

HOUSE No. 37

So much of the recommendations of the Commission on Uniform State Laws (House, No. 31) as relates to revising the Uniform Arbitration Act for commercial disputes. The Judiciary.

The Commonwealth of Massachusetts

—————
In the One Hundred and Eighty-Ninth General Court

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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, or
7 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 others,
10 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, partnership,
14 limited liability company, association, joint venture, government; governmental subdivision,
15 agency, or instrumentality; public corporation; or any other legal or commercial entity.

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

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

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

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

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

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

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

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

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

36 (1) waive or agree to vary the effect of the requirements of section 5(a),
37 6(a), 8, 17(a), 17(b), 26, or 28;

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

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

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

45 (c) A party to an agreement to arbitrate or arbitration proceeding may not waive,
46 or the parties may not vary the effect of, the requirements of this section or section 3(a) or (c), 7,
47 14, 18, 20(d) or (e), 22, 23, 24, 25(a) or (b), 29, 30, 31, or 32.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

105 Section 9. (a) A person initiates an arbitration proceeding by giving notice in a
106 record to the other parties to the agreement to arbitrate in the agreed manner between the parties
107 or, in the absence of agreement, by certified or registered mail, return receipt requested and
108 obtained, or by service as authorized for the commencement of a civil action. The notice must
109 describe the nature of the controversy and the remedy sought.

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

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

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

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

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

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

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

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

129 Section 11. (a) If the parties to an agreement to arbitrate agree on a method for
130 appointing an arbitrator, that method must be followed, unless the method fails. If the parties

131 have not agreed on a method, the agreed method fails, or an arbitrator appointed fails or is unable
132 to chapter and a successor has not been appointed, the court, on motion of a party to the
133 arbitration proceeding, shall appoint the arbitrator. An arbitrator so appointed has all the powers
134 of an arbitrator designated in the agreement to arbitrate or appointed pursuant to the agreed
135 method.

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

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

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

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

149 (b) An arbitrator has a continuing obligation to disclose to all parties to the
150 agreement to arbitrate and arbitration proceeding and to any other arbitrators any facts that the
151 arbitrator learns after accepting appointment which a reasonable person would consider likely to
152 affect the impartiality of the arbitrator.

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

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

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

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

167 Section 13. If there is more than one arbitrator, the powers of an arbitrator must be
168 exercised by a majority of the arbitrators, but all of them shall conduct the hearing under section
169 15(c).

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

173 (b) The immunity afforded by this section supplements any immunity under other
174 law.

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

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

182 (1) to the extent necessary to determine the claim of an arbitrator,
183 arbitration organization, or representative of the arbitration organization against a party to the
184 arbitration proceeding; or

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

187 (e) If a person commences a civil action against an arbitrator, arbitration
188 organization, or representative of an arbitration organization arising from the services of the
189 arbitrator, organization, or representative or if a person seeks to compel an arbitrator or a
190 representative of an arbitration organization to testify or produce records in violation of
191 subsection (d), and the court decides that the arbitrator, arbitration organization, or representative
192 of an arbitration organization is immune from civil liability or that the arbitrator or representative
193 of the organization is not competent to testify, the court shall award to the arbitrator,

194 organization, or representative reasonable attorney's fees and other reasonable expenses of
195 litigation.

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

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

203 (1) if all interested parties agree; or

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

207 (c) If an arbitrator orders a hearing, the arbitrator shall set a time and place and
208 give notice of the hearing not less than five days before the hearing begins. Unless a party to the
209 arbitration proceeding makes an objection to lack or insufficiency of notice not later than the
210 beginning of the hearing, the party's appearance at the hearing waives the objection. Upon
211 request of a party to the arbitration proceeding and for good cause shown, or upon the
212 arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time as necessary
213 but may not postpone the hearing to a time later than that fixed by the agreement to arbitrate for
214 making the award unless the parties to the arbitration proceeding consent to a later date. The
215 arbitrator may hear and decide the controversy upon the evidence produced although a party who

216 was duly notified of the arbitration proceeding did not appear. The court, on request, may direct
217 the arbitrator to conduct the hearing promptly and render a timely decision.

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

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

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

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

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

235 (c) An arbitrator may permit such discovery as the arbitrator decides is
236 appropriate in the circumstances, taking into account the needs of the parties to the arbitration

237 proceeding and other affected persons and the desirability of making the proceeding fair,
238 expeditious, and cost effective.

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

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

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

252 (g) The court may enforce a subpoena or discovery-related order for the
253 attendance of a witness within this Commonwealth and for the production of records and other
254 evidence issued by an arbitrator in connection with an arbitration proceeding in another State
255 upon conditions determined by the court so as to make the arbitration proceeding fair,
256 expeditious, and cost effective. A subpoena or discovery-related order issued by an arbitrator in
257 another State must be served in the manner provided by law for service of subpoenas in a civil
258 action in this Commonwealth and, upon motion to the court by a party to the arbitration

259 proceeding or the arbitrator, enforced in the manner provided by law for enforcement of
260 subpoenas in a civil action in this Commonwealth.

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

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

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

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

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

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

282 (3) to clarify the award.

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

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

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

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

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

292 (3) to clarify the award.

293 (e) An award modified or corrected pursuant to this section is subject to sections
294 19(a), 22, 23, and 24.

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

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

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

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

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

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

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

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

320 (2) there was:

321 (A) evident partiality by an arbitrator appointed as a neutral

322 arbitrator;

323 (B) corruption by an arbitrator; or

324 (C) misconduct by an arbitrator prejudicing the rights of a party to

325 the arbitration proceeding;

326 (3) an arbitrator refused to postpone the hearing upon showing of

327 sufficient cause for postponement, refused to consider evidence material to the controversy, or

328 otherwise conducted the hearing contrary to section 15, so as to prejudice substantially the rights

329 of a party to the arbitration proceeding;

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

331 (5) there was no agreement to arbitrate, unless the person participated in the

332 arbitration proceeding without raising the objection under section 15(c) not later than the

333 beginning of the arbitration hearing; or

334 (6) the arbitration was conducted without proper notice of the initiation of

335 an arbitration as required in section 9 so as to prejudice substantially the rights of a party to the

336 arbitration proceeding.

337 (b) A motion under this section must be filed within 90 days after the movant

338 receives notice of the award pursuant to section 19 or within 90 days after the movant receives

339 notice of a modified or corrected award pursuant to section 20, unless the movant alleges that the

340 award was procured by corruption, fraud, or other undue means, in which case the motion must

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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