

SENATE BILL No. 903

January 24, 2012, Introduced by Senator SCHUITMAKER and referred to the Committee on Judiciary.

A bill to provide for the enforceability of agreements to arbitrate disputes; to provide procedures for the arbitration of disputes; to provide remedies, including remedies for the enforcement of arbitration agreements, rulings, and awards; and to provide immunity from civil liability and testimonial privileges.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known and may be cited as the
2 "uniform arbitration act".

3 (2) As used in this act:

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

8 (b) "Arbitrator" means an individual appointed to render an

1 award, alone or with others, in a controversy that is subject to an
2 agreement to arbitrate.

3 (c) "Court" means the circuit court.

4 (d) "Knowledge" means actual knowledge.

5 (e) "Person" means an individual, corporation, business trust,
6 estate, trust, partnership, limited liability company, association,
7 joint venture, government; governmental subdivision, agency, or
8 instrumentality; public corporation; or any other legal or
9 commercial entity.

10 (f) "Record" means information that is inscribed on a tangible
11 medium or that is stored in an electronic or other medium and is
12 retrievable in perceivable form.

13 Sec. 2. (1) Except as otherwise provided in this act, a person
14 gives notice to another person by taking action that is reasonably
15 necessary to inform the other person in ordinary course, whether or
16 not the other person acquires knowledge of the notice.

17 (2) A person has notice if the person has knowledge of the
18 notice or has received notice.

19 (3) A person receives notice when it comes to the person's
20 attention or the notice is delivered at the person's place of
21 residence or place of business, or at another location held out by
22 the person as a place of delivery of such communications.

23 Sec. 3. (1) This act governs an agreement to arbitrate made on
24 or after the effective date of this act.

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

1 (3) On or after July 1, 2012, this act governs an agreement to
2 arbitrate whenever made.

3 Sec. 4. (1) Except as otherwise provided in subsections (2)
4 and (3), a party to an agreement to arbitrate or to an arbitration
5 proceeding may waive or the parties may vary the effect of the
6 requirements of this act to the extent permitted by law.

7 (2) Before a controversy arises that is subject to an
8 agreement to arbitrate, a party to the agreement may not do any of
9 the following:

10 (a) Waive or agree to vary the effect of the requirements of
11 section 5(1), 6(1), 8, 17(1) or (2), 26, or 28.

12 (b) Agree to unreasonably restrict the right under section 9
13 to notice of the initiation of an arbitration proceeding.

14 (c) Agree to unreasonably restrict the right under section 12
15 to disclosure of any facts by a neutral arbitrator.

16 (d) Waive the right under section 16 of a party to an
17 agreement to arbitrate to be represented by a lawyer at any
18 proceeding or hearing under this act, but an employer and a labor
19 organization may waive the right to representation by a lawyer in a
20 labor arbitration.

21 (3) A party to an agreement to arbitrate or arbitration
22 proceeding may not waive, or the parties may not vary the effect
23 of, the requirements of this section or section 3(1) or (3), 7, 14,
24 18, 20(4) or (5), 22, 23, 24, 25(1) or (2), 29, 30, or 31.

25 Sec. 5. (1) Except as otherwise provided in section 28, a
26 request for judicial relief under this act must be made by motion
27 to the court and heard in the manner provided by court rule for

1 making and hearing motions.

2 (2) Unless a civil action is already pending between the
3 parties, a complaint regarding the agreement to arbitrate must be
4 filed and served as in other civil actions. Notice of an initial
5 motion under this act may be served with the summons and complaint
6 in the manner provided by court rule for the service of a summons
7 in a civil action. Otherwise, notice of the motion must be given in
8 the manner provided by court rule for serving motions in pending
9 actions.

10 Sec. 6. (1) An agreement contained in a record to submit to
11 arbitration any existing or subsequent controversy arising between
12 the parties to the agreement is valid, enforceable, and irrevocable
13 except on a ground that exists at law or in equity for the
14 revocation of a contract.

15 (2) The court shall decide whether an agreement to arbitrate
16 exists or a controversy is subject to an agreement to arbitrate.

17 (3) An arbitrator shall decide whether a condition precedent
18 to arbitrability has been fulfilled and whether a contract
19 containing a valid agreement to arbitrate is enforceable.

20 (4) If a party to a judicial proceeding challenges the
21 existence of, or claims that a controversy is not subject to, an
22 agreement to arbitrate, the arbitration proceeding may continue
23 pending final resolution of the issue by the court, unless the
24 court otherwise orders.

25 Sec. 7. (1) On motion of a person showing an agreement to
26 arbitrate and alleging another person's refusal to arbitrate under
27 the agreement, the court shall do both of the following:

1 (a) If the refusing party does not appear or does not oppose
2 the motion, order the parties to arbitrate.

