

**78B-11-105 Effect of agreement to arbitrate -- Nonwaivable provisions.**

- (1) Except as otherwise provided in Subsections (2) and (3), a party to an agreement to arbitrate or to an arbitration proceeding may waive or, the parties may vary the effect of, the requirements of this chapter to the extent permitted by law.
- (2) Before a controversy arises that is subject to an agreement to arbitrate, a party to the agreement may not:
  - (a) waive or agree to vary the effect of the requirements of Subsection 78B-11-106(1), 78B-11-107(1), 78B-11-118(1) or (2), or Section 78B-11-109, 78B-11-127, or 78B-11-129;
  - (b) agree to unreasonably restrict the right under Section 78B-11-110 to notice of the initiation of an arbitration proceeding;
  - (c) agree to unreasonably restrict the right under Section 78B-11-113 to disclosure of any facts by a neutral arbitrator; or
  - (d) waive the right under Section 78B-11-117 of a party to an agreement to arbitrate to be represented by a lawyer at any proceeding or hearing under this chapter, but an employer and a labor organization may waive the right to representation by a lawyer in a labor arbitration.
- (3) A party to an agreement to arbitrate or arbitration proceeding may not waive, or the parties may not vary the effect of, the requirements of this section or Sections 78B-11-108, 78B-11-115, 78B-11-119, 78B-11-123 through 78B-11-125, 78B-11-130, Subsection 78B-11-104(1), 78B-11-121(3) or (4), or 78B-11-126(1) or (2).

Renumbered and Amended by Chapter 3, 2008 General Session