

HOUSE No. 27

The Commonwealth of Massachusetts

The Honorable Steven James
Clerk of the House of Representatives
State House, Room 145
Boston, Massachusetts 02133

January 3, 2011

Dear Mr. James:

[Recommendation Header Text]

1.) AN ACT REVISING THE UNIFORM ARBITRATION ACT FOR
COMMERCIAL DISPUTES

[Recommendation Narrative Text]

Sincerely,

[Filer Name]
[Filer Title]

HOUSE No. 27

So much of the recommendations of the Commission on Uniform State Laws (House, No. 22) as relates to revising the Uniform Arbitration Act for commercial disputes (accompanied by bill, House, No. 27). The Judiciary.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
—————

An Act revising the Uniform Arbitration Act for commercial disputes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 251 of the General Laws is hereby amended by striking the existing
2 text and substituting the following:—

3 CHAPTER 251

4 UNIFORM ARBITRATION ACT

5 Section 1. In this chapter:

6 (1) “Arbitration organization” means an association, agency, board, commission,
7 or other entity that is neutral and initiates, sponsors, or administers an arbitration proceeding or is
8 involved in the appointment of an arbitrator.

9 (2) “Arbitrator” means an individual appointed to render an award, alone or with
10 others, in a controversy that is subject to an agreement to arbitrate.

11 (3) “Court” means a court of competent jurisdiction in this Commonwealth.

12 (4) “Knowledge” means actual knowledge.

13 (5) “Person” means an individual, corporation, business trust, estate, trust,
14 partnership, limited liability company, association, joint venture, government; governmental
15 subdivision, agency, or instrumentality; public corporation; or any other legal or commercial
16 entity.

17 (6) “Record” means information that is inscribed on a tangible medium or that is
18 stored in an electronic or other medium and is retrievable in perceivable form.

19 Section 2. (a) Except as otherwise provided in this chapter, a person gives notice
20 to another person by taking action that is reasonably necessary to inform the other person in
21 ordinary course, whether or not the other person acquires knowledge of the notice.

22 (b) A person has notice if the person has knowledge of the notice or has received
23 notice.

24 (c) A person receives notice when it comes to the person’s attention or the notice
25 is delivered at the person’s place of residence or place of business, or at another location held out
26 by the person as a place of delivery of such communications.

27 Section 3. (a) This chapter governs an agreement to arbitrate made on or after
28 the effective date of this chapter.

29 (b) This chapter governs an agreement to arbitrate made before the effective date
30 of this chapter if all the parties to the agreement or to the arbitration proceeding so agree in a
31 record.

32 (c) On or after the effective date of this chapter, this chapter governs an
33 agreement to arbitrate whenever made.

34 Section 4. (a) Except as otherwise provided in subsections (b) and (c), a party to an
35 agreement to arbitrate or to an arbitration proceeding may waive or, the parties may vary the
36 effect of, the requirements of this chapter to the extent permitted by law.

37 (b) Before a controversy arises that is subject to an agreement to arbitrate, a party
38 to the agreement may not:

39 (1) waive or agree to vary the effect of the requirements of section 5(a),
40 6(a), 8, 17(a), 17(b), 26, or 28;

41 (2) agree to unreasonably restrict the right under section 9 to notice of the
42 initiation of an arbitration proceeding;

43 (3) agree to unreasonably restrict the right under section 12 to disclosure
44 of any facts by a neutral arbitrator; or

45 (4) waive the right under section 16 of a party to an agreement to arbitrate
46 to be represented by a lawyer at any proceeding or hearing under this chapter, but an employer
47 and a labor organization may waive the right to representation by a lawyer in a labor arbitration.

48 (c) A party to an agreement to arbitrate or arbitration proceeding may not waive,
49 or the parties may not vary the effect of, the requirements of this section or section 3(a) or (c), 7,
50 14, 18, 20(d) or (e), 22, 23, 24, 25(a) or (b), 29, 30, 31, or 32.

51 Section 5. (a) Except as otherwise provided in section 28, an application for judicial
52 relief under this chapter must be made by motion to the court and heard in the manner provided
53 by law or rule of court for making and hearing motions.

