General rule.--An appeal may be taken from:

8 (1) A court order denying an application to compel
9 arbitration made under section 7304 (relating to proceedings
10 to compel or stay arbitration).

11 (2) A court order granting an application to stay
12 arbitration made under section 7304(b).

13 (3) A court order confirming or denying confirmation of
14 an award.

15 (4) A court order modifying or correcting an award.

16 (5) A court order vacating an award without directing a
17 rehearing.

18 (6) A final judgment or decree of a court entered
19 pursuant to the provisions of this subchapter.

20 (b) Procedure.--The appeal shall be taken in the manner,
21 within the time and to the same extent as an appeal from a final
22 order of court in a civil action.]

23 Section 2. Chapter 73 of Title 42 is amended by adding a
24 subchapter to read:

25 SUBCHAPTER A.1

26 STATUTORY ARBITRATION

27 Sec.

28 7321.1. Short title of subchapter.

29 7321.2. Definitions.

30 7321.3. Notice.

- 1 7321.4. When subchapter applies.
- 2 7321.5. Effect of agreement to arbitrate; nonwaivable
3 provisions.
- 4 7321.6. Application for judicial relief.
- 5 7321.7. Validity of agreement to arbitrate.
- 6 7321.8. Motion to compel or stay arbitration.
- 7 7321.9. Provisional remedies.
- 8 7321.10. Initiation of arbitration.
- 9 7321.11. Consolidation of separate arbitration proceedings.
- 10 7321.12. Appointment of arbitrator; service as a neutral
11 arbitrator.
- 12 7321.13. Disclosure by arbitrator.
- 13 7321.14. Action by majority.
- 14 7321.15. Immunity of arbitrator; competency to testify;
15 attorney fees and costs.
- 16 7321.16. Arbitration process.
- 17 7321.17. Representation by lawyer.
- 18 7321.18. Witnesses; subpoenas; depositions; discovery.
- 19 7321.19. Judicial enforcement of preaward ruling by arbitrator.
- 20 7321.20. Award.
- 21 7321.21. Change of award by arbitrator.
- 22 7321.22. Remedies; fees and expenses of arbitration proceeding.
- 23 7321.23. Confirmation of award.
- 24 7321.24. Vacating award.
- 25 7321.25. Modification or correction of award.
- 26 7321.26. Judgment on award; attorney fees and litigation
27 expenses.
- 28 7321.27. Jurisdiction.
- 29 7321.28. Venue.
- 30 7321.29. Appeals.

1 7321.30. Uniformity of application and construction.

2 7321.31. Relationship to Electronic Signatures in Global and
3 National Commerce Act.

4 § 7321.1. Short title of subchapter.

5 This subchapter shall be known and may be cited as the
6 Statutory Arbitration Act.

7 § 7321.2. Definitions.

8 The following words and phrases when used in this subchapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Arbitration organization." Any association, agency, board,
12 commission or other entity, that is neutral and initiates,
13 sponsors or administers an arbitration proceeding or is involved
14 in the appointment of an arbitrator.

15 "Arbitrator." An individual appointed to render an award,
16 alone or with others, in a controversy that is subject to an
17 agreement to arbitrate.

18 "Court." A court of competent jurisdiction in this
19 Commonwealth.

20 "Knowledge." Actual knowledge.

21 "Person." Any individual, corporation, business trust,
22 estate, trust, partnership, limited liability company,
23 association, joint venture; a government; a governmental
24 subdivision, agency or instrumentality; a public corporation; or
25 any other legal or commercial entity.

26 "Record." Information that is inscribed on a tangible medium
27 or that is stored in an electronic or other medium and is
28 retrievable in perceivable form.

29 § 7321.3. Notice.

30 (a) Giving notice.--Except as otherwise provided in this

1 subchapter, a person gives notice to another person by taking
2 action that is reasonably necessary to inform the other person
3 in ordinary course, whether or not the other person acquires
4 knowledge of the notice.

5 (b) Having notice.--A person has notice if the person has
6 knowledge of the notice or has received notice.

7 (c) Receiving notice.--A person receives notice when it
8 comes to the person's attention or the notice is delivered at:

9 (1) the person's place of residence or place of
10 business; or

11 (2) another location held out by the person as a place
12 of delivery of such communications.

13 § 7321.4. When subchapter applies.

