

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 903

A bill to provide for the enforceability of agreements to arbitrate disputes; to provide procedures for the arbitration of disputes; to provide remedies, including remedies for the enforcement of arbitration agreements, rulings, and awards; and to provide immunity from civil liability and testimonial privileges.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known and may be cited as the
2 "uniform arbitration act".

3 (2) As used in this act:

4 (a) "Arbitration organization" means an association, agency,
5 board, commission, or other entity that is neutral and initiates,
6 sponsors, or administers an arbitration proceeding or is involved
7 in the appointment of an arbitrator.

1 (b) "Arbitrator" means an individual appointed to render an
2 award, alone or with others, in a controversy that is subject to an
3 agreement to arbitrate.

4 (c) "Court" means the circuit court.

5 (d) "Knowledge" means actual knowledge.

6 (e) "Person" means an individual, corporation, business trust,
7 estate, trust, partnership, limited liability company, association,
8 joint venture, government; governmental subdivision, agency, or
9 instrumentality; public corporation; or any other legal or
10 commercial entity.

11 (f) "Record" means information that is inscribed on a tangible
12 medium or that is stored in an electronic or other medium and is
13 retrievable in perceivable form.

14 Sec. 2. (1) Except as otherwise provided in this act, a person
15 gives notice to another person by taking action that is reasonably
16 necessary to inform the other person in ordinary course, whether or
17 not the other person acquires knowledge of the notice.

18 (2) A person has notice if the person has knowledge of the
19 notice or has received notice.

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

24 Sec. 3. (1) On or after July 1, 2013, this act governs an
25 agreement to arbitrate whenever made.

26 (2) This act does not apply to an arbitration between members
27 of a voluntary membership organization if arbitration is required

1 and administered by the organization. However, a party to such an
2 arbitration may request a court to enter an order confirming an
3 arbitration award and the court may confirm the award or vacate the
4 award for a reason contained in section 23(1)(a), (b), or (d).

5 Sec. 4. (1) Except as otherwise provided in subsections (2)
6 and (3), a party to an agreement to arbitrate or to an arbitration
7 proceeding may waive or the parties may vary the effect of the
8 requirements of this act to the extent permitted by law.

9 (2) Before a controversy arises that is subject to an
10 agreement to arbitrate, a party to the agreement may not do any of
11 the following:

12 (a) Waive or agree to vary the effect of the requirements of
13 section 5(1), 6(1), 8, 17(1) or (2), 26, or 28.

14 (b) Agree to unreasonably restrict the right under section 9
15 to notice of the initiation of an arbitration proceeding.

16 (c) Agree to unreasonably restrict the right under section 12
17 to disclosure of any facts by a neutral arbitrator.

18 (d) Waive the right under section 16 of a party to an
19 agreement to arbitrate to be represented by a lawyer at any
20 proceeding or hearing under this act, but an employer and a labor
21 organization may waive the right to representation by a lawyer in a
22 labor arbitration.

23 (3) A party to an agreement to arbitrate or arbitration
24 proceeding may not waive, or the parties may not vary the effect
25 of, the requirements of this section or section 3(1) or (3), 7, 14,
26 18, 20(4) or (5), 22, 23, 24, 25(1) or (2), 29, 30, or 31.

27 Sec. 5. (1) Except as otherwise provided in section 28, a

1 request for judicial relief under this act must be made by motion
2 to the court and heard in the manner provided by court rule for
3 making and hearing motions.

4 (2) Unless a civil action is already pending between the
5 parties, a complaint regarding the agreement to arbitrate must be
6 filed and served as in other civil actions. Notice of an initial
7 motion under this act may be served with the summons and complaint
8 in the manner provided by court rule for the service of a summons
9 in a civil action. Otherwise, notice of the motion must be given in
10 the manner provided by court rule for serving motions in pending
11 actions.

12 Sec. 6. (1) An agreement contained in a record to submit to
13 arbitration any existing or subsequent controversy arising between
14 the parties to the agreement is valid, enforceable, and irrevocable
15 except on a ground that exists at law or in equity for the
16 revocation of a contract.

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

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

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

27 Sec. 7. (1) On motion of a person showing an agreement to

1 arbitrate and alleging another person's refusal to arbitrate under
2 the agreement, the court shall do both of the following:

3 (a) If the refusing party does not appear or does not oppose
4 the motion, order the parties to arbitrate.

