

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1625 Session of
2007

INTRODUCED BY GRELL, CAPPELLI, GINGRICH, JOSEPHS, M. KELLER,
MOUL, RAPP, SONNEY AND YOUNGBLOOD, JUNE 25, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 25, 2007

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. Sections 7302, 7303, 7304, 7305, 7306, 7307,
7 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317,
8 7318, 7319 and 7320 of Title 42 of the Pennsylvania Consolidated
9 Statutes are repealed:

10 [§ 7302. Scope of subchapter.

11 (a) General rule.--An agreement to arbitrate a controversy
12 on a nonjudicial basis shall be conclusively presumed to be an
13 agreement to arbitrate pursuant to Subchapter B (relating to
14 common law arbitration) unless the agreement to arbitrate is in
15 writing and expressly provides for arbitration pursuant to this
16 subchapter or any other similar statute, in which case the
17 arbitration shall be governed by this subchapter.

18 (b) Collective bargaining agreements.--This subchapter shall

1 apply to a collective bargaining agreement to arbitrate
2 controversies between employers and employees or their
3 respective representatives only where the arbitration pursuant
4 to this subchapter is consistent with any statute regulating
5 labor and management relations.

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

14 (d) Special application.--

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

16 (i) The Commonwealth government submits a
17 controversy to arbitration.

18 (ii) A political subdivision submits a controversy
19 with an employee or a representative of employees to
20 arbitration.

21 (iii) Any person has been required by law to submit
22 or to agree to submit a controversy to arbitration
23 pursuant to this subchapter.

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

1 § 7303. Validity of agreement to arbitrate.

2 A written agreement to subject any existing controversy to
3 arbitration or a provision in a written agreement to submit to
4 arbitration any controversy thereafter arising between the
5 parties is valid, enforceable and irrevocable, save upon such
6 grounds as exist at law or in equity relating to the validity,
7 enforceability or revocation of any contract.

8 § 7304. Court proceedings to compel or stay arbitration.

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

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

28 (c) Venue.--If a controversy alleged to be or not to be
29 referable to arbitration under the agreement is also involved in
30 an action or proceeding pending in a court having jurisdiction

1 to hear applications to compel or stay arbitration, the
2 application shall be made to that court. Otherwise, subject to
3 section 7319 (relating to venue of court proceedings), the
4 application may be made in any court of competent jurisdiction.

5 (d) Stay of judicial proceedings.--An action or proceeding,
6 allegedly involving an issue subject to arbitration, shall be
7 stayed if a court order to proceed with arbitration has been
8 made or an application for such an order has been made under
9 this section. If the issue allegedly subject to arbitration is
10 severable, the stay of the court action or proceeding may be
11 made with respect to the severable issue only. If the
12 application for an order to proceed with arbitration is made in
13 such action or proceeding and is granted, the court order to
14 proceed with arbitration shall include a stay of the action or
15 proceeding.

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

22 § 7305. Appointment of arbitrators by court.

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

1 specifically named in the agreement.

2 § 7306. Action by arbitrators.

3 The powers of the arbitrators shall be exercised by a
4 majority unless otherwise prescribed by the agreement or
5 provided by this subchapter.

6 § 7307. Hearing before arbitrators.

7 (a) General rule.--Unless otherwise prescribed by the
8 agreement:

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

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

20 (3) The arbitrators may hear and determine the
21 controversy upon the evidence produced at the arbitration
22 hearing notwithstanding the failure of a duly notified party
23 to appear. On application by a party the court may direct the
24 arbitrators to proceed promptly with the hearing and
25 determination of the controversy.

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

29 (5) The hearing shall be conducted by all the
30 arbitrators but a majority may determine any issue and render

1 a final award. If, during the course of the hearing, an
2 arbitrator for any reason ceases to act, the remaining
3 arbitrator or arbitrators appointed to act as neutrals may
4 continue with the hearing and determine the controversy.

5 (b) Record.--On request of a party who shall pay the fees
6 therefor all testimony shall be taken stenographically and a
7 transcript thereof made a part of the record.

8 § 7308. Representation by attorney.

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

12 § 7309. Witnesses, subpoenas, oaths and depositions.

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

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

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

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

1 § 7310. Award of arbitrators.

2 (a) General rule.--The award of the arbitrators shall be in
3 writing and signed by the arbitrators joining in the award. The
4 arbitrators shall deliver a copy of the award to each party
5 personally or by registered or certified mail, or as prescribed
6 in the agreement to arbitrate.