14 (a) Subsequent agreements.--This subchapter governs an
15 agreement to arbitrate made on or after the effective date of
16 this subchapter unless the parties have expressly provided in
17 writing to the contrary.

18 (b) Prior agreements.--Except as set forth in subsections
19 (c) and (d), this subchapter governs an agreement to arbitrate
20 made before the effective date of this subchapter if all the
21 parties to the agreement or to the arbitration proceeding so
22 agree in a record.

23 (c) Absolute date.--On or after January 1, 2014 2015, this <--
24 subchapter governs an agreement to arbitrate whenever made
25 unless the parties have expressly provided in writing to the
26 contrary.

27 (d) Collective bargaining agreements.--This subchapter shall
28 apply to collective bargaining agreements to arbitrate
29 controversies between employers and employees or their
30 respective representatives only to the extent that the

1 arbitration pursuant to this subchapter is consistent with any
2 other statute regulating labor and management relations.
3 § 7321.5. Effect of agreement to arbitrate; nonwaivable
4 provisions.

5 (a) Waiver or variance.--Except as otherwise provided in
6 subsections (b) and (c), a party to an agreement to arbitrate or
7 to an arbitration proceeding may waive, or the parties may vary
8 the effect of, the requirements of this subchapter to the extent
9 permitted by law.

10 (b) Prior to controversy.--Before a controversy arises that
11 is subject to an agreement to arbitrate, a party to the
12 agreement may not do any of the following:

13 (1) Waive or agree to vary the effect of the
14 requirements of any of the following:

15 (i) Section 7321.6(a) (relating to application for
16 judicial relief).

17 (ii) Section 7321.7(a) (relating to validity of
18 agreement to arbitrate).

19 (iii) Section 7321.8 (relating to provisional
20 remedies).

21 (iv) Section 7321.18(a) or (b) (relating to
22 witnesses; subpoenas; depositions; discovery).

23 (v) Section 7321.17 (relating to jurisdiction).

24 (vi) Section 7321.29 (relating to appeals).

25 (2) Agree to unreasonably restrict the right under
26 section 7321.10 (relating to initiation of arbitration) to
27 notice of the initiation of an arbitration proceeding.

28 (3) Agree to unreasonably restrict the right under
29 section 7321.13 (relating to disclosure by arbitrator) to
30 disclosure of any facts by a neutral arbitrator.

1 (4) Waive the right under section 7321.17 (relating to
2 representation by lawyer) of a party to an agreement to
3 arbitrate to be represented by a lawyer at any proceeding or
4 hearing under this subchapter, but an employer and a labor
5 organization may waive the right to representation by a
6 lawyer in a labor arbitration.

7 (c) Absolute prohibition.--A party to an agreement to
8 arbitrate or an arbitration proceeding may not waive, or the
9 parties may not vary the effect of, the requirements of any of
10 the following:

11 (1) This section.

12 (2) Section 7321.4(a) or (c) (relating to when
13 subchapter applies).

14 (3) Section 7321.8 (relating to motion to compel or stay
15 arbitration).

16 (4) Section 7321.15 (relating to immunity of arbitrator;
17 competency to testify; attorney fees and costs).

18 (5) Section 7321.19 (relating to judicial enforcement of
19 preaward ruling by arbitrator).

20 (6) Section 7321.21(d) or (e) (relating to change of
21 award by arbitrator).

22 (7) Section 7321.23 (relating to confirmation of award).

23 (8) Section 7321.24 (relating to vacating award).

24 (9) Section 7321.25 (relating to modification or
25 correction of award).

26 (10) Section 7321.26(a) or (b) (relating to judgment on
27 award; attorney fees and litigation expenses).

28 (11) Section 7321.30 (relating to uniformity of
29 application and construction).

30 (12) Section 7321.31 (relating to relationship to

1 Electronic Signatures in Global and National Commerce Act).

2 § 7321.6. Application for judicial relief.

3 (a) Procedure.--Except as otherwise provided in section
4 7321.29 (relating to appeals), an application for judicial
5 relief under this subchapter must be made by motion to the court
6 and heard in the manner provided by law or rule of court for
7 making and hearing motions.