5 (b) If the refusing party opposes the motion, proceed
6 summarily to decide the issue and order the parties to arbitrate
7 unless it finds that there is no enforceable agreement to
8 arbitrate.

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

14 (3) If the court finds that there is no enforceable agreement,
15 it shall not order the parties to arbitrate under subsection (1) or
16 (2).

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

20 (5) If a proceeding involving a claim referable to arbitration
21 under an alleged agreement to arbitrate is pending in court, a
22 motion under this section must be made in that court. Otherwise, a
23 motion under this section may be made in any court as provided in
24 section 27.

25 (6) If a party moves the court to order arbitration, the court
26 on just terms shall stay any judicial proceeding that involves a
27 claim alleged to be subject to the arbitration until the court

1 renders a final decision under this section.

2 (7) If the court orders arbitration, the court on just terms
3 shall stay any judicial proceeding that involves a claim subject to
4 the arbitration. If a claim subject to the arbitration is
5 severable, the court may limit the stay to that claim.

6 Sec. 8. (1) Before an arbitrator is appointed and is
7 authorized and able to act, the court, on motion of a party to an
8 arbitration proceeding and for good cause shown, may enter an order
9 for provisional remedies to protect the effectiveness of the
10 arbitration proceeding to the same extent and under the same
11 conditions as if the controversy were the subject of a civil
12 action.

13 (2) After an arbitrator is appointed and is authorized and
14 able to act, both of the following apply:

15 (a) The arbitrator may issue orders for provisional remedies,
16 including interim awards, as the arbitrator finds necessary to
17 protect the effectiveness of the arbitration proceeding and to
18 promote the fair and expeditious resolution of the controversy, to
19 the same extent and under the same conditions as if the controversy
20 were the subject of a civil action.

21 (b) A party to an arbitration proceeding may move the court
22 for a provisional remedy only if the matter is urgent and the
23 arbitrator is not able to act timely or the arbitrator cannot
24 provide an adequate remedy.

25 (3) A party does not waive a right of arbitration by making a
26 motion under subsection (1) or (2).

27 Sec. 9. (1) A person initiates an arbitration proceeding by

1 giving notice in a record to the other parties to the agreement to
2 arbitrate in the agreed manner between the parties or, in the
3 absence of agreement, by certified or registered mail, return
4 receipt requested and obtained, or by service as authorized for the
5 commencement of a civil action. The notice must describe the nature
6 of the controversy and the remedy sought.

7 (2) Unless a person objects for lack or insufficiency of
8 notice under section 15(3) not later than the beginning of the
9 arbitration hearing, the person by appearing at the hearing waives
10 any objection to lack of or insufficiency of notice.

11 Sec. 10. (1) Except as otherwise provided in subsection (3), on
12 motion of a party to an agreement to arbitrate or to an arbitration
13 proceeding, the court may order consolidation of separate
14 arbitration proceedings as to all or some of the claims if all of
15 the following apply:

16 (a) There are separate agreements to arbitrate or separate
17 arbitration proceedings between the same persons or 1 of them is a
18 party to a separate agreement to arbitrate or a separate
19 arbitration proceeding with a third person.

20 (b) The claims subject to the agreements to arbitrate arise in
21 substantial part from the same transaction or series of related
22 transactions.

23 (c) The existence of a common issue of law or fact creates the
24 possibility of conflicting decisions in the separate arbitration
25 proceedings.

26 (d) Prejudice resulting from a failure to consolidate is not
27 outweighed by the risk of undue delay or prejudice to the rights of

1 or hardship to parties opposing consolidation.

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

5 (3) The court may not order consolidation of the claims of a
6 party to an agreement to arbitrate if the agreement prohibits
7 consolidation.

8 Sec. 11. (1) If the parties to an agreement to arbitrate agree
9 on a method for appointing an arbitrator, that method must be
10 followed, unless the method fails. If the parties have not agreed
11 on a method, the agreed method fails, or an arbitrator appointed
12 fails or is unable to act and a successor has not been appointed,
13 the court, on motion of a party to the arbitration proceeding,
14 shall appoint the arbitrator. An arbitrator so appointed has all
15 the powers of an arbitrator designated in the agreement to
16 arbitrate or an arbitrator appointed by the agreed method.