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

15 § 7311. Change of award by arbitrators.

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

26 (b) Time limitation.--An application to the arbitrators
27 under subsection (a) shall be made within ten days after
28 delivery of the award to the applicant. Written notice of
29 presentation of the application shall be given forthwith by the
30 applicant to all other parties stating that they must serve

1 objections thereto within ten days from the date of the notice.
2 The award as modified or corrected is subject to the provisions
3 of sections 7313, 7314 and 7315.

4 § 7312. Fees and expenses of arbitration.

5 Unless otherwise prescribed in the agreement to arbitrate,
6 the expenses and fees of the arbitrators and other expenses (but
7 not including counsel fees) incurred in the conduct of the
8 arbitration shall be paid as prescribed in the award.

9 § 7313. Confirmation of award by court.

10 On application of a party, the court shall confirm an award,
11 unless within the time limits imposed by this subchapter,
12 grounds are urged for vacating or modifying or correcting the
13 award, in which case the court shall proceed as provided in
14 section 7314 (relating to vacating award by court) or section
15 7315 (relating to modification or correction of award by court).

16 § 7314. Vacating award by court.

17 (a) General rule.--

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

20 (i) the court would vacate the award under section
21 7341 (relating to common law arbitration) if this
22 subchapter were not applicable;

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

26 (iii) the arbitrators exceeded their powers;

27 (iv) the arbitrators refused to postpone the hearing
28 upon good cause being shown therefor or refused to hear
29 evidence material to the controversy or otherwise so
30 conducted the hearing, contrary to the provisions of

1 section 7307 (relating to hearing before arbitrators), as
2 to prejudice substantially the rights of a party; or

3 (v) there was no agreement to arbitrate and the
4 issue of the existence of an agreement to arbitrate was
5 not adversely determined in proceedings under section
6 7304 (relating to court proceedings to compel or stay
7 arbitration) and the applicant-party raised the issue of
8 the existence of an agreement to arbitrate at the
9 hearing.

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

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

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

1 the agreement requires the original award to be made is
2 applicable to the rehearing and commences from the date of the
3 court order directing a rehearing.

4 (d) Confirmation of award.--If an application to vacate the
5 award is denied and no application to modify or correct the
6 award is pending, the court shall confirm the award.

7 § 7315. Modification or correction of award by court.

8 (a) General rule.--On application to the court made within
9 30 days after delivery of a copy of the award to the applicant,
10 the court shall modify or correct the award where:

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

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

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

19 (b) Confirmation of award.--If an application to modify or
20 correct the award is granted, the court shall modify and correct
21 the award so as to effect its intent and shall confirm the award
22 as so modified and corrected. Otherwise, the court shall confirm
23 the award as made by the arbitrators.

24 (c) Alternative applications.--An application to modify or
25 correct an award may be joined in the alternative with an
26 application to vacate the award.

27 § 7316. Judgment or decree on award.

28 Upon the granting of an order of court confirming, modifying
29 or correcting an award, a judgment or decree shall be entered in
30 conformity with the order. The judgment or decree may be

1 enforced as any other judgment or decree. Subject to general
2 rules, costs of any application to the court and of the
3 proceedings subsequent thereto, and disbursements may be imposed
4 by the court.

5 § 7317. Form and service of applications to court.

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

14 § 7318. Court and jurisdiction.

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

18 "Court." As used in this subchapter means any court of
19 competent jurisdiction of this Commonwealth.

20 "Jurisdiction." The making of an agreement described in
21 section 7303 (relating to validity of agreement to arbitrate)
22 providing for arbitration in this Commonwealth confers
23 jurisdiction on the courts of this Commonwealth to enforce the
24 agreement under this subchapter and to enter judgment on an
25 award made thereunder.

26 § 7319. Venue of court proceedings.

27 Except as otherwise prescribed by general rules:

28 (1) An initial application to a court under this
29 subchapter shall be made to the court of the county in which
30 the agreement prescribes that the arbitration hearing shall

1 be held or, if the hearing has been held, in the county in
2 which the hearing was held.

3 (2) If an application to a court cannot be made under
4 paragraph (1) the application shall be made to the court in
5 the county where the adverse party resides or has a place of
6 business or, if he has no residence or place of business in
7 this Commonwealth, to the court of any county.

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

11 § 7320. Appeals from court orders.

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

13 (1) A court order denying an application to compel
14 arbitration made under section 7304 (relating to proceedings
15 to compel or stay arbitration).