8 (b) Service.--Unless a civil action involving the agreement
9 to arbitrate is pending, notice of an initial motion to the
10 court under this subchapter must be served in the manner
11 provided by law for the service of a summons in a civil action.
12 Otherwise, notice of the motion must be given in the manner
13 provided by law or rule of court for serving motions in pending
14 cases.

15 § 7321.7. Validity of agreement to arbitrate.

16 (a) General rule.--An agreement contained in a record to
17 submit to arbitration any existing or subsequent controversy
18 arising between the parties to the agreement is valid,
19 enforceable, and irrevocable except upon a ground that exists at
20 law or in equity for the revocation of a contract.

21 (b) Court decision.--The court shall decide whether an
22 agreement to arbitrate exists or a controversy is subject to an
23 agreement to arbitrate.

24 (c) Arbitrator decision.--An arbitrator shall decide whether
25 a condition precedent to arbitrability has been fulfilled and
26 whether a contract containing a valid agreement to arbitrate is
27 enforceable.

28 (d) Challenge to arbitration.--If a party to a judicial
29 proceeding challenges the existence of, or claims that a
30 controversy is not subject to, an agreement to arbitrate, the

1 arbitration proceeding may continue pending final resolution of
2 the issue by the court, unless the court otherwise orders.

3 § 7321.8. Motion to compel or stay arbitration.

4 (a) Refusal to arbitrate under agreement.--On motion of a
5 person showing an agreement to arbitrate and alleging another
6 person's refusal to arbitrate pursuant to the agreement:

7 (1) if the refusing party does not appear or does not
8 oppose the motion, the court shall order the parties to
9 arbitrate; and

10 (2) if the refusing party opposes the motion, the court
11 shall proceed summarily to decide the issue and order the
12 parties to arbitrate unless it finds that there is no
13 enforceable agreement to arbitrate.

14 (b) Agreement challenged.--On motion of a person alleging
15 that an arbitration proceeding has been initiated or threatened
16 but that there is no agreement to arbitrate, the court shall
17 proceed summarily to decide the issue. If the court finds that
18 there is an enforceable agreement to arbitrate, it shall order
19 the parties to arbitrate.

20 (c) Enforceable agreement required.--If the court finds that
21 there is no enforceable agreement, it may not pursuant to
22 subsection (a) or (b) order the parties to arbitrate.

23 (d) Court refusal.--The court may not refuse to order
24 arbitration because the claim subject to arbitration lacks merit
25 or grounds for the claim have not been established.

26 (e) Appropriate court.--If a proceeding involving a claim
27 referable to arbitration under an alleged agreement to arbitrate
28 is pending in court, a motion under this section must be made in
29 that court. Otherwise, a motion under this section may be made
30 in any court as provided in section 7321.28 (relating to venue).

1 (f) Stay of claims alleged subject to arbitration.--If a
2 party makes a motion to the court to order arbitration, the
3 court on just terms shall stay a judicial proceeding that
4 involves a claim alleged to be subject to the arbitration until
5 the court renders a final decision under this section.

6 (g) Stay of claims subject to arbitration.--If the court
7 orders arbitration, the court on just terms shall stay a
8 judicial proceeding that involves a claim subject to the
9 arbitration. If a claim subject to the arbitration is severable,
10 the court may limit the stay to that claim.

11 § 7321.9. Provisional remedies.

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

19 (b) Arbitrator.--After an arbitrator is appointed and is
20 authorized and able to act:

21 (1) the arbitrator may issue orders for provisional
22 remedies, including interim awards, as the arbitrator finds
23 necessary to protect the effectiveness of the arbitration
24 proceeding and to promote the fair and expeditious resolution
25 of the controversy, to the same extent and under the same
26 conditions as if the controversy were the subject of a civil
27 action; and

28 (2) a party to an arbitration proceeding may move the
29 court for a provisional remedy only if the matter is urgent
30 and the arbitrator is not able to act timely or the

1 arbitrator cannot provide an adequate remedy.

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

4 § 7321.10. Initiation of arbitration.

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

12 (b) Lack of notice.--Unless a person objects for lack or
13 insufficiency of notice under section 7321.16 (relating to
14 arbitration process) not later than at the beginning of the
15 arbitration hearing, the person by appearing at the hearing
16 waives any objection to lack of or insufficiency of notice.

17 § 7321.11. Consolidation of separate arbitration proceedings.