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

21 Sec. 12. (1) Before accepting appointment, an individual who
22 is requested to serve as an arbitrator, after making a reasonable
23 inquiry, shall disclose to all parties to the agreement to
24 arbitrate and arbitration proceeding and to any other arbitrators
25 any known facts that a reasonable person would consider likely to
26 affect the impartiality of the arbitrator in the arbitration
27 proceeding, including both of the following:

1 (a) A financial or personal interest in the outcome of the
2 arbitration proceeding.

3 (b) An existing or past relationship with any of the parties
4 to the agreement to arbitrate or the arbitration proceeding, their
5 counsel or representatives, a witness, or another arbitrator.

6 (2) An arbitrator has a continuing obligation to disclose to
7 all parties to the agreement to arbitrate and arbitration
8 proceeding and to any other arbitrators any facts that the
9 arbitrator learns after accepting appointment that a reasonable
10 person would consider likely to affect the impartiality of the
11 arbitrator.

12 (3) If an arbitrator discloses a fact required by subsection
13 (1) or (2) to be disclosed and a party timely objects to the
14 appointment or continued service of the arbitrator based on the
15 fact disclosed, the objection may be a ground under section
16 23(1)(b) for vacating an award made by the arbitrator.

17 (4) If the arbitrator did not disclose a fact as required by
18 subsection (1) or (2), on timely objection by a party, the court
19 under section 23(1)(b) may vacate an award.

20 (5) An arbitrator appointed as a neutral arbitrator who does
21 not disclose a known, direct, and material interest in the outcome
22 of the arbitration proceeding or a known, existing, and substantial
23 relationship with a party is presumed to act with evident
24 partiality under section 23(1)(b).

25 (6) If the parties to an arbitration proceeding agree to the
26 procedures of an arbitration organization or any other procedures
27 for challenges to arbitrators before an award is made, substantial

1 compliance with those procedures is a condition precedent to a
2 motion to vacate an award on that ground under section 23(1)(b).

3 Sec. 13. If there is more than 1 arbitrator, the powers of an
4 arbitrator must be exercised by a majority of the arbitrators, but
5 all of them shall conduct the hearing under section 15(3).

6 Sec. 14. (1) An arbitrator or an arbitration organization
7 acting in that capacity is immune from civil liability to the same
8 extent as a judge of a court of this state acting in a judicial
9 capacity.

10 (2) The immunity afforded by this section supplements any
11 immunity under other law.

12 (3) The failure of an arbitrator to make a disclosure required
13 by section 12 does not cause any loss of immunity under this
14 section.

15 (4) In a judicial, administrative, or similar proceeding, an
16 arbitrator or representative of an arbitration organization is not
17 competent to testify, and may not be required to produce records as
18 to any statement, conduct, decision, or ruling occurring during the
19 arbitration proceeding, to the same extent as a judge of a court of
20 this state acting in a judicial capacity. This subsection is
21 subject to both of the following:

22 (a) This subsection does not apply to the extent necessary to
23 determine the claim of an arbitrator, arbitration organization, or
24 representative of the arbitration organization against a party to
25 the arbitration proceeding.

26 (b) This subsection does not apply to a hearing on a motion to
27 vacate an award under section 23(1)(b) or (c) if the moving party

1 establishes prima facie that a ground for vacating the award
2 exists.

3 (5) If a person commences a civil action against an
4 arbitrator, arbitration organization, or representative of an
5 arbitration organization arising from the services of the
6 arbitrator, organization, or representative or if a person seeks to
7 compel an arbitrator or a representative of an arbitration
8 organization to testify or produce records in violation of
9 subsection (4), and the court decides that the arbitrator,
10 arbitration organization, or representative of an arbitration
11 organization is immune from civil liability or that the arbitrator
12 or representative of the organization is not competent to testify,
13 the court shall award to the arbitrator, organization, or
14 representative reasonable attorney fees and other reasonable
15 expenses of litigation.

16 Sec. 15. (1) An arbitrator may conduct an arbitration in the
17 manner that the arbitrator considers appropriate for a fair and
18 expeditious disposition of the proceeding. The authority conferred
19 on the arbitrator includes the power to hold conferences with the
20 parties to the arbitration proceeding before the hearing and, among
21 other matters, determine the admissibility, relevance, materiality,
22 and weight of any evidence.

23 (2) An arbitrator may decide a request for summary disposition
24 of a claim or particular issue if either of the following applies:

25 (a) All interested parties agree.

26 (b) On request of 1 party to the arbitration proceeding if the
27 party gives notice to all other parties to the proceeding and the

1 other parties have a reasonable opportunity to respond.

