

Representative LaVar Christensen proposes the following substitute bill:

AMENDMENTS TO UTAH ARBITRATION

STATUTE

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: LaVar Christensen

This act modifies the Utah Uniform Arbitration Act. This act makes technical cross-reference and date changes to conform with the original effective date. This act takes effect on May 15, 2004.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

78-31a-104 (Effective 05/15/03), as enacted by Chapter 326, Laws of Utah 2002

78-31a-105 (Effective 05/15/03), as enacted by Chapter 326, Laws of Utah 2002

78-31a-131 (Effective 05/15/03), as enacted by Chapter 326, Laws of Utah 2002

This act affects uncodified material as follows:

AMENDS:

Uncodified Section 34, Chapter 326, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78-31a-104 (Effective 05/15/03)** is amended to read:

78-31a-104 (Effective 05/15/03). Application.

(1) This chapter applies to any agreement to arbitrate made on or after May [6] 15,
[2002] 2004.

(2) This chapter applies to any agreement to arbitrate made before May [6] 15, [2002]
2004, if all the parties to the agreement or to the arbitration proceeding agree on the record.

Section 2. Section **78-31a-105 (Effective 05/15/03)** is amended to read:

78-31a-105 (Effective 05/15/03). Effect of agreement to arbitrate -- Nonwaivable



26 **provisions.**

27 (1) Except as otherwise provided in Subsections (2) and (3), a party to an agreement to
28 arbitrate or to an arbitration proceeding may waive or, the parties may vary the effect of, the
29 requirements of this chapter to the extent permitted by law.

30 (2) Before a controversy arises that is subject to an agreement to arbitrate, a party to the
31 agreement may not:

32 (a) waive or agree to vary the effect of the requirements of Subsection 78-31a-106(1),
33 78-31a-107(1), 78-31a-118(1) or (2), or Section ~~[78-31a-109]~~ 78-31a-119, 78-31a-127, or
34 78-31a-129;

35 (b) agree to unreasonably restrict the right under Section 78-31a-110 to notice of the
36 initiation of an arbitration proceeding;

37 (c) agree to unreasonably restrict the right under Section 78-31a-113 to disclosure of
38 any facts by a neutral arbitrator; or

39 (d) waive the right under Section 78-31a-117 of a party to an agreement to arbitrate to
40 be represented by a lawyer at any proceeding or hearing under this chapter, but an employer
41 and a labor organization may waive the right to representation by a lawyer in a labor
42 arbitration.

43 (3) A party to an agreement to arbitrate or arbitration proceeding may not waive, or the
44 parties may not vary the effect of, the requirements of this section or Sections 78-31a-108,
45 78-31a-115, 78-31a-119, 78-31a-123 through 78-31a-125, 78-31a-130, Subsection
46 78-31a-104(1), 78-31a-121(3) or (4), or 78-31a-126(1) or (2).

47 Section 3. Section **78-31a-131 (Effective 05/15/03)** is amended to read:

48 **78-31a-131 (Effective 05/15/03). Effect of chapter on prior agreements or**
49 **proceedings.**

50 This act does not affect an action or proceeding commenced or right accrued before this
51 chapter takes effect. Subject to Section 78-31a-104 of this chapter, an arbitration agreement
52 made before May [6] 15, [2002] 2004 shall be governed by the arbitration act in force on the
53 date the agreement was signed.

54 Section 4. **Uncodified Section 34, Chapter 326, Laws of Utah 2002** is amended to
55 read:

56 Section 34. **Effective date.**

57 This act takes effect on May 15, [~~2003~~] 2004.
58 Section 5. **Effective date.**
59 This act takes effect on May 15, 2004.