18 (a) Conditions.--Except as otherwise provided in subsection
19 (c), upon motion of a party to an agreement to arbitrate or to
20 an arbitration proceeding, the court may order consolidation of
21 separate arbitration proceedings as to all or some of the claims
22 if:

23 (1) there are separate agreements to arbitrate or
24 separate arbitration proceedings between the same persons, or
25 one of them is a party to a separate agreement to arbitrate
26 or a separate arbitration proceeding with a third person;

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

30 (3) the existence of a common issue of law or fact

1 creates the possibility of conflicting decisions in the
2 separate arbitration proceedings; and

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

6 (b) Partial consolidation.--The court may order
7 consolidation of separate arbitration proceedings as to some
8 claims and allow other claims to be resolved in separate
9 arbitration proceedings.

10 (c) Agreement governs.--The court may not order
11 consolidation of the claims of a party to an agreement to
12 arbitrate if the agreement prohibits consolidation.

13 § 7321.12. Appointment of arbitrator; service as a neutral
14 arbitrator.

15 (a) Appointment.--If the parties to an agreement to
16 arbitrate agree on a method for appointing an arbitrator, that
17 method must be followed, unless the method fails. If the parties
18 have not agreed on a method, the agreed method fails or an
19 arbitrator appointed fails or is unable to act and a successor
20 has not been appointed, the court, on motion of a party to the
21 arbitration proceeding, shall appoint the arbitrator. An
22 arbitrator appointed by the court has all the powers of an
23 arbitrator designated in the agreement to arbitrate or appointed
24 pursuant to the agreed method.

25 (b) Neutral service.--An individual who has a known, direct
26 and material interest in the outcome of the arbitration
27 proceeding or a known, existing and substantial relationship
28 with a party may not serve as an arbitrator required by an
29 agreement to be neutral.

30 § 7321.13. Disclosure by arbitrator.

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

8 (1) a financial or personal interest in the outcome of
9 the arbitration proceeding; and

10 (2) an existing or past relationship with any of the
11 parties to the agreement to arbitrate or the arbitration
12 proceeding, their counsel or representatives, a witness or
13 another arbitrator.

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

20 (c) Objection.--If an arbitrator discloses a fact required
21 by subsection (a) or (b) to be disclosed and a party timely
22 objects to the appointment or continued service of the
23 arbitrator based upon the fact disclosed, the objection may be a
24 ground under section 7321.24(a) (2) (relating to vacating award)
25 for vacating an award made by the arbitrator.

26 (d) Nondisclosure.--If the arbitrator does not disclose a
27 fact as required by subsection (a) or (b), upon timely objection
28 by a party, the court under section 7321.24(a) (2) may vacate an
29 award.

30 (e) Presumption of neutrality.--An arbitrator appointed as a

1 neutral arbitrator who does not disclose a known, direct and
2 material interest in the outcome of the arbitration proceeding
3 or a known, existing and substantial relationship with a party
4 is presumed to act with evident partiality under section
5 7321.24(a)(2).

6 (f) Procedure to challenge arbitrator.--If the parties to an
7 arbitration proceeding agree to the procedures of an arbitration
8 organization or other procedures for challenges to arbitrators
9 before an award is made, substantial compliance with those
10 procedures is a condition precedent to a motion to vacate an
11 award on that ground under section 7321.24(a)(2).

12 § 7321.14. Action by majority.

13 If there is more than one arbitrator, the powers of an
14 arbitrator must be exercised by a majority of the arbitrators;
15 but all of them shall conduct the hearing under section
16 7321.16(c) (relating to arbitration process).

17 § 7321.15. Immunity of arbitrator; competency to testify;
18 attorney fees and costs.

19 (a) Immunity.--An arbitrator or an arbitration organization
20 acting in that capacity is immune from civil liability to the
21 same extent as a judge of a court of this Commonwealth acting in
22 a judicial capacity.

23 (b) Other immunity.--The immunity afforded by this section
24 supplements any immunity under other law.

25 (c) Failure to disclose.--The failure of an arbitrator to
26 make a disclosure required by section 7321.13 (relating to
27 disclosure by arbitrator) does not cause a loss of immunity
28 under this section.

