

**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.

8 (b) "Arbitrator" means an individual appointed to render an

1 award, alone or with others, in a controversy that is subject to an
2 agreement to arbitrate.

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

4 (d) "Knowledge" means actual knowledge.

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

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

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

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

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

23 Sec. 3. (1) This act governs an agreement to arbitrate made on
24 or after the effective date of this act.

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

1 (3) On or after July 1, 2012, this act governs an agreement to
2 arbitrate whenever made.

3 (4) This act does not apply to an arbitration between members
4 of a voluntary membership organization if arbitration is required
5 and administered by the organization. However, a party to such an
6 arbitration may request a court to enter an order confirming an
7 arbitration award and the court may confirm the award or vacate the
8 award for a reason contained in section 23(1)(a), (b), or (d).

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

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

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

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

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

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

27 (3) A party to an agreement to arbitrate or arbitration

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

4 Sec. 5. (1) Except as otherwise provided in section 28, a
5 request for judicial relief under this act must be made by motion
6 to the court and heard in the manner provided by court rule for
7 making and hearing motions.

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

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

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

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

26 (4) If a party to a judicial proceeding challenges the
27 existence of, or claims that a controversy is not subject to, an

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

4 Sec. 7. (1) On motion of a person showing an agreement to
5 arbitrate and alleging another person's refusal to arbitrate under
6 the agreement, the court shall do both of the following:

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

9 (b) If the refusing party opposes the motion, proceed
10 summarily to decide the issue and order the parties to arbitrate
11 unless it finds that there is no enforceable agreement to
12 arbitrate.

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

18 (3) If the court finds that there is no enforceable agreement,
19 it shall not order the parties to arbitrate under subsection (1) or
20 (2).

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

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

1 section 27.

2 (6) If a party moves the court to order arbitration, the court
3 on just terms shall stay any judicial proceeding that involves a
4 claim alleged to be subject to the arbitration until the court
5 renders a final decision under this section.

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

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

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

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

25 (b) A party to an arbitration proceeding may move the court
26 for a provisional remedy only if the matter is urgent and the
27 arbitrator is not able to act timely or the arbitrator cannot

1 provide an adequate remedy.

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

4 Sec. 9. (1) A person initiates an arbitration proceeding by
5 giving notice in a record to the other parties to the agreement to
6 arbitrate in the agreed manner between the parties or, in the
7 absence of agreement, by certified or registered mail, return
8 receipt requested and obtained, or by service as authorized for the
9 commencement of a civil action. The notice must describe the nature
10 of the controversy and the remedy sought.

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

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

20 (a) There are separate agreements to arbitrate or separate
21 arbitration proceedings between the same persons or 1 of them is a
22 party to a separate agreement to arbitrate or a separate
23 arbitration proceeding with a third person.

24 (b) The claims subject to the agreements to arbitrate arise in
25 substantial part from the same transaction or series of related
26 transactions.

27 (c) The existence of a common issue of law or fact creates the

1 possibility of conflicting decisions in the separate arbitration
2 proceedings.

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

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

9 (3) The court may not order consolidation of the claims of a
10 party to an agreement to arbitrate if the agreement prohibits
11 consolidation.

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

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

25 Sec. 12. (1) Before accepting appointment, an individual who
26 is requested to serve as an arbitrator, after making a reasonable
27 inquiry, shall disclose to all parties to the agreement to

1 arbitrate and arbitration proceeding and to any other arbitrators
2 any known facts that a reasonable person would consider likely to
3 affect the impartiality of the arbitrator in the arbitration
4 proceeding, including both of the following:

5 (a) A financial or personal interest in the outcome of the
6 arbitration proceeding.

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

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

16 (3) If an arbitrator discloses a fact required by subsection
17 (1) or (2) to be disclosed and a party timely objects to the
18 appointment or continued service of the arbitrator based on the
19 fact disclosed, the objection may be a ground under section
20 23(1)(b) for vacating an award made by the arbitrator.

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

24 (5) An arbitrator appointed as a neutral arbitrator who does
25 not disclose a known, direct, and material interest in the outcome
26 of the arbitration proceeding or a known, existing, and substantial
27 relationship with a party is presumed to act with evident

1 partiality under section 23(1)(b).

2 (6) If the parties to an arbitration proceeding agree to the
3 procedures of an arbitration organization or any other procedures
4 for challenges to arbitrators before an award is made, substantial
5 compliance with those procedures is a condition precedent to a
6 motion to vacate an award on that ground under section 23(1)(b).

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

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

14 (2) The immunity afforded by this section supplements any
15 immunity under other law.

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

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

26 (a) This subsection does not apply to the extent necessary to
27 determine the claim of an arbitrator, arbitration organization, or

1 representative of the arbitration organization against a party to
2 the arbitration proceeding.

3 (b) This subsection does not apply to a hearing on a motion to
4 vacate an award under section 23(1)(b) or (c) if the moving party
5 establishes prima facie that a ground for vacating the award
6 exists.

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

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

27 (2) An arbitrator may decide a request for summary disposition

1 of a claim or particular issue if either of the following applies:

2 (a) All interested parties agree.

3 (b) On request of 1 party to the arbitration proceeding if the
4 party gives notice to all other parties to the proceeding and the
5 other parties have a reasonable opportunity to respond.