2 (3) If an arbitrator orders a hearing, the arbitrator shall
3 set a time and place and give notice of the hearing not less than 5
4 days before the hearing begins. Unless a party to the arbitration
5 proceeding makes an objection to lack or insufficiency of notice
6 not later than the beginning of the hearing, the party's appearance
7 at the hearing waives the objection. On request of a party to the
8 arbitration proceeding and for good cause shown, or on the
9 arbitrator's own initiative, the arbitrator may adjourn the hearing
10 from time to time as necessary but shall not postpone the hearing
11 to a time later than that fixed by the agreement to arbitrate for
12 making the award unless the parties to the arbitration proceeding
13 consent to a later date. The arbitrator may hear and decide the
14 controversy on the evidence produced although a party who was duly
15 notified of the arbitration proceeding did not appear. The court,
16 on request, may direct the arbitrator to conduct the hearing
17 promptly and render a timely decision.

18 (4) At a hearing under subsection (3), a party to the
19 arbitration proceeding has a right to be heard, to present evidence
20 material to the controversy, and to cross-examine witnesses
21 appearing at the hearing.

22 (5) If an arbitrator ceases or is unable to act during the
23 arbitration proceeding, a replacement arbitrator must be appointed
24 in accordance with section 11 to continue the proceeding and to
25 resolve the controversy.

26 Sec. 16. A party to an arbitration proceeding may be
27 represented by a lawyer.

1 Sec. 17. (1) An arbitrator may issue a subpoena for the
2 attendance of a witness and for the production of records and other
3 evidence at any hearing and may administer oaths. A subpoena shall
4 be served in the manner for service of subpoenas in a civil action
5 and, on motion to the court by a party to the arbitration
6 proceeding or the arbitrator, enforced in the manner for
7 enforcement of subpoenas in a civil action.

8 (2) To make the proceedings fair, expeditious, and cost
9 effective, on request of a party to or a witness in an arbitration
10 proceeding, an arbitrator may permit a deposition of any witness to
11 be taken for use as evidence at the hearing, including a witness
12 who cannot be subpoenaed for or is unable to attend a hearing. The
13 arbitrator shall determine the conditions under which the
14 deposition is taken.

15 (3) An arbitrator may permit or limit discovery as the
16 arbitrator decides appropriate in the circumstances, taking into
17 account the needs or requirements of the parties to the arbitration
18 proceeding and other affected persons, the arbitration agreement,
19 court orders, and the desirability of making the proceeding fair,
20 expeditious, and cost effective.

21 (4) If an arbitrator permits discovery under subsection (3),
22 the arbitrator may order a party to the arbitration proceeding to
23 comply with the arbitrator's discovery-related orders, issue
24 subpoenas for the attendance of a witness and for the production of
25 records and other evidence at a discovery proceeding, and take
26 action against a noncomplying party to the extent a court could if
27 the controversy were the subject of a civil action in this state.

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

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

11 (7) The court may enforce a subpoena or discovery-related
12 order for the attendance of a witness in this state and for the
13 production of records and other evidence issued by an arbitrator in
14 connection with an arbitration proceeding in another state on
15 conditions determined by the court so as to make the arbitration
16 proceeding fair, expeditious, and cost effective. A subpoena or
17 discovery-related order issued by an arbitrator in another state
18 shall be served in the manner provided by law for service of
19 subpoenas in a civil action in this state and, on motion to the
20 court by a party to the arbitration proceeding or the arbitrator,
21 enforced in the manner provided by law for enforcement of subpoenas
22 in a civil action in this state.

23 Sec. 18. If an arbitrator makes a preaward ruling in favor of
24 a party to the arbitration proceeding, the party may request the
25 arbitrator to incorporate the ruling into an award under section
26 19. A prevailing party may move the court for an expedited order to
27 confirm the award under section 22, in which case the court shall

1 summarily decide the motion. The court shall issue an order to
2 confirm the award unless the court vacates, modifies, or corrects
3 the award under section 23 or 24.

4 Sec. 19. (1) An arbitrator shall make a record of an award. The
5 record shall be signed or otherwise authenticated by any arbitrator
6 who concurs with the award. The arbitrator or the arbitration
7 organization shall give notice of the award, including a copy of
8 the award, to each party to the arbitration proceeding.