29 (d) Competence to testify.--In a judicial, administrative or
30 similar proceeding, an arbitrator or representative of an

1 arbitration organization is not competent to testify and may not
2 be required to produce records as to any statement, conduct,
3 decision or ruling occurring during the arbitration proceeding,
4 to the same extent as a judge of a court of this Commonwealth
5 acting in a judicial capacity. This subsection does not apply:

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

10 (2) to a hearing on a motion to vacate an award under
11 section 7321.24(a)(1) or (2) (relating to vacating award) if
12 the movant establishes prima facie that a ground for vacating
13 the award exists.

14 (e) Attorney fees and costs.--If a person commences a civil
15 action against an arbitrator, arbitration organization or
16 representative of an arbitration organization arising from the
17 services of the arbitrator, organization or representative or if
18 a person seeks to compel an arbitrator or a representative of an
19 arbitration organization to testify or produce records in
20 violation of subsection (d) and the court decides that the
21 arbitrator, arbitration organization or representative of an
22 arbitration organization is immune from civil liability or that
23 the arbitrator or representative of the organization is not
24 competent to testify, the court shall award to the arbitrator,
25 organization or representative reasonable attorney fees and
26 other reasonable expenses of litigation.

27 § 7321.16. Arbitration process.

28 (a) Discretion of arbitrator.--An arbitrator may conduct an
29 arbitration in a manner as the arbitrator considers appropriate
30 for a fair and expeditious disposition of the proceeding. The

1 authority conferred upon the arbitrator includes the power to
2 hold conferences with the parties to the arbitration proceeding
3 before the hearing and, among other matters, determine the
4 admissibility, relevance, materiality and weight of any
5 evidence.

6 (b) Summary disposition.--An arbitrator may decide a request
7 for summary disposition of a claim or particular issue:

8 (1) if all interested parties agree; or

9 (2) upon request of one party to the arbitration

10 proceeding if that party gives notice to all other parties to
11 the proceeding and if the other parties have a reasonable
12 opportunity to respond.

13 (c) Notice and hearing.--If an arbitrator orders a hearing,
14 the arbitrator shall set a time and place and give notice of the
15 hearing not less than five days before the hearing begins.

16 Unless a party to the arbitration proceeding makes an objection
17 to lack or insufficiency of notice not later than the beginning
18 of the hearing, the party's appearance at the hearing waives the
19 objection. Upon request of a party to the arbitration proceeding
20 and for good cause shown, or upon the arbitrator's own

21 initiative, the arbitrator may adjourn the hearing as necessary
22 but may not postpone the hearing to a time later than that fixed
23 by the agreement to arbitrate for making the award unless the
24 parties to the arbitration proceeding consent to a later date.

25 The arbitrator may hear and decide the controversy upon the
26 evidence produced although a party who was notified of the
27 arbitration proceeding did not appear. The court, on request,
28 may direct the arbitrator to conduct the hearing promptly and
29 render a timely decision.

30 (d) Procedure.--At a hearing under subsection (c), a party

1 to the arbitration proceeding has a right to be heard, to
2 present evidence material to the controversy and to cross-
3 examine witnesses appearing at the hearing.

4 (e) Replacement.--If an arbitrator ceases or is unable to
5 act during the arbitration proceeding, a replacement arbitrator
6 must be appointed in accordance with section 7321.12 (relating
7 to appointment of arbitrator; service as a neutral arbitrator)
8 to continue the proceeding and to resolve the controversy.
9 § 7321.17. Representation by lawyer.

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

12 § 7321.18. Witnesses; subpoenas; depositions; discovery.

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

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

27 (c) Discovery.--An arbitrator may permit discovery as the
28 arbitrator decides is appropriate in the circumstances, taking
29 into account the needs of the parties to the arbitration
30 proceeding and other affected persons and the desirability of

1 making the proceeding fair, expeditious and cost effective.

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

10 (e) Protective orders.--An arbitrator may issue a protective
11 order to prevent the disclosure of privileged information,
12 confidential information, trade secrets and other information
13 protected from disclosure to the extent a court could if the
14 controversy were the subject of a civil action in this
15 Commonwealth.

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

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

1 court by a party to the arbitration proceeding or the
2 arbitrator, may be enforced in the manner provided by law for
3 enforcement of subpoenas in a civil action in this Commonwealth.
4 § 7321.19. Judicial enforcement of preaward ruling by
5 arbitrator.