54 (b) Unless a civil action involving the agreement to arbitrate is pending, notice of
55 an initial motion to the court under this chapter must be served in the manner provided by law for
56 the service of a summons in a civil action. Otherwise, notice of the motion must be given in the
57 manner provided by law or rule of court for serving motions in pending cases.

58 Section 6. (a) An agreement contained in a record to submit to arbitration any
59 existing or subsequent controversy arising between the parties to the agreement is valid,
60 enforceable, and irrevocable except upon a ground that exists at law or in equity for the
61 revocation of a contract.

62 (b) The court shall decide whether an agreement to arbitrate exists or a
63 controversy is subject to an agreement to arbitrate.

64 (c) An arbitrator shall decide whether a condition precedent to arbitrability has
65 been fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

66 (d) If a party to a judicial proceeding challenges the existence of, or claims that a
67 controversy is not subject to, an agreement to arbitrate, the arbitration proceeding may continue
68 pending final resolution of the issue by the court, unless the court otherwise orders.

69 Section 7. (a) On motion of a person showing an agreement to arbitrate and alleging
70 another person's refusal to arbitrate pursuant to the agreement:

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

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

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

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

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

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

87 (f) If a party makes a motion to the court to order arbitration, the court on just
88 terms shall stay any judicial proceeding that involves a claim alleged to be subject to the
89 arbitration until the court renders a final decision under this section.

90 (g) If the court orders arbitration, the court on just terms shall stay any judicial
91 proceeding that involves a claim subject to the arbitration. If a claim subject to the arbitration is
92 severable, the court may limit the stay to that claim.

93 Section 8. (a) Before an arbitrator is appointed and is authorized and able to chapter, the
94 court, upon motion of a party to an arbitration proceeding and for good cause shown, may enter
95 an order for provisional remedies to protect the effectiveness of the arbitration proceeding to the
96 same extent and under the same conditions as if the controversy were the subject of a civil
97 action.

98 (b) After an arbitrator is appointed and is authorized and able to act:

99 (1) the arbitrator may issue such orders for provisional remedies, including
100 interim awards, as the arbitrator finds necessary to protect the effectiveness of the arbitration
101 proceeding and to promote the fair and expeditious resolution of the controversy, to the same
102 extent and under the same conditions as if the controversy were the subject of a civil action and

103 (2) a party to an arbitration proceeding may move the court for a
104 provisional remedy only if the matter is urgent and the arbitrator is not able to chapter timely or
105 the arbitrator cannot provide an adequate remedy.

106 (c) A party does not waive a right of arbitration by making a motion under
107 subsection (a) or (b).

108 Section 9. (a) A person initiates an arbitration proceeding by giving notice in a
109 record to the other parties to the agreement to arbitrate in the agreed manner between the parties
110 or, in the absence of agreement, by certified or registered mail, return receipt requested and

111 obtained, or by service as authorized for the commencement of a civil action. The notice must
112 describe the nature of the controversy and the remedy sought.

113 (b) Unless a person objects for lack or insufficiency of notice under section 15(c)
114 not later than the beginning of the arbitration hearing, the person by appearing at the hearing
115 waives any objection to lack of or insufficiency of notice.

116 Section 10. (a) Except as otherwise provided in subsection (c), upon motion of a
117 party to an agreement to arbitrate or to an arbitration proceeding, the court may order
118 consolidation of separate arbitration proceedings as to all or some of the claims if:

119 (1) there are separate agreements to arbitrate or separate arbitration
120 proceedings between the same persons or one of them is a party to a separate agreement to
121 arbitrate or a separate arbitration proceeding with a third person;

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

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

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

128 (b) The court may order consolidation of separate arbitration proceedings as to
129 some claims and allow other claims to be resolved in separate arbitration proceedings.

130 (c) The court may not order consolidation of the claims of a party to an
131 agreement to arbitrate if the agreement prohibits consolidation.

132 Section 11. (a) If the parties to an agreement to arbitrate agree on a method for
133 appointing an arbitrator, that method must be followed, unless the method fails. If the parties
134 have not agreed on a method, the agreed method fails, or an arbitrator appointed fails or is unable
135 to chapter and a successor has not been appointed, the court, on motion of a party to the
136 arbitration proceeding, shall appoint the arbitrator. An arbitrator so appointed has all the powers
137 of an arbitrator designated in the agreement to arbitrate or appointed pursuant to the agreed
138 method.