3 (b) If the refusing party opposes the motion, proceed
4 summarily to decide the issue and order the parties to arbitrate
5 unless it finds that there is no enforceable agreement to
6 arbitrate.

7 (2) On motion of a person alleging that an arbitration
8 proceeding has been initiated or threatened but that there is no
9 agreement to arbitrate, the court shall proceed summarily to decide
10 the issue. If the court finds that there is an enforceable
11 agreement to arbitrate, it shall order the parties to arbitrate.

12 (3) If the court finds that there is no enforceable agreement,
13 it shall not order the parties to arbitrate under subsection (1) or
14 (2).

15 (4) The court shall not refuse to order arbitration because
16 the claim subject to arbitration lacks merit or grounds for the
17 claim have not been established.

18 (5) If a proceeding involving a claim referable to arbitration
19 under an alleged agreement to arbitrate is pending in court, a
20 motion under this section must be made in that court. Otherwise, a
21 motion under this section may be made in any court as provided in
22 section 27.

23 (6) If a party moves the court to order arbitration, the court
24 on just terms shall stay any judicial proceeding that involves a
25 claim alleged to be subject to the arbitration until the court
26 renders a final decision under this section.

27 (7) If the court orders arbitration, the court on just terms

1 shall stay any judicial proceeding that involves a claim subject to
2 the arbitration. If a claim subject to the arbitration is
3 severable, the court may limit the stay to that claim.

4 Sec. 8. (1) Before an arbitrator is appointed and is
5 authorized and able to act, the court, on motion of a party to an
6 arbitration proceeding and for good cause shown, may enter an order
7 for provisional remedies to protect the effectiveness of the
8 arbitration proceeding to the same extent and under the same
9 conditions as if the controversy were the subject of a civil
10 action.

11 (2) After an arbitrator is appointed and is authorized and
12 able to act, both of the following apply:

13 (a) The arbitrator may issue orders for provisional remedies,
14 including interim awards, as the arbitrator finds necessary to
15 protect the effectiveness of the arbitration proceeding and to
16 promote the fair and expeditious resolution of the controversy, to
17 the same extent and under the same conditions as if the controversy
18 were the subject of a civil action.

19 (b) A party to an arbitration proceeding may move the court
20 for a provisional remedy only if the matter is urgent and the
21 arbitrator is not able to act timely or the arbitrator cannot
22 provide an adequate remedy.

23 (3) A party does not waive a right of arbitration by making a
24 motion under subsection (1) or (2).

25 Sec. 9. (1) A person initiates an arbitration proceeding by
26 giving notice in a record to the other parties to the agreement to
27 arbitrate in the agreed manner between the parties or, in the

1 absence of agreement, by certified or registered mail, return
2 receipt requested and obtained, or by service as authorized for the
3 commencement of a civil action. The notice must describe the nature
4 of the controversy and the remedy sought.

5 (2) Unless a person objects for lack or insufficiency of
6 notice under section 15(3) not later than the beginning of the
7 arbitration hearing, the person by appearing at the hearing waives
8 any objection to lack of or insufficiency of notice.

9 Sec. 10. (1) Except as otherwise provided in subsection (3), on
10 motion of a party to an agreement to arbitrate or to an arbitration
11 proceeding, the court may order consolidation of separate
12 arbitration proceedings as to all or some of the claims if all of
13 the following apply:

14 (a) There are separate agreements to arbitrate or separate
15 arbitration proceedings between the same persons or 1 of them is a
16 party to a separate agreement to arbitrate or a separate
17 arbitration proceeding with a third person.

18 (b) The claims subject to the agreements to arbitrate arise in
19 substantial part from the same transaction or series of related
20 transactions.

21 (c) The existence of a common issue of law or fact creates the
22 possibility of conflicting decisions in the separate arbitration
23 proceedings.

24 (d) Prejudice resulting from a failure to consolidate is not
25 outweighed by the risk of undue delay or prejudice to the rights of
26 or hardship to parties opposing consolidation.

27 (2) The court may order consolidation of separate arbitration

1 proceedings as to some claims and allow other claims to be resolved
2 in separate arbitration proceedings.

3 (3) The court may not order consolidation of the claims of a
4 party to an agreement to arbitrate if the agreement prohibits
5 consolidation.

6 Sec. 11. (1) If the parties to an agreement to arbitrate agree
7 on a method for appointing an arbitrator, that method must be
8 followed, unless the method fails. If the parties have not agreed
9 on a method, the agreed method fails, or an arbitrator appointed
10 fails or is unable to act and a successor has not been appointed,
11 the court, on motion of a party to the arbitration proceeding,
12 shall appoint the arbitrator. An arbitrator so appointed has all
13 the powers of an arbitrator designated in the agreement to
14 arbitrate or an arbitrator appointed by the agreed method.