6 If an arbitrator makes a preaward ruling in favor of a party
7 to the arbitration proceeding, the party may request the
8 arbitrator to incorporate the ruling into an award under section
9 7321.20 (relating to award). A prevailing party may make a
10 motion to the court for an expedited order to confirm the award
11 under section 7321.23 (relating to confirmation of award), in
12 which case the court shall summarily decide the motion. The
13 court shall issue an order to confirm the award unless the court
14 vacates, modifies or corrects the award under section 7321.24
15 (relating to vacating award) or 7321.25 (relating to
16 modification or correction of award).

17 § 7321.20. Award.

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

24 (b) Time.--An award must be made within the time specified
25 by the agreement to arbitrate or, if not specified in the
26 agreement, within the time ordered by the court. The court may
27 extend or the parties to the arbitration proceeding may agree in
28 a record to extend the time. The court or the parties may do so
29 within or after the time specified or ordered. A party waives an
30 objection that an award was not timely made unless the party

1 gives notice of the objection to the arbitrator before receiving
2 notice of the award.

3 § 7321.21. Change of award by arbitrator.

4 (a) Motion.--On motion to an arbitrator by a party to an
5 arbitration proceeding, the arbitrator may modify or correct an
6 award:

7 (1) upon a ground stated in section 7321.25(a)(1) or (3)
8 (relating to modification or correction of award);

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

12 (3) to clarify the award.

13 (b) Time for motion.--A motion under subsection (a) must be
14 made and notice given to all parties within 20 days after the
15 movant receives notice of the award.

16 (c) Time for objection to motion.--A party to the
17 arbitration proceeding must give notice of an objection to the
18 motion within ten days after receipt of the notice.

19 (d) Pending motion to court.--If a motion to the court is
20 pending under section 7321.23 (relating to confirmation of
21 award), 7321.24 (relating to vacating award) or 7321.25, the
22 court may submit the claim to the arbitrator to consider whether
23 to modify or correct the award:

24 (1) upon a ground stated in section 7321.25(a)(1) or
25 (3);

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

29 (3) to clarify the award.

30 (e) Other provisions applicable.--An award modified or

1 corrected pursuant to this section is subject to sections
2 7321.20(a) (relating to award), 7321.23, 7321.24 and 7321.25.
3 § 7321.22. Remedies; fees and expenses of arbitration
4 proceeding.

5 (a) Punitive damages.--An arbitrator may award punitive
6 damages or other exemplary relief if such an award is authorized
7 by law in a civil action involving the same claim and the
8 evidence produced at the hearing justifies the award under the
9 legal standards otherwise applicable to the claim.

10 (b) Attorney fees and costs.--An arbitrator may award
11 reasonable attorney fees and other reasonable expenses of
12 arbitration if the award is authorized by law in a civil action
13 involving the same claim or by the agreement of the parties to
14 the arbitration proceeding.

15 (c) Additional remedies.--As to all remedies other than
16 those authorized by subsections (a) and (b), an arbitrator may
17 order remedies as the arbitrator considers just and appropriate
18 under the circumstances of the arbitration proceeding. The fact
19 that a remedy could not or would not be granted by the court is
20 not a ground for refusing to confirm an award under section
21 7321.23 (relating to confirmation of award) or for vacating an
22 award under section 7321.24 (relating to vacating award).

23 (d) Arbitrator costs and fees.--An arbitrator's expenses and
24 fees, together with other expenses, must be paid as provided in
25 the award.

26 (e) Justification for punitive damages.--If an arbitrator
27 awards punitive damages or other exemplary relief under
28 subsection (a), the arbitrator shall specify in the award the
29 basis in fact justifying and the basis in law authorizing the
30 award and state separately the amount of the punitive damages or

1 other exemplary relief.

2 § 7321.23. Confirmation of award.

3 After a party to an arbitration proceeding receives notice of
4 an award, the party must make a motion to the court for an order
5 confirming the award, at which time the court shall issue a
6 confirming order unless the award is modified or corrected
7 pursuant to section 7321.21 (relating to change of award by
8 arbitrator) or 7321.25 (relating to modification or correction
9 of award) or is vacated pursuant to section 7321.24 (relating to
10 vacating award).

11 § 7321.24. Vacating award.