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

18 (3) A court order confirming or denying confirmation of
19 an award.

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

21 (5) A court order vacating an award without directing a
22 rehearing.

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

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

28 Section 2. Title 42 is amended by adding sections to read:

29 § 7301.1. Definitions.

30 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

7 "Arbitrator." An individual appointed to render an award,
8 alone or with others, in a controversy that is subject to an
9 agreement to arbitrate.

10 "Court." A court of competent jurisdiction in this
11 Commonwealth.

12 "Knowledge." Actual knowledge.

13 "Person." Any individual, corporation, business trust,
14 estate, trust, partnership, limited liability company,
15 association, joint venture; a government; a governmental
16 subdivision, agency or instrumentality; a public corporation; or
17 any other legal or commercial entity.

18 "Record." Information that is inscribed on a tangible medium
19 or that is stored in an electronic or other medium and is
20 retrievable in perceivable form.

21 § 7302. Notice.

22 (a) Giving notice.--Except as otherwise provided in this
23 subchapter, a person gives notice to another person by taking
24 action that is reasonably necessary to inform the other person
25 in ordinary course, whether or not the other person acquires
26 knowledge of the notice.

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

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

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

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

5 § 7303. When subchapter applies.

6 (a) Subsequent agreements.--This subchapter governs an
7 agreement to arbitrate made on or after the effective date of
8 this subchapter unless the parties have expressly provided in
9 writing to the contrary.

10 (b) Prior agreements.--Except as set forth in subsection
11 (c), this subchapter governs an agreement to arbitrate made
12 before the effective date of this subchapter if all the parties
13 to the agreement or to the arbitration proceeding so agree in a
14 record.

15 (c) Absolute date.--On or after January 1, 2009, this
16 subchapter governs an agreement to arbitrate whenever made
17 unless the parties have expressly provided in writing to the
18 contrary.

19 § 7304. Effect of agreement to arbitrate; nonwaivable
20 provisions.

21 (a) Waiver or variance.--Except as otherwise provided in
22 subsections (b) and (c), a party to an agreement to arbitrate or
23 to an arbitration proceeding may waive, or the parties may vary
24 the effect of, the requirements of this subchapter to the extent
25 permitted by law.

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

29 (1) Waive or agree to vary the effect of the
30 requirements of section 7305(a) (relating to application for

1 judicial relief), 7306(a) (relating to validity of agreement
2 to arbitrate), 7308 (relating to provisional remedies),
3 7317(a) or (b) (relating to witnesses; subpoenas;
4 depositions; discovery), 7326 (relating to jurisdiction) or
5 7328 (relating to appeals).

6 (2) Agree to unreasonably restrict the right under
7 section 7309 (relating to initiation of arbitration) to
8 notice of the initiation of an arbitration proceeding.

9 (3) Agree to unreasonably restrict the right under
10 section 7312 (relating to disclosure by arbitrator) to
11 disclosure of any facts by a neutral arbitrator.

12 (4) Waive the right under section 7316 (relating to
13 representation by lawyer) of a party to an agreement to
14 arbitrate to be represented by a lawyer at any proceeding or
15 hearing under this subchapter, but an employer and a labor
16 organization may waive the right to representation by a
17 lawyer in a labor arbitration.

18 (c) Absolute prohibition.--A party to an agreement to
19 arbitrate or an arbitration proceeding may not waive, or the
20 parties may not vary the effect of, the requirements of this
21 section or section 7303(a) or (c) (relating to when subchapter
22 applies), 7307 (relating to motion to compel or stay
23 arbitration), 7314 (relating to immunity of arbitrator;
24 competency to testify; attorney fees and costs), 7318 (relating
25 to judicial enforcement of preaward ruling by arbitrator),
26 7320(d) or (e) (relating to change of award by arbitrator), 7322
27 (relating to confirmation of award), 7323 (relating to vacating
28 award), 7324 (relating to modification or correction of award),
29 7325(a) or (b) (relating to judgment on award; attorney fees and
30 litigation expenses), 7329 (relating to uniformity of

1 application and construction) or 7330 (relating to relationship
2 to Electronic Signatures in Global and National Commerce Act).
3 § 7305. Application for judicial relief.

4 (a) Procedure.--Except as otherwise provided in section 7328
5 (relating to appeals), an application for judicial relief under
6 this subchapter must be made by motion to the court and heard in
7 the manner provided by law or rule of court for making and
8 hearing motions.

