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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 23 Session of  
2013

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

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 16, 2013

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AN ACT

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

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

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7 Pennsylvania Consolidated Statutes is repealed:

8 [SUBCHAPTER A

9 STATUTORY ARBITRATION

10 Sec.

11 7301. Short title of subchapter.

12 7302. Scope of subchapter.

13 7303. Validity of agreement to arbitrate.

14 7304. Court proceedings to compel or stay arbitration.

15 7305. Appointment of arbitrators by court.

16 7306. Action by arbitrators.

17 7307. Hearing before arbitrators.

18 7308. Representation by attorney.

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

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

16 § 7302. Scope of subchapter.

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

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

30 (c) Government contracts.--This subchapter shall apply to

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

8 (d) Special application.--

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

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

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

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

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

25 § 7303. Validity of agreement to arbitrate.

26 A written agreement to subject any existing controversy to  
27 arbitration or a provision in a written agreement to submit to  
28 arbitration any controversy thereafter arising between the  
29 parties is valid, enforceable and irrevocable, save upon such  
30 grounds as exist at law or in equity relating to the validity,

1 enforceability or revocation of any contract.

2 § 7304. Court proceedings to compel or stay arbitration.

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

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

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

29 (d) Stay of judicial proceedings.--An action or proceeding,  
30 allegedly involving an issue subject to arbitration, shall be

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

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

16 § 7305. Appointment of arbitrators by court.

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

26 § 7306. Action by arbitrators.

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

30 § 7307. Hearing before arbitrators.

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

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

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

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

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

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

29 (b) Record.--On request of a party who shall pay the fees  
30 therefor all testimony shall be taken stenographically and a

1 transcript thereof made a part of the record.

2 § 7308. Representation by attorney.

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

6 § 7309. Witnesses, subpoenas, oaths and depositions.

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

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

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

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

25 § 7310. Award of arbitrators.

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

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

9 § 7311. Change of award by arbitrators.

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

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

28 § 7312. Fees and expenses of arbitration.

29 Unless otherwise prescribed in the agreement to arbitrate,  
30 the expenses and fees of the arbitrators and other expenses (but



1 not including counsel fees) incurred in the conduct of the  
2 arbitration shall be paid as prescribed in the award.

3 § 7313. Confirmation of award by court.

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

10 § 7314. Vacating award by court.

11 (a) General rule.--

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

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

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

20 (iii) the arbitrators exceeded their powers;

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

27 (v) there was no agreement to arbitrate and the  
28 issue of the existence of an agreement to arbitrate was  
29 not adversely determined in proceedings under section  
30 7304 (relating to court proceedings to compel or stay

1 arbitration) and the applicant-party raised the issue of  
2 the existence of an agreement to arbitrate at the  
3 hearing.

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

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

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

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

1 § 7315. Modification or correction of award by court.

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

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

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

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

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

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

21 § 7316. Judgment or decree on award.

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

29 § 7317. Form and service of applications to court.

30 Except as otherwise prescribed by general rules, an

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

8 § 7318. Court and jurisdiction.

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

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

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

20 § 7319. Venue of court proceedings.

21 Except as otherwise prescribed by general rules:

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

27 (2) If an application to a court cannot be made under  
28 paragraph (1) the application shall be made to the court in  
29 the county where the adverse party resides or has a place of  
30 business or, if he has no residence or place of business in

1 this Commonwealth, to the court of any county.

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

5 § 7320. Appeals from court orders.

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

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

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

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

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

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

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

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

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

24 SUBCHAPTER A.1

25 STATUTORY ARBITRATION

26 Sec.

27 7321.1. Short title of subchapter.

28 7321.2. Definitions.

29 7321.3. Notice.

30 7321.4. When subchapter applies.

- 1 7321.5. Effect of agreement to arbitrate; nonwaivable
- 2 provisions.
- 3 7321.6. Application for judicial relief.
- 4 7321.7. Validity of agreement to arbitrate.
- 5 7321.8. Motion to compel or stay arbitration.
- 6 7321.9. Provisional remedies.
- 7 7321.10. Initiation of arbitration.
- 8 7321.11. Consolidation of separate arbitration proceedings.
- 9 7321.12. Appointment of arbitrator; service as a neutral
- 10 arbitrator.
- 11 7321.13. Disclosure by arbitrator.
- 12 7321.14. Action by majority.
- 13 7321.15. Immunity of arbitrator; competency to testify;
- 14 attorney fees and costs.
- 15 7321.16. Arbitration process.
- 16 7321.17. Representation by lawyer.
- 17 7321.18. Witnesses; subpoenas; depositions; discovery.
- 18 7321.19. Judicial enforcement of preaward ruling by arbitrator.
- 19 7321.20. Award.
- 20 7321.21. Change of award by arbitrator.
- 21 7321.22. Remedies; fees and expenses of arbitration proceeding.
- 22 7321.23. Confirmation of award.
- 23 7321.24. Vacating award.
- 24 7321.25. Modification or correction of award.
- 25 7321.26. Judgment on award; attorney fees and litigation
- 26 expenses.
- 27 7321.27. Jurisdiction.
- 28 7321.28. Venue.
- 29 7321.29. Appeals.
- 30 7321.30. Uniformity of application and construction.

1 7321.31. Relationship to Electronic Signatures in Global and  
2 National Commerce Act.

3 § 7321.1. Short title of subchapter.

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

6 § 7321.2. Definitions.

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

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

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

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

19 "Knowledge." Actual knowledge.