139 (b) An individual who has a known, direct, and material interest in the outcome
140 of the arbitration proceeding or a known, existing, and substantial relationship with a party may
141 not serve as an arbitrator required by an agreement to be neutral.

142 Section 12. (a) Before accepting appointment, an individual who is requested to
143 serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the
144 agreement to arbitrate and arbitration proceeding and to any other arbitrators any known facts
145 that a reasonable person would consider likely to affect the impartiality of the arbitrator in the
146 arbitration proceeding, including:

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

149 (2) an existing or past relationship with any of the parties to the agreement
150 to arbitrate or the arbitration proceeding, their counsel or representatives, a witness, or another
151 arbitrators.

152 (b) An arbitrator has a continuing obligation to disclose to all parties to the
153 agreement to arbitrate and arbitration proceeding and to any other arbitrators any facts that the

154 arbitrator learns after accepting appointment which a reasonable person would consider likely to
155 affect the impartiality of the arbitrator.

156 (c) If an arbitrator discloses a fact required by subsection (a) or (b) to be
157 disclosed and a party timely objects to the appointment or continued service of the arbitrator
158 based upon the fact disclosed, the objection may be a ground under section 23(a)(2) for vacating
159 an award made by the arbitrator.

160 (d) If the arbitrator did not disclose a fact as required by subsection (a) or (b),
161 upon timely objection by a party, the court under section 23(a)(2) may vacate an award.

162 (e) An arbitrator appointed as a neutral arbitrator who does not disclose a known,
163 direct, and material interest in the outcome of the arbitration proceeding or a known, existing,
164 and substantial relationship with a party is presumed to chapter with evident partiality under
165 section 23(a)(2).

166 (f) If the parties to an arbitration proceeding agree to the procedures of an
167 arbitration organization or any other procedures for challenges to arbitrators before an award is
168 made, substantial compliance with those procedures is a condition precedent to a motion to
169 vacate an award on that ground under section 23(a)(2).

170 Section 13. If there is more than one arbitrator, the powers of an arbitrator must be
171 exercised by a majority of the arbitrators, but all of them shall conduct the hearing under section
172 15(c).

173 Section 14. (a) An arbitrator or an arbitration organization acting in that capacity
174 is immune from civil liability to the same extent as a judge of a court of this Commonwealth
175 acting in a judicial capacity.

176 (b) The immunity afforded by this section supplements any immunity under other
177 law.

178 (c) The failure of an arbitrator to make a disclosure required by section 12 does
179 not cause any loss of immunity under this section.

180 (d) In a judicial, administrative, or similar proceeding, an arbitrator or
181 representative of an arbitration organization is not competent to testify, and may not be required
182 to produce records as to any statement, conduct, decision, or ruling occurring during the
183 arbitration proceeding, to the same extent as a judge of a court of this Commonwealth acting in a
184 judicial capacity. This subsection does not apply:

185 (1) to the extent necessary to determine the claim of an arbitrator,
186 arbitration organization, or representative of the arbitration organization against a party to the
187 arbitration proceeding; or

188 (2) to a hearing on a motion to vacate an award under section 23(a)(1) or
189 (2) if the movant establishes prima facie that a ground for vacating the award exists.

190 (e) If a person commences a civil action against an arbitrator, arbitration
191 organization, or representative of an arbitration organization arising from the services of the
192 arbitrator, organization, or representative or if a person seeks to compel an arbitrator or a
193 representative of an arbitration organization to testify or produce records in violation of

194 subsection (d), and the court decides that the arbitrator, arbitration organization, or representative
195 of an arbitration organization is immune from civil liability or that the arbitrator or representative
196 of the organization is not competent to testify, the court shall award to the arbitrator,
197 organization, or representative reasonable attorney's fees and other reasonable expenses of
198 litigation.

199 Section 15. (a) An arbitrator may conduct an arbitration in such manner as the
200 arbitrator considers appropriate for a fair and expeditious disposition of the proceeding. The
201 authority conferred upon the arbitrator includes the power to hold conferences with the parties to
202 the arbitration proceeding before the hearing and, among other matters, determine the
203 admissibility, relevance, materiality and weight of any evidence.