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

16 § 7306. Validity of agreement to arbitrate.

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

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

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

29 (d) Challenge to arbitration.--If a party to a judicial
30 proceeding challenges the existence of, or claims that a

controversy is not subject to, an agreement to arbitrate, the arbitration proceeding may continue pending final resolution of the issue by the court, unless the court otherwise orders.

§ 7307. Motion to compel or stay arbitration.

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

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

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

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

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

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

(e) Appropriate court.--If a proceeding involving a claim referable to arbitration under an alleged agreement to arbitrate is pending in court, a motion under this section must be made in that court. Otherwise a motion under this section may be made in

1 any court as provided in section 7327 (relating to venue).

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

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

12 § 7308. Provisional remedies.

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

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

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

29 (2) a party to an arbitration proceeding may move the
30 court for a provisional remedy only if the matter is urgent

1 and the arbitrator is not able to act timely or the
2 arbitrator cannot provide an adequate remedy.

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

5 § 7309. Initiation of arbitration.

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

13 (b) Lack of notice.--Unless a person objects for lack or
14 insufficiency of notice under section 7315(c) (relating to
15 arbitration process) not later than at the beginning of the
16 arbitration hearing, the person by appearing at the hearing
17 waives any objection to lack of or insufficiency of notice.

18 § 7310. Consolidation of separate arbitration proceedings.

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

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

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

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

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

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

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

14 § 7311. Appointment of arbitrator; service as a neutral
15 arbitrator.

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

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

1 § 7312. Disclosure by arbitrator.

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

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

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

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

21 (c) Objection.--If an arbitrator discloses a fact required
22 by subsection (a) or (b) to be disclosed and a party timely
23 objects to the appointment or continued service of the
24 arbitrator based upon the fact disclosed, the objection may be a
25 ground under section 7323(a)(2) (relating to vacating award) for
26 vacating an award made by the arbitrator.

27 (d) Nondisclosure.--If the arbitrator does not disclose a
28 fact as required by subsection (a) or (b), upon timely objection
29 by a party, the court under section 7323(a)(2) may vacate an
30 award.

1 (e) Presumption of neutrality.--An arbitrator appointed as a
2 neutral arbitrator who does not disclose a known, direct and
3 material interest in the outcome of the arbitration proceeding
4 or a known, existing and substantial relationship with a party
5 is presumed to act with evident partiality under section
6 7323(a)(2).

7 (f) Procedure to challenge arbitrator.--If the parties to an
8 arbitration proceeding agree to the procedures of an arbitration
9 organization or any other procedures for challenges to
10 arbitrators before an award is made, substantial compliance with
11 those procedures is a condition precedent to a motion to vacate
12 an award on that ground under section 7323(a)(2).

13 § 7313. Action by majority.

14 If there is more than one arbitrator, the powers of an
15 arbitrator must be exercised by a majority of the arbitrators;
16 but all of them shall conduct the hearing under section 7315(c)
17 (relating to arbitration process).

18 § 7314. Immunity of arbitrator; competency to testify; attorney
19 fees and costs.

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

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

26 (c) Failure to disclose.--The failure of an arbitrator to
27 make a disclosure required by section 7312 (relating to
28 disclosure by arbitrator) does not cause any loss of immunity
29 under this section.

30 (d) Competence to testify.--In a judicial, administrative or

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

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

11 (2) to a hearing on a motion to vacate an award under
12 section 7323(a)(1) or (2) (relating to vacating award) if the
13 movant establishes prima facie that a ground for vacating the
14 award exists.

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

28 § 7315. Arbitration process.

29 (a) Discretion of arbitrator.--An arbitrator may conduct an
30 arbitration in such manner as the arbitrator considers

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

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

9 (1) if all interested parties agree; or

10 (2) upon request of one party to the arbitration
11 proceeding if that party gives notice to all other parties to
12 the proceeding and if the other parties have a reasonable
13 opportunity to respond.

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

17 Unless a party to the arbitration proceeding makes an objection
18 to lack or insufficiency of notice not later than the beginning
19 of the hearing, the party's appearance at the hearing waives the
20 objection. Upon request of a party to the arbitration proceeding
21 and for good cause shown, or upon the arbitrator's own
22 initiative, the arbitrator may adjourn the hearing as necessary
23 but may not postpone the hearing to a time later than that fixed
24 by the agreement to arbitrate for making the award unless the
25 parties to the arbitration proceeding consent to a later date.