9 (2) An award must be made within the time specified by the
10 agreement to arbitrate or, if not specified in the agreement,
11 within the time ordered by the court. The court may extend or the
12 parties to the arbitration proceeding may agree in a record to
13 extend the time. The court or the parties may extend the time
14 within or after the time specified or ordered. A party waives any
15 objection that an award was not timely made unless the party gives
16 notice of the objection to the arbitrator before receiving notice
17 of the award.

18 Sec. 20. (1) On motion to an arbitrator by a party to an
19 arbitration proceeding, the arbitrator may modify or correct an
20 award on any of the following grounds:

21 (a) A ground stated in section 24(1)(a) or (c).

22 (b) Because the arbitrator has not made a final and definite
23 award on a claim submitted by the parties to the arbitration
24 proceeding.

25 (c) To clarify the award.

26 (2) A motion under subsection (1) must be made and notice
27 given to all parties within 20 days after the moving party receives

1 notice of the award.

2 (3) A party to the arbitration proceeding must give notice of
3 any objection to the motion within 10 days after receipt of the
4 notice.

5 (4) If a motion to the court is pending under section 22, 23,
6 or 24, the court may submit the claim to the arbitrator to consider
7 whether to modify or correct the award for any of the following
8 grounds:

9 (a) A ground stated in section 24(1)(a) or (c).

10 (b) Because the arbitrator has not made a final and definite
11 award upon a claim submitted by the parties to the arbitration
12 proceeding.

13 (c) To clarify the award.

14 (5) An award modified or corrected under this section is
15 subject to sections 19(1), 22, 23, and 24.

16 Sec. 21. (1) An arbitrator may award punitive damages or other
17 exemplary relief if such an award is authorized by law in a civil
18 action involving the same claim and the evidence produced at the
19 hearing justifies the award under the legal standards otherwise
20 applicable to the claim.

21 (2) An arbitrator may award reasonable attorney fees and other
22 reasonable expenses of arbitration if such an award is authorized
23 by law in a civil action involving the same claim or by the
24 agreement of the parties to the arbitration proceeding.

25 (3) As to all remedies other than those authorized by
26 subsections (1) and (2), an arbitrator may order remedies that the
27 arbitrator considers just and appropriate under the circumstances

1 of the arbitration proceeding. The fact that such a remedy could
2 not or would not be granted by the court is not a ground for
3 refusing to confirm an award under section 22 or for vacating an
4 award under section 23.

5 (4) An arbitrator's expenses and fees, and other expenses,
6 shall be paid as provided in the award.

7 (5) If an arbitrator awards punitive damages or other
8 exemplary relief under subsection (1), the arbitrator shall specify
9 in the award the basis in fact justifying and the basis in law
10 authorizing the award and state separately the amount of the
11 punitive damages or other exemplary relief.

12 Sec. 22. After a party to an arbitration proceeding receives
13 notice of an award, the party may move the court for an order
14 confirming the award at which time the court shall issue a
15 confirming order unless the award is modified or corrected under
16 section 20 or 24 or is vacated under section 23.

17 Sec. 23. (1) On motion to the court by a party to an
18 arbitration proceeding, the court shall vacate an award made in the
19 arbitration proceeding if any of the following apply:

20 (a) The award was procured by corruption, fraud, or other
21 undue means.

22 (b) There was any of the following:

23 (i) Evident partiality by an arbitrator appointed as a neutral
24 arbitrator.

25 (ii) Corruption by an arbitrator.

26 (iii) Misconduct by an arbitrator prejudicing the rights of a
27 party to the arbitration proceeding.

1 (c) An arbitrator refused to postpone the hearing upon showing
2 of sufficient cause for postponement, refused to consider evidence
3 material to the controversy, or otherwise conducted the hearing
4 contrary to section 15, so as to prejudice substantially the rights
5 of a party to the arbitration proceeding.

6 (d) An arbitrator exceeded the arbitrator's powers.

7 (e) There was no agreement to arbitrate, unless the person
8 participated in the arbitration proceeding without raising the
9 objection under section 15(3) not later than the beginning of the
10 arbitration hearing.

11 (f) The arbitration was conducted without proper notice of the
12 initiation of an arbitration as required in section 9 so as to
13 prejudice substantially the rights of a party to the arbitration
14 proceeding.