204 (b) An arbitrator may decide a request for summary disposition of a claim or
205 particular issue:

206 (1) if all interested parties agree; or

207 (2) upon request of one party to the arbitration proceeding if that party
208 gives notice to all other parties to the proceeding, and the other parties have a reasonable
209 opportunity to respond.

210 (c) If an arbitrator orders a hearing, the arbitrator shall set a time and place and
211 give notice of the hearing not less than five days before the hearing begins. Unless a party to the
212 arbitration proceeding makes an objection to lack or insufficiency of notice not later than the
213 beginning of the hearing, the party's appearance at the hearing waives the objection. Upon
214 request of a party to the arbitration proceeding and for good cause shown, or upon the
215 arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time as necessary

216 but may not postpone the hearing to a time later than that fixed by the agreement to arbitrate for
217 making the award unless the parties to the arbitration proceeding consent to a later date. The
218 arbitrator may hear and decide the controversy upon the evidence produced although a party who
219 was duly notified of the arbitration proceeding did not appear. The court, on request, may direct
220 the arbitrator to conduct the hearing promptly and render a timely decision.

221 (d) At a hearing under subsection (c), a party to the arbitration proceeding has a
222 right to be heard, to present evidence material to the controversy, and to cross examine witnesses
223 appearing at the hearing.

224 (e) If an arbitrator ceases or is unable to chapter during the arbitration
225 proceeding, a replacement arbitrator must be appointed in accordance with section 11 to continue
226 the proceeding and to resolve the controversy.

227 Section 16. A party to an arbitration proceeding may be represented by a lawyer.

228 Section 17. (a) An arbitrator may issue a subpoena for the attendance of a
229 witness and for the production of records and other evidence at any hearing and may administer
230 oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and,
231 upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the
232 manner for enforcement of subpoenas in a civil action.

233 (b) In order to make the proceedings fair, expeditious, and cost effective, upon
234 request of a party to or a witness in an arbitration proceeding, an arbitrator may permit a
235 deposition of any witness to be taken for use as evidence at the hearing, including a witness who
236 cannot be subpoenaed for or is unable to attend a hearing. The arbitrator shall determine the
237 conditions under which the deposition is taken.

238 (c) An arbitrator may permit such discovery as the arbitrator decides is
239 appropriate in the circumstances, taking into account the needs of the parties to the arbitration
240 proceeding and other affected persons and the desirability of making the proceeding fair,
241 expeditious, and cost effective.

242 (d) If an arbitrator permits discovery under subsection (c), the arbitrator may
243 order a party to the arbitration proceeding to comply with the arbitrator's discovery related
244 orders, issue subpoenas for the attendance of a witness and for the production of records and
245 other evidence at a discovery proceeding, and take action against a non-complying party to the
246 extent a court could if the controversy were the subject of a civil action in this Commonwealth.

247 (e) An arbitrator may issue a protective order to prevent the disclosure of
248 privileged information, confidential information, trade secrets, and other information protected
249 from disclosure to the extent a court could if the controversy were the subject of a civil action in
250 this Commonwealth.

251 (f) All laws compelling a person under subpoena to testify and all fees for
252 attending a judicial proceeding, a deposition, or a discovery proceeding as a witness apply to an
253 arbitration proceeding as if the controversy were the subject of a civil action in this
254 Commonwealth.

255 (g) The court may enforce a subpoena or discovery-related order for the
256 attendance of a witness within this Commonwealth and for the production of records and other
257 evidence issued by an arbitrator in connection with an arbitration proceeding in another State
258 upon conditions determined by the court so as to make the arbitration proceeding fair,
259 expeditious, and cost effective. A subpoena or discovery-related order issued by an arbitrator in

260 another State must be served in the manner provided by law for service of subpoenas in a civil
261 action in this Commonwealth and, upon motion to the court by a party to the arbitration
262 proceeding or the arbitrator, enforced in the manner provided by law for enforcement of
263 subpoenas in a civil action in this Commonwealth.