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

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

5 (e) Replacement.--If an arbitrator ceases or is unable to
6 act during the arbitration proceeding, a replacement arbitrator
7 must be appointed in accordance with section 7311 (relating to
8 appointment of arbitrator; service as a neutral arbitrator) to
9 continue the proceeding and to resolve the controversy.

10 § 7316. Representation by lawyer.

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

13 § 7317. Witnesses; subpoenas; depositions; discovery.

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

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

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

1 proceeding and other affected persons and the desirability of
2 making the proceeding fair, expeditious and cost effective.

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

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

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

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

a civil action in this Commonwealth and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, may be enforced in the manner provided by law for enforcement of subpoenas in a civil action in this Commonwealth.

§ 7318. Judicial enforcement of preaward ruling by arbitrator.

If an arbitrator makes a preaward ruling in favor of a party to the arbitration proceeding, the party may request the arbitrator to incorporate the ruling into an award under section 7319 (relating to award). A prevailing party may make a motion to the court for an expedited order to confirm the award under section 7322 (relating to confirmation of award), in which case the court shall summarily decide the motion. The court shall issue an order to confirm the award unless the court vacates, modifies or corrects the award under section 7323 (relating to vacating award) or 7324 (relating to modification or correction of award).

§ 7319. Award.

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

(b) Time.--An award must be made within the time specified by the agreement to arbitrate or, if not specified in the agreement, within the time ordered by the court. The court may extend or the parties to the arbitration proceeding may agree in a record to extend the time. The court or the parties may do so within or after the time specified or ordered. A party waives any 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 § 7320. 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 7324(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 any 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 7322 (relating to confirmation of award),
21 7323 (relating to vacating award) or 7324, the court may submit
22 the claim to the arbitrator to consider whether to modify or
23 correct the award:

24 (1) upon a ground stated in section 7324(a)(1) or (3);

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

28 (3) to clarify the award.

29 (e) Other provisions applicable.--An award modified or
30 corrected pursuant to this section is subject to sections

1 7319(a) (relating to award), 7322, 7323 and 7324.

2 § 7321. Remedies; fees and expenses of arbitration proceeding.

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

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

13 (c) Additional remedies.--As to all remedies other than
14 those authorized by subsections (a) and (b), an arbitrator may
15 order remedies as the arbitrator considers just and appropriate
16 under the circumstances of the arbitration proceeding. The fact
17 that a remedy could not or would not be granted by the court is
18 not a ground for refusing to confirm an award under section 7322
19 (relating to confirmation of award) or for vacating an award
20 under section 7323 (relating to vacating award).

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

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

30 § 7322. Confirmation of award.

1 After a party to an arbitration proceeding receives notice of
2 an award, the party must make a motion to the court for an order
3 confirming the award, at which time the court shall issue a
4 confirming order unless the award is modified or corrected
5 pursuant to section 7320 (relating to change of award by
6 arbitrator) or 7324 (relating to modification or correction of
7 award) or is vacated pursuant to section 7323 (relating to
8 vacating award).
9 § 7323. Vacating award.

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

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

15 (2) there was:

16 (i) evident partiality by an arbitrator appointed as
17 a neutral arbitrator;

18 (ii) corruption by an arbitrator; or

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

21 (3) an arbitrator refused to postpone the hearing upon
22 showing of sufficient cause for postponement, refused to
23 consider evidence material to the controversy or otherwise
24 conducted the hearing contrary to section 7315 (relating to
25 arbitration process), so as to prejudice substantially the
26 rights of a party to the arbitration proceeding;

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

28 (5) there was no agreement to arbitrate, unless the
29 person participated in the arbitration proceeding without
30 raising the objection under section 7315(c) not later than

1 the beginning of the arbitration hearing; or

2 (6) the arbitration was conducted without proper notice
3 of the initiation of an arbitration as required in section
4 7309 (relating to initiation of arbitration) so as to
5 prejudice substantially the rights of a party to the
6 arbitration proceeding.

7 (b) Time.--A motion under this section must be filed within
8 30 days after the movant receives notice of the award pursuant
9 to section 7319 (relating to award) or within 30 days after the
10 movant receives notice of a modified or corrected award pursuant
11 to section 7320 (relating to change of award by arbitrator),
12 unless the movant alleges that the award was procured by
13 corruption, fraud or other undue means, in which case the motion
14 must be made within 30 days after the ground is known or by the
15 exercise of reasonable care would have been known by the movant.