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

22 (4) At a hearing under subsection (3), a party to the
23 arbitration proceeding has a right to be heard, to present evidence
24 material to the controversy, and to cross-examine witnesses
25 appearing at the hearing.

26 (5) If an arbitrator ceases or is unable to act during the
27 arbitration proceeding, a replacement arbitrator must be appointed

1 in accordance with section 11 to continue the proceeding and to
2 resolve the controversy.

3 Sec. 16. A party to an arbitration proceeding may be
4 represented by a lawyer.

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

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

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

25 (4) If an arbitrator permits discovery under subsection (3),
26 the arbitrator may order a party to the arbitration proceeding to
27 comply with the arbitrator's discovery-related orders, issue

1 subpoenas for the attendance of a witness and for the production of
2 records and other evidence at a discovery proceeding, and take
3 action against a noncomplying party to the extent a court could if
4 the controversy were the subject of a civil action in this state.

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

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

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

27 Sec. 18. If an arbitrator makes a preaward ruling in favor of

1 a party to the arbitration proceeding, the party may request the
2 arbitrator to incorporate the ruling into an award under section
3 19. A prevailing party may move the court for an expedited order to
4 confirm the award under section 22, in which case the court shall
5 summarily decide the motion. The court shall issue an order to
6 confirm the award unless the court vacates, modifies, or corrects
7 the award under section 23 or 24.

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

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

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

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

26 (b) Because the arbitrator has not made a final and definite
27 award on a claim submitted by the parties to the arbitration

1 proceeding.

2 (c) To clarify the award.

3 (2) A motion under subsection (1) must be made and notice
4 given to all parties within 20 days after the moving party receives
5 notice of the award.

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

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

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

14 (b) Because the arbitrator has not made a final and definite
15 award upon a claim submitted by the parties to the arbitration
16 proceeding.

17 (c) To clarify the award.

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

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

25 (2) An arbitrator may award reasonable attorney fees and other
26 reasonable expenses of arbitration if such an award is authorized
27 by law in a civil action involving the same claim or by the

1 agreement of the parties to the arbitration proceeding.

2 (3) As to all remedies other than those authorized by
3 subsections (1) and (2), an arbitrator may order remedies that the
4 arbitrator considers just and appropriate under the circumstances
5 of the arbitration proceeding. The fact that such a remedy could
6 not or would not be granted by the court is not a ground for
7 refusing to confirm an award under section 22 or for vacating an
8 award under section 23.

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

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

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

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

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

26 (b) There was any of the following:

27 (i) Evident partiality by an arbitrator appointed as a neutral

1 arbitrator.

2 (ii) Corruption by an arbitrator.

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

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

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

11 (e) There was no agreement to arbitrate, unless the person
12 participated in the arbitration proceeding without raising the
13 objection under section 15(3) not later than the beginning of the
14 arbitration hearing.

15 (f) The arbitration was conducted without proper notice of the
16 initiation of an arbitration as required in section 9 so as to
17 prejudice substantially the rights of a party to the arbitration
18 proceeding.

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

27 (3) If the court vacates an award on a ground other than that

1 set forth in subsection (1)(e), it may order a rehearing. If the
2 award is vacated on a ground stated in subsection (1)(a) or (b),
3 the rehearing shall be before a new arbitrator. If the award is
4 vacated on a ground stated in subsection (1)(c), (d), or (f), the
5 rehearing may be before the arbitrator who made the award or the
6 arbitrator's successor. The arbitrator shall render the decision in
7 the rehearing within the same time as that provided in section
8 19(2) for an award.

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

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

17 (a) There was an evident mathematical miscalculation or an
18 evident mistake in the description of a person, thing, or property
19 referred to in the award.

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

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

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

1 court shall confirm the award.

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

4 Sec. 25. (1) On granting an order confirming, vacating without
5 directing a rehearing, modifying, or correcting an award, the court
6 shall enter a judgment that conforms with the order. The judgment
7 may be recorded, docketed, and enforced as any other judgment in a
8 civil action.

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

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

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

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

23 Sec. 27. A motion under section 5 shall be made in the court
24 of the county in which the agreement to arbitrate specifies the
25 arbitration hearing is to be held or, if the hearing has been held,
26 in the court of the county in which it was held. Otherwise, the
27 motion may be made in the court of any county in which an adverse

1 party resides or has a place of business or, if no adverse party
2 has a residence or place of business in this state, in the court of
3 any county in this state. All subsequent motions shall be made in
4 the court that heard the initial motion unless the court otherwise
5 directs.

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

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

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

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

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

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

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

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

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

19 Sec. 30. The provisions of this act that govern the legal
20 effect, validity, and enforceability of electronic records or
21 electronic signatures, and of contracts performed with the use of
22 such records or signatures conform to the requirements of section
23 102 of the electronic signatures in global and national commerce
24 act, 15 USC 7002.

25 Sec. 31. This act takes effect on July 1, 2012.

26 Sec. 33. This act does not affect an action or proceeding
27 commenced or right accrued before this act takes effect. Subject to

1 section 3 of this act, an arbitration agreement that would be
2 governed by this act that is made before the effective date of this
3 act is governed by chapter 50 of the revised judicature act of
4 1961, 1961 PA 236, MCL 600.5001 to 600.5035.

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

8 (a) Senate Bill No. 901.

9 (b) Senate Bill No. 902.