12 (a) Grounds.--Upon motion to the court by a party to an
13 arbitration proceeding, the court shall vacate an award made in
14 the arbitration proceeding if:

15 (1) the award was procured by corruption, fraud or other
16 undue means;

17 (2) there was:

18 (i) evident partiality by an arbitrator appointed as
19 a neutral arbitrator;

20 (ii) corruption by an arbitrator; or

21 (iii) misconduct by an arbitrator prejudicing the
22 rights of a party to the arbitration proceeding;

23 (3) an arbitrator refused to postpone the hearing upon
24 showing of sufficient cause for postponement, refused to
25 consider evidence material to the controversy or otherwise
26 conducted the hearing contrary to section 7321.16 (relating
27 to arbitration process), so as to prejudice substantially the
28 rights of a party to the arbitration proceeding;

29 (4) an arbitrator exceeded the arbitrator's powers;

30 (5) there was no agreement to arbitrate, unless the

1 person participated in the arbitration proceeding without
2 raising the objection under section 7321.16(c) not later than
3 the beginning of the arbitration hearing; or

4 (6) the arbitration was conducted without proper notice
5 of the initiation of an arbitration as required in section
6 7321.10 (relating to initiation of arbitration) so as to
7 prejudice substantially the rights of a party to the
8 arbitration proceeding.

9 (b) Time.--A motion under this section must be filed within
10 30 days after the movant receives notice of the award pursuant
11 to section 7321.20 (relating to award) or within 30 days after
12 the movant receives notice of a modified or corrected award
13 pursuant to section 7321.21 (relating to change of award by
14 arbitrator), unless the movant alleges that the award was
15 procured by corruption, fraud or other undue means, in which
16 case the motion must be made within 30 days after the ground is
17 known or by the exercise of reasonable care would have been
18 known by the movant.

19 (c) Rehearing.--If the court vacates an award on a ground
20 other than that set forth in subsection (a)(5), it may order a
21 rehearing. If the award is vacated on a ground stated in
22 subsection (a)(1) or (2), the rehearing shall be before a new
23 arbitrator. If the award is vacated on a ground stated in
24 subsection (a)(3), (4) or (6), the rehearing may be before the
25 arbitrator who made the award or the arbitrator's successor. The
26 arbitrator shall render the decision in the rehearing within the
27 same time as that provided in section 7321.20(b) for an award.

28 (d) Confirmation.--If the court denies a motion to vacate an
29 award, it shall confirm the award unless a motion to modify or
30 correct the award is pending.

1 § 7321.25. Modification or correction of award.

2 (a) Grounds.--Upon motion made within 90 days after the
3 movant receives notice of the award pursuant to section 7321.20
4 (relating to award) or within 90 days after the movant receives
5 notice of a modified or corrected award pursuant to section
6 7321.21 (relating to change of award by arbitrator), the court
7 shall modify or correct the award if:

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

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

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

17 (b) Court action.--If a motion made under subsection (a) is
18 granted, the court shall modify or correct and confirm the award
19 as modified or corrected. Otherwise, unless a motion to vacate
20 is pending, the court shall confirm the award.

21 (c) Joinder.--A motion to modify or correct an award
22 pursuant to this section may be joined with a motion to vacate
23 the award under section 7321.24 (relating to vacating award).

24 § 7321.26. Judgment on award; attorney fees and litigation
25 expenses.

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

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

3 (c) Attorney fees and costs.--On application of a prevailing
4 party to a contested judicial proceeding under section 7321.23
5 (relating to confirmation of award), 7321.24 (relating to
6 vacating award) or 7321.25 (relating to modification or
7 correction of award), the court may add reasonable attorney fees
8 and other reasonable expenses of litigation incurred in a
9 judicial proceeding after the award is made to a judgment
10 confirming, vacating without directing a rehearing, modifying or
11 correcting an award.

12 § 7321.27. Jurisdiction.

13 (a) Enforcement.--A court having jurisdiction over the
14 controversy and the parties may enforce an agreement to
15 arbitrate.

16 (b) Exclusivity.--An agreement to arbitrate providing for
17 arbitration in this Commonwealth confers exclusive jurisdiction
18 on the court to enter judgment on an award under this
19 subchapter.

20 § 7321.28. Venue.