16 (c) Rehearing.--If the court vacates an award on a ground
17 other than that set forth in subsection (a)(5), it may order a
18 rehearing. If the award is vacated on a ground stated in
19 subsection (a)(1) or (2), the rehearing shall be before a new
20 arbitrator. If the award is vacated on a ground stated in
21 subsection (a)(3), (4) or (6), the rehearing may be before the
22 arbitrator who made the award or the arbitrator's successor. The
23 arbitrator shall render the decision in the rehearing within the
24 same time as that provided in section 7319(b) for an award.

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

28 § 7324. Modification or correction of award.

29 (a) Grounds.--Upon motion made within 90 days after the
30 movant receives notice of the award pursuant to section 7319

1 (relating to award) or within 90 days after the movant receives
2 notice of a modified or corrected award pursuant to section 7320
3 (relating to change of award by arbitrator), the court shall
4 modify or correct the award if:

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

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

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

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

18 (c) Joinder.--A motion to modify or correct an award
19 pursuant to this section may be joined with a motion to vacate
20 the award under section 7323 (relating to vacating award).

21 § 7325. Judgment on award; attorney fees and litigation
22 expenses.

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

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

30 (c) Attorney fees and costs.--On application of a prevailing

1 party to a contested judicial proceeding under section 7322
2 (relating to confirmation of award), 7323 (relating to vacating
3 award) or 7324 (relating to modification or correction of
4 award), the court may add reasonable attorney fees and other
5 reasonable expenses of litigation incurred in a judicial
6 proceeding after the award is made to a judgment confirming,
7 vacating without directing a rehearing, modifying or correcting
8 an award.

9 § 7326. Jurisdiction.

10 (a) Enforcement.--A court having jurisdiction over the
11 controversy and the parties may enforce an agreement to
12 arbitrate.

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

17 § 7327. Venue.

18 A motion pursuant to section 7305 (relating to application
19 for judicial relief) must be made in the court of the county in
20 which the agreement to arbitrate specifies the arbitration
21 hearing is to be held or, if the hearing has been held, in the
22 court of the county in which it was held. Otherwise, the motion
23 may be made in the court of any county in which an adverse party
24 resides or has a place of business or, if no adverse party has a
25 residence or place of business in this Commonwealth, in the
26 court of any county in this Commonwealth. All subsequent motions
27 must be made in the court hearing the initial motion unless the
28 court otherwise directs.

29 § 7328. Appeals.

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

1 (1) an order denying a motion to compel arbitration;
2 (2) an order granting a motion to stay arbitration;
3 (3) an order confirming or denying confirmation of an
4 award;
5 (4) an order modifying or correcting an award;
6 (5) an order vacating an award without directing a
7 rehearing; or
8 (6) a final judgment entered pursuant to this
9 subchapter.

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

13 § 7329. Uniformity of application and construction.

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

17 § 7330. Relationship to Electronic Signatures in Global and
18 National Commerce Act.

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

25 Section 3. Section 7342 of Title 42 is amended to read:

26 § 7342. Procedure.

27 [(a) General rule.--The following provisions of Subchapter A
28 (relating to statutory arbitration) shall be applicable to
29 arbitration conducted pursuant to this subchapter:

30 Section 7303 (relating to validity of agreement to

1 arbitrate).

2 Section 7304 (relating to court proceedings to compel or
3 stay arbitration).

4 Section 7305 (relating to appointment of arbitrators by
5 court).

6 Section 7309 (relating to witnesses, subpoenas, oaths and
7 depositions).

8 Section 7317 (relating to form and service of
9 applications to court).

10 Section 7318 (relating to court and jurisdiction).

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

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

14 (b) Confirmation and judgment.--On application of a party
15 made more than 30 days after an award is made by an arbitrator
16 under section 7341 (relating to common law arbitration), the
17 court shall enter an order confirming the award and shall enter
18 a judgment or decree in conformity with the order. [Section
19 7302(d)(2) (relating to special application) shall not be
20 applicable to proceedings under this subchapter.]

21 Section 4. This act does not affect an action or proceeding
22 commenced or right accrued before the effective date of this
23 section. Subject to 42 Pa.C.S. § 7303, as added by section 2 of
24 this act, an arbitration agreement made before the effective
25 date of this section is governed by the former provisions of 42
26 Pa.C.S. §§ 7302 through 7320, as set forth in section 1 of this
27 act.

28 Section 5. This act shall take effect January 1, 2008.