15 (2) An individual who has a known, direct, and material
16 interest in the outcome of the arbitration proceeding or a known,
17 existing, and substantial relationship with a party shall not serve
18 as an arbitrator required by an agreement to be neutral.

19 Sec. 12. (1) Before accepting appointment, an individual who
20 is requested to serve as an arbitrator, after making a reasonable
21 inquiry, shall disclose to all parties to the agreement to
22 arbitrate and arbitration proceeding and to any other arbitrators
23 any known facts that a reasonable person would consider likely to
24 affect the impartiality of the arbitrator in the arbitration
25 proceeding, including both of the following:

26 (a) A financial or personal interest in the outcome of the
27 arbitration proceeding.

1 (b) An existing or past relationship with any of the parties
2 to the agreement to arbitrate or the arbitration proceeding, their
3 counsel or representatives, a witness, or another arbitrator.

4 (2) An arbitrator has a continuing obligation to disclose to
5 all parties to the agreement to arbitrate and arbitration
6 proceeding and to any other arbitrators any facts that the
7 arbitrator learns after accepting appointment that a reasonable
8 person would consider likely to affect the impartiality of the
9 arbitrator.

10 (3) If an arbitrator discloses a fact required by subsection
11 (1) or (2) to be disclosed and a party timely objects to the
12 appointment or continued service of the arbitrator based on the
13 fact disclosed, the objection may be a ground under section
14 23(1)(b) for vacating an award made by the arbitrator.

15 (4) If the arbitrator did not disclose a fact as required by
16 subsection (1) or (2), on timely objection by a party, the court
17 under section 23(1)(b) may vacate an award.

18 (5) An arbitrator appointed as a neutral arbitrator who does
19 not disclose a known, direct, and material interest in the outcome
20 of the arbitration proceeding or a known, existing, and substantial
21 relationship with a party is presumed to act with evident
22 partiality under section 23(1)(b).

23 (6) If the parties to an arbitration proceeding agree to the
24 procedures of an arbitration organization or any other procedures
25 for challenges to arbitrators before an award is made, substantial
26 compliance with those procedures is a condition precedent to a
27 motion to vacate an award on that ground under section 23(1)(b).

1 Sec. 13. If there is more than 1 arbitrator, the powers of an
2 arbitrator must be exercised by a majority of the arbitrators, but
3 all of them shall conduct the hearing under section 15(3).

4 Sec. 14. (1) An arbitrator or an arbitration organization
5 acting in that capacity is immune from civil liability to the same
6 extent as a judge of a court of this state acting in a judicial
7 capacity.

8 (2) The immunity afforded by this section supplements any
9 immunity under other law.

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

13 (4) In a judicial, administrative, or similar proceeding, an
14 arbitrator or representative of an arbitration organization is not
15 competent to testify, and may not be required to produce records as
16 to any statement, conduct, decision, or ruling occurring during the
17 arbitration proceeding, to the same extent as a judge of a court of
18 this state acting in a judicial capacity. This subsection is
19 subject to both of the following:

20 (a) This subsection does not apply to the extent necessary to
21 determine the claim of an arbitrator, arbitration organization, or
22 representative of the arbitration organization against a party to
23 the arbitration proceeding.

24 (b) This subsection does not apply to a hearing on a motion to
25 vacate an award under section 23(1)(b) or (c) if the moving party
26 establishes prima facie that a ground for vacating the award
27 exists.

1 (5) If a person commences a civil action against an
2 arbitrator, arbitration organization, or representative of an
3 arbitration organization arising from the services of the
4 arbitrator, organization, or representative or if a person seeks to
5 compel an arbitrator or a representative of an arbitration
6 organization to testify or produce records in violation of
7 subsection (4), and the court decides that the arbitrator,
8 arbitration organization, or representative of an arbitration
9 organization is immune from civil liability or that the arbitrator
10 or representative of the organization is not competent to testify,
11 the court shall award to the arbitrator, organization, or
12 representative reasonable attorney fees and other reasonable
13 expenses of litigation.

14 Sec. 15. (1) An arbitrator may conduct an arbitration in the
15 manner that the arbitrator considers appropriate for a fair and
16 expeditious disposition of the proceeding. The authority conferred
17 on the arbitrator includes the power to hold conferences with the
18 parties to the arbitration proceeding before the hearing and, among
19 other matters, determine the admissibility, relevance, materiality,
20 and weight of any evidence.

21 (2) An arbitrator may decide a request for summary disposition
22 of a claim or particular issue if either of the following applies:

23 (a) All interested parties agree.

24 (b) On request of 1 party to the arbitration proceeding if the
25 party gives notice to all other parties to the proceeding and the
26 other parties have a reasonable opportunity to respond.