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

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

28 § 7321.3. Notice.

29 (a) Giving notice.--Except as otherwise provided in this  
30 subchapter, a person gives notice to another person by taking

1 action that is reasonably necessary to inform the other person  
2 in ordinary course, whether or not the other person acquires  
3 knowledge of the notice.

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

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

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

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

12 § 7321.4. When subchapter applies.

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

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

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

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



1 other statute regulating labor and management relations.

2 § 7321.5. Effect of agreement to arbitrate; nonwaivable  
3 provisions.

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

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

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

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

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

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

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

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

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

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

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

30 (4) Waive the right under section 7321.17 (relating to

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

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

10 (1) This section.

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

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

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

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

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

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

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

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

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

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

29 (12) Section 7321.31 (relating to relationship to  
30 Electronic Signatures in Global and National Commerce Act).

1 § 7321.6. Application for judicial relief.

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

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

14 § 7321.7. Validity of agreement to arbitrate.

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

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

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

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

1 the issue by the court, unless the court otherwise orders.

2 § 7321.8. Motion to compel or stay arbitration.

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

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

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

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

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

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

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

30 (f) Stay of claims alleged subject to arbitration.--If a

1 party makes a motion to the court to order arbitration, the  
2 court on just terms shall stay a judicial proceeding that  
3 involves a claim alleged to be subject to the arbitration until  
4 the court renders a final decision under this section.

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

10 § 7321.9. Provisional remedies.

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

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

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

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

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

3 § 7321.10. Initiation of arbitration.

4 (a) Notice.--A person initiates an arbitration proceeding by  
5 giving notice in a record to the other parties to the agreement  
6 to 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  
9 the commencement of a civil action. The notice must describe the  
10 nature of the controversy and the remedy sought.

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

16 § 7321.11. Consolidation of separate arbitration proceedings.

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

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

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

29 (3) the existence of a common issue of law or fact  
30 creates the possibility of conflicting decisions in the

1 separate arbitration proceedings; and

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

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

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

12 § 7321.12. Appointment of arbitrator; service as a neutral  
13 arbitrator.

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

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

29 § 7321.13. Disclosure by arbitrator.

30 (a) Preappointment.--Before accepting appointment, an

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

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

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

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

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

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

29 (e) Presumption of neutrality.--An arbitrator appointed as a  
30 neutral arbitrator who does not disclose a known, direct and



1 material interest in the outcome of the arbitration proceeding  
2 or a known, existing and substantial relationship with a party  
3 is presumed to act with evident partiality under section  
4 7321.24(a)(2).

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

11 § 7321.14. Action by majority.

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

16 § 7321.15. Immunity of arbitrator; competency to testify;  
17 attorney fees and costs.

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

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

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

28 (d) Competence to testify.--In a judicial, administrative or  
29 similar proceeding, an arbitrator or representative of an  
30 arbitration organization is not competent to testify and may not

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

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

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

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

26 § 7321.16. Arbitration process.

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

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

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

7 (1) if all interested parties agree; or

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

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

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

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

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

29 (d) Procedure.--At a hearing under subsection (c), a party  
30 to the arbitration proceeding has a right to be heard, to

1 present evidence material to the controversy and to cross-  
2 examine witnesses appearing at the hearing.

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

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

11 § 7321.18. Witnesses; subpoenas; depositions; discovery.

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

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

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

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

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

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

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

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

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

16 § 7321.20. Award.

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

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

1 notice of the award.

2 § 7321.21. Change of award by arbitrator.

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

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

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

11 (3) to clarify the award.

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

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

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

23 (1) upon a ground stated in section 7321.25(a)(1) or  
24 (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 7321.20(a) (relating to award), 7321.23, 7321.24 and 7321.25.

2 § 7321.22. Remedies; fees and expenses of arbitration  
3 proceeding.

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

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

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

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

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



1 § 7321.23. Confirmation of award.

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

10 § 7321.24. Vacating award.

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

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

16 (2) there was:

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

19 (ii) corruption by an arbitrator; or

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

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

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

29 (5) there was no agreement to arbitrate, unless the  
30 person participated in the arbitration proceeding without

1 raising the objection under section 7321.16(c) not later than  
2 the beginning of the arbitration hearing; or

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

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

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

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

30 § 7321.25. Modification or correction of award.

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

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

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

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

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

20 (c) Joinder.--A motion to modify or correct an award  
21 pursuant to this section may be joined with a motion to vacate  
22 the award under section 7321.24 (relating to vacating award).  
23 § 7321.26. Judgment on award; attorney fees and litigation  
24 expenses.

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

30 (b) Court costs.--A court may allow reasonable costs of the

1 motion and subsequent judicial proceedings.

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

11 § 7321.27. Jurisdiction.

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

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

19 § 7321.28. Venue.

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

1 § 7321.29. Appeals.

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

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

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

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

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

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

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

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

15 § 7321.30. Uniformity of application and construction.

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

19 § 7321.31. Relationship to Electronic Signatures in Global and  
20 National Commerce Act.

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

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

29 § 7341. Common law arbitration.

30 The award of an arbitrator in a nonjudicial arbitration which

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

8 § 7342. Procedure.

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

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

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

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

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

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

22 Section 7318 (relating to court and jurisdiction).

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

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

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

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

29 Section 7321.8 (relating to motion to compel or stay  
30 arbitration).

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

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

5 Section 7321.27 (relating to jurisdiction).

6 Section 7321.28 (relating to venue).

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

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

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

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

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