21 A motion pursuant to section 7321.6 (relating to application
22 for judicial relief) must be made in the court of the county in
23 which the agreement to arbitrate specifies the arbitration
24 hearing is to be held or, if the hearing has been held, in the
25 court of the county in which it was held. Otherwise, the motion
26 may be made in the court of any county in which an adverse party
27 resides or has a place of business or, if no adverse party has a
28 residence or place of business in this Commonwealth, in the
29 court of any county in this Commonwealth. All subsequent motions
30 must be made in the court hearing the initial motion unless the

1 court otherwise directs.

2 § 7321.29. Appeals.

3 (a) Appealable orders.--An appeal may be taken from:

4 (1) an order denying a motion to compel arbitration;

5 (2) an order granting a motion to stay arbitration;

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

8 (4) an order modifying or correcting an award;

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

11 (6) a final judgment entered pursuant to this
12 subchapter.

13 (b) Procedure.--An appeal under this section must be taken
14 as from an order or a judgment in a civil action and must be
15 taken within 30 days of the order or judgment.

16 § 7321.30. Uniformity of application and construction.

17 In applying and construing this subchapter, consideration
18 shall be given to the need to promote uniformity of the law with
19 respect to its subject matter among states that enact it.

20 § 7321.31. Relationship to Electronic Signatures in Global and
21 National Commerce Act.

22 The provisions of this subchapter governing the legal effect,
23 validity and enforceability of electronic records or electronic
24 signatures and of contracts performed with the use of such
25 records or signatures conform to the requirements of section 102
26 of the Electronic Signatures in Global and National Commerce Act
27 (Public Law 106-229, 15 U.S.C. § 7002).

28 Section 3. Sections 7341 and 7342 of Title 42 are amended to
29 read:

30 § 7341. Common law arbitration.

1 The award of an arbitrator in a nonjudicial arbitration which
2 is not subject to Subchapter [A] A.1 (relating to statutory
3 arbitration) or a similar statute regulating nonjudicial
4 arbitration proceedings is binding and may not be vacated or
5 modified unless it is clearly shown that a party was denied a
6 hearing or that fraud, misconduct, corruption or other
7 irregularity caused the rendition of an unjust, inequitable or
8 unconscionable award.

9 § 7342. Procedure.

10 (a) General rule.--The following provisions of Subchapter
11 [A] A.1 (relating to statutory arbitration) shall be applicable
12 to arbitration conducted pursuant to this subchapter:

13 [Section 7303 (relating to validity of agreement to
14 arbitrate).

15 Section 7304 (relating to court proceedings to compel or stay
16 arbitration).

17 Section 7305 (relating to appointment of arbitrators by
18 court).

19 Section 7309 (relating to witnesses, subpoenas, oaths and
20 depositions).

21 Section 7317 (relating to form and service of applications to
22 court).

23 Section 7318 (relating to court and jurisdiction).

24 Section 7319 (relating to venue of court proceedings).

25 Section 7320 (relating to appeals from court orders), except
26 subsection (a) (4).]

27 Section 7321.6 (relating to application for judicial relief).

28 Section 7321.7(a) (relating to validity of agreement to
29 arbitrate).

30 Section 7321.8 (relating to motion to compel or stay

1 arbitration).

2 Section 7321.12(a) (relating to appointment of arbitrator;
3 service as a neutral arbitrator).

4 Section 7321.18 (relating to witnesses; subpoenas;
5 depositions; discovery).

6 Section 7321.27 (relating to jurisdiction).

7 Section 7321.28 (relating to venue).

8 Section 7321.29 (relating to appeals), except subsection (a)
9 (4).

10 (b) Confirmation and judgment.--On application of a party
11 made more than 30 days after an award is made by an arbitrator
12 under section 7341 (relating to common law arbitration), the
13 court shall enter an order confirming the award and shall enter
14 a judgment or decree in conformity with the order. [Section
15 7302(d)(2) (relating to special application) shall not be
16 applicable to proceedings under this subchapter.]

17 Section 4. This act shall not be construed to affect an
18 action or proceeding commenced or right accrued before the
19 effective date of this section.

20 Section 5. Subject to 42 Pa.C.S. § 7321.4 of this act, an
21 arbitration agreement made before the effective date of this
22 section shall be governed by the former provisions of 42 Pa.C.S.
23 Ch. 73 Subch. A.

24 Section 6. This act shall take effect January 1, 2014.