15 (2) A motion under this section must be filed within 90 days
16 after the moving party receives notice of the award under section
17 19 or within 90 days after the moving party receives notice of a
18 modified or corrected award under section 20, unless the moving
19 party alleges that the award was procured by corruption, fraud, or
20 other undue means, in which case the motion must be made within 90
21 days after the ground is known or by the exercise of reasonable
22 care would have been known by the moving party.

23 (3) If the court vacates an award on a ground other than that
24 set forth in subsection (1)(e), it may order a rehearing. If the
25 award is vacated on a ground stated in subsection (1)(a) or (b),
26 the rehearing shall be before a new arbitrator. If the award is
27 vacated on a ground stated in subsection (1)(c), (d), or (f), the

1 rehearing may be before the arbitrator who made the award or the
2 arbitrator's successor. The arbitrator shall render the decision in
3 the rehearing within the same time as that provided in section
4 19(2) for an award.

5 (4) If the court denies a motion to vacate an award, it shall
6 confirm the award unless a motion to modify or correct the award is
7 pending.

8 Sec. 24. (1) On motion made within 90 days after the moving
9 party receives notice of the award under section 19 or within 90
10 days after the moving party receives notice of a modified or
11 corrected award under section 20, the court shall modify or correct
12 the award if any of the following apply:

13 (a) There was an evident mathematical miscalculation or an
14 evident mistake in the description of a person, thing, or property
15 referred to in the award.

16 (b) The arbitrator has made an award on a claim not submitted
17 to the arbitrator and the award may be corrected without affecting
18 the merits of the decision on the claims submitted.

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

21 (2) If a motion made under subsection (1) is granted, the
22 court shall modify or correct and confirm the award as modified or
23 corrected. Otherwise, unless a motion to vacate is pending, the
24 court shall confirm the award.

25 (3) A motion to modify or correct an award under this section
26 may be joined with a motion to vacate the award.

27 Sec. 25. (1) On granting an order confirming, vacating without

1 directing a rehearing, modifying, or correcting an award, the court
2 shall enter a judgment that conforms with the order. The judgment
3 may be recorded, docketed, and enforced as any other judgment in a
4 civil action.

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

7 (3) On request of a prevailing party to a contested judicial
8 proceeding under section 22, 23, or 24, the court may add
9 reasonable attorney fees and other reasonable expenses of
10 litigation incurred in a judicial proceeding after the award is
11 made to a judgment confirming, vacating without directing a
12 rehearing, modifying, or correcting an award.

13 Sec. 26. (1) A court of this state that has jurisdiction over
14 the controversy and the parties may enforce an agreement to
15 arbitrate.

16 (2) An agreement to arbitrate that provides for arbitration in
17 this state confers exclusive jurisdiction on the court to enter
18 judgment on an award under this act.

19 Sec. 27. A motion under section 5 shall be made in the court
20 of the county in which the agreement to arbitrate specifies the
21 arbitration hearing is to be held or, if the hearing has been held,
22 in the court of the county in which it was held. Otherwise, the
23 motion may be made in the court of any county in which an adverse
24 party resides or has a place of business or, if no adverse party
25 has a residence or place of business in this state, in the court of
26 any county in this state. All subsequent motions shall be made in
27 the court that heard the initial motion unless the court otherwise

1 directs.

2 Sec. 28. (1) An appeal may be taken from any of the following:

3 (a) An order denying a motion to compel arbitration.

4 (b) An order granting a motion to stay arbitration.

5 (c) An order confirming or denying confirmation of an award.

6 (d) An order modifying or correcting an award.

7 (e) An order vacating an award without directing a rehearing.

8 (f) A final judgment entered under this act.

9 (2) An appeal under this section shall be taken as from an
10 order or a judgment in a civil action.

11 Sec. 29. In applying and construing this uniform act,
12 consideration shall be given to the need to promote uniformity of
13 the law with respect to its subject matter among states that enact
14 it.

15 Sec. 30. The provisions of this act that govern the legal
16 effect, validity, and enforceability of electronic records or
17 electronic signatures, and of contracts performed with the use of
18 such records or signatures conform to the requirements of section
19 102 of the electronic signatures in global and national commerce
20 act, 15 USC 7002.

21 Sec. 31. This act takes effect on July 1, 2013.

22 Sec. 33. This act does not affect an action or proceeding
23 commenced or right accrued before this act takes effect.

24 Enacting section 1. This act does not take effect unless all
25 of the following bills of the 96th Legislature are enacted into
26 law:

27 (a) Senate Bill No. 901.

1 (b) Senate Bill No. 902.