264 Section 18. If an arbitrator makes a pre-award ruling in favor of a party to the arbitration
265 proceeding, the party may request the arbitrator to incorporate the ruling into an award under
266 section 19. A prevailing party may make a motion to the court for an expedited order to confirm
267 the award under section 22, in which case the court shall summarily decide the motion. The
268 court shall issue an order to confirm the award unless the court vacates, modifies, or corrects the
269 award under section 23 or 24.

270 Section 19. (a) An arbitrator shall make a record of an award. The record must
271 be signed or otherwise authenticated by any arbitrator who concurs with the award. The
272 arbitrator or the arbitration organization shall give notice of the award, including a copy of the
273 award, to each party to the arbitration proceeding.

274 (b) An award must be made within the time specified by the agreement to
275 arbitrate or, if not specified therein, within the time ordered by the court. The court may extend
276 or the parties to the arbitration proceeding may agree in a record to extend the time. The court or
277 the parties may do so within or after the time specified or ordered. A party waives any objection
278 that an award was not timely made unless the party gives notice of the objection to the arbitrator
279 before receiving notice of the award.

280 Section 20. (a) On motion to an arbitrator by a party to an arbitration proceeding,
281 the arbitrator may modify or correct an award:

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

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

285 (3) to clarify the award.

286 (b) A motion under subsection (a) must be made and notice given to all parties
287 within 20 days after the movant receives notice of the award.

288 (c) A party to the arbitration proceeding must give notice of any objection to the
289 motion within 10 days after receipt of the notice.

290 (d) If a motion to the court is pending under section 22, 23, or 24, the court may
291 submit the claim to the arbitrator to consider whether to modify or correct the award:

292 (1) upon a ground stated in sections 4(a)(1) or (3);

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

295 (3) to clarify the award.

296 (e) An award modified or corrected pursuant to this section is subject to sections
297 19(a), 22, 23, and 24.

298 Section 21. (a) An arbitrator may award punitive damages or other exemplary
299 relief if such an award is authorized by law in a civil action involving the same claim and the
300 evidence produced at the hearing justifies the award under the legal standards otherwise
301 applicable to the claim.

302 (b) An arbitrator may award reasonable attorney's fees and other reasonable
303 expenses of arbitration if such an award is authorized by law in a civil action involving the same
304 claim or by the agreement of the parties to the arbitration proceeding.

305 (c) As to all remedies other than those authorized by subsections (a) and (b), an
306 arbitrator may order such remedies as the arbitrator considers just and appropriate under the
307 circumstances of the arbitration proceeding. The fact that such a remedy could not or would not
308 be granted by the court is not a ground for refusing to confirm an award under section 22 or for
309 vacating an award under section 23.

310 (d) An arbitrator's expenses and fees, together with other expenses, must be paid
311 as provided in the award.

312 (e) If an arbitrator awards punitive damages or other exemplary relief under
313 subsection (a), the arbitrator shall specify in the award the basis in fact justifying and the basis in
314 law authorizing the award and state separately the amount of the punitive damages or other
315 exemplary relief.

316 Section 22. After a party to an arbitration proceeding receives notice of an award, the
317 party may make a motion to the court for an order confirming the award at which time the court
318 shall issue a confirming order unless the award is modified or corrected pursuant to section 20 or
319 24 or is vacated pursuant to section 23.

320 Section 23. (a) Upon motion to the court by a party to an arbitration proceeding,
321 the court shall vacate an award made in the arbitration proceeding if:

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

323 (2) there was:

324 (A) evident partiality by an arbitrator appointed as a neutral
325 arbitrator;

326 (B) corruption by an arbitrator; or

327 (C) misconduct by an arbitrator prejudicing the rights of a party to
328 the arbitration proceeding;

329 (3) an arbitrator refused to postpone the hearing upon showing of
330 sufficient cause for postponement, refused to consider evidence material to the controversy, or
331 otherwise conducted the hearing contrary to section 15, so as to prejudice substantially the rights
332 of a party to the arbitration proceeding;

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

334 (5) there was no agreement to arbitrate, unless the person participated in
335 the arbitration proceeding without raising the objection under section 15(c) not later than the
336 beginning of the arbitration hearing; or

337 (6) the arbitration was conducted without proper notice of the initiation of
338 an arbitration as required in section 9 so as to prejudice substantially the rights of a party to the
339 arbitration proceeding.

340 (b) A motion under this section must be filed within 90 days after the movant
341 receives notice of the award pursuant to section 19 or within 90 days after the movant receives
342 notice of a modified or corrected award pursuant to section 20, unless the movant alleges that the
343 award was procured by corruption, fraud, or other undue means, in which case the motion must

344 be made within 90 days after the ground is known or by the exercise of reasonable care would
345 have been known by the movant.

346 (c) If the court vacates an award on a ground other than that set forth in
347 subsection (a)(5), it may order a rehearing. If the award is vacated on a ground stated in
348 subsection (a)(1) or (2), the rehearing must be before a new arbitrator. If the award is vacated on
349 a ground stated in subsection (a)(3), (4), or (6), the rehearing may be before the arbitrator who
350 made the award or the arbitrator's successor. The arbitrator must render the decision in the
351 rehearing within the same time as that provided in section 19(b) for an award.

352 (d) If the court denies a motion to vacate an award, it shall confirm the award
353 unless a motion to modify or correct the award is pending.

354 Section 24. (a) Upon motion made within 90 days after the movant receives
355 notice of the award pursuant to section 19 or within 90 days after the movant receives notice of a
356 modified or corrected award pursuant to section 20, the court shall modify or correct the award
357 if:

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

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

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

365 (b) If a motion made under subsection (a) is granted, the court shall modify or
366 correct and confirm the award as modified or corrected. Otherwise, unless a motion to vacate is
367 pending, the court shall confirm the award.

368 (c) A motion to modify or correct an award pursuant to this section may be joined
369 with a motion to vacate the award.

370 Section 25. (a) Upon granting an order confirming, vacating without directing a
371 rehearing, modifying, or correcting an award, the court shall enter a judgment in conformity
372 therewith. The judgment may be recorded, docketed, and enforced as any other judgment in a
373 civil action.

374 (b) A court may allow reasonable costs of the motion and subsequent judicial
375 proceedings.

376 (c) On application of a prevailing party to a contested judicial proceeding under
377 section 22, 23, or 24, the court may add reasonable attorney's fees and other reasonable expenses
378 of litigation incurred in a judicial proceeding after the award is made to a judgment confirming,
379 vacating without directing a rehearing, modifying, or correcting an award.

380 Section 26. (a) A court of this Commonwealth having jurisdiction over the
381 controversy and the parties may enforce an agreement to arbitrate.

382 (b) An agreement to arbitrate providing for arbitration in this Commonwealth
383 confers exclusive jurisdiction on the court to enter judgment on an award under this chapter.

384 Section 27. A motion pursuant to section 5 must be made in the court of the
385 county in which the agreement to arbitrate specifies the arbitration hearing is to be held or, if the

386 hearing has been held, in the court of the county in which it was held. Otherwise, the motion
387 may be made in the court of any county in which an adverse party resides or has a place of
388 business or, if no adverse party has a residence or place of business in this Commonwealth, in
389 the court of any county in this Commonwealth. All subsequent motions must be made in the
390 court hearing the initial motion unless the court otherwise directs.

391 Section 28. (a) An appeal may be taken from:

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

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

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

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

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

397 (6) a final judgment entered pursuant to this chapter.

398 (b) An appeal under this section must be taken as from an order or a judgment in
399 a civil action.

400 Section 29. In applying and construing this chapter, consideration must be given to the
401 need to promote uniformity of the law with respect to its subject matter among States that enact
402 it.

403 Section 30. The provisions of this chapter governing the legal effect, validity, and
404 enforceability of electronic records or electronic signatures, and of contracts performed with the

405 use of such records or signatures conform to the requirements of section 102 of the Electronic
406 Signatures in Global and National Commerce Act.

407 SECTION 2. This Act takes effect on July first, two thousand and twelve. This Act
408 does not affect an action or proceeding commenced or right accrued before this Act takes effect.
409 Subject to section 3 of this Act, an arbitration agreement made before the effective date of this
410 chapter is governed by the Uniform Arbitration Act for Commercial Disputes.