27 (3) If an arbitrator orders a hearing, the arbitrator shall

1 set a time and place and give notice of the hearing not less than 5
2 days before the hearing begins. Unless a party to the arbitration
3 proceeding makes an objection to lack or insufficiency of notice
4 not later than the beginning of the hearing, the party's appearance
5 at the hearing waives the objection. On request of a party to the
6 arbitration proceeding and for good cause shown, or on the
7 arbitrator's own initiative, the arbitrator may adjourn the hearing
8 from time to time as necessary but shall not postpone the hearing
9 to a time later than that fixed by the agreement to arbitrate for
10 making the award unless the parties to the arbitration proceeding
11 consent to a later date. The arbitrator may hear and decide the
12 controversy on the evidence produced although a party who was duly
13 notified of the arbitration proceeding did not appear. The court,
14 on request, may direct the arbitrator to conduct the hearing
15 promptly and render a timely decision.

16 (4) At a hearing under subsection (3), a party to the
17 arbitration proceeding has a right to be heard, to present evidence
18 material to the controversy, and to cross-examine witnesses
19 appearing at the hearing.

20 (5) If an arbitrator ceases or is unable to act during the
21 arbitration proceeding, a replacement arbitrator must be appointed
22 in accordance with section 11 to continue the proceeding and to
23 resolve the controversy.

24 Sec. 16. A party to an arbitration proceeding may be
25 represented by a lawyer.

26 Sec. 17. (1) An arbitrator may issue a subpoena for the
27 attendance of a witness and for the production of records and other

1 evidence at any hearing and may administer oaths. A subpoena shall
2 be served in the manner for service of subpoenas in a civil action
3 and, on motion to the court by a party to the arbitration
4 proceeding or the arbitrator, enforced in the manner for
5 enforcement of subpoenas in a civil action.

6 (2) To make the proceedings fair, expeditious, and cost
7 effective, on request of a party to or a witness in an arbitration
8 proceeding, an arbitrator may permit a deposition of any witness to
9 be taken for use as evidence at the hearing, including a witness
10 who cannot be subpoenaed for or is unable to attend a hearing. The
11 arbitrator shall determine the conditions under which the
12 deposition is taken.

13 (3) An arbitrator may permit or limit discovery as the
14 arbitrator decides appropriate in the circumstances, taking into
15 account the needs or requirements of the parties to the arbitration
16 proceeding and other affected persons, the arbitration agreement,
17 court orders, and the desirability of making the proceeding fair,
18 expeditious, and cost effective.

19 (4) If an arbitrator permits discovery under subsection (3),
20 the arbitrator may order a party to the arbitration proceeding to
21 comply with the arbitrator's discovery-related orders, issue
22 subpoenas for the attendance of a witness and for the production of
23 records and other evidence at a discovery proceeding, and take
24 action against a noncomplying party to the extent a court could if
25 the controversy were the subject of a civil action in this state.

26 (5) An arbitrator may issue a protective order to prevent the
27 disclosure of privileged information, confidential information,

1 trade secrets, and other information protected from disclosure to
2 the extent a court could if the controversy were the subject of a
3 civil action in this state.

4 (6) All laws compelling a person under subpoena to testify and
5 all fees for attending a judicial proceeding, a deposition, or a
6 discovery proceeding as a witness apply to an arbitration
7 proceeding as if the controversy were the subject of a civil action
8 in this state.

9 (7) The court may enforce a subpoena or discovery-related
10 order for the attendance of a witness in this state and for the
11 production of records and other evidence issued by an arbitrator in
12 connection with an arbitration proceeding in another state on
13 conditions determined by the court so as to make the arbitration
14 proceeding fair, expeditious, and cost effective. A subpoena or
15 discovery-related order issued by an arbitrator in another state
16 shall be served in the manner provided by law for service of
17 subpoenas in a civil action in this state and, on motion to the
18 court by a party to the arbitration proceeding or the arbitrator,
19 enforced in the manner provided by law for enforcement of subpoenas
20 in a civil action in this state.

21 Sec. 18. If an arbitrator makes a preaward ruling in favor of
22 a party to the arbitration proceeding, the party may request the
23 arbitrator to incorporate the ruling into an award under section
24 19. A prevailing party may move the court for an expedited order to
25 confirm the award under section 22, in which case the court shall
26 summarily decide the motion. The court shall issue an order to
27 confirm the award unless the court vacates, modifies, or corrects

1 the award under section 23 or 24.

2 Sec. 19. (1) An arbitrator shall make a record of an award. The
3 record shall be signed or otherwise authenticated by any arbitrator
4 who concurs with the award. The arbitrator or the arbitration
5 organization shall give notice of the award, including a copy of
6 the award, to each party to the arbitration proceeding.

7 (2) An award must be made within the time specified by the
8 agreement to arbitrate or, if not specified in the agreement,
9 within the time ordered by the court. The court may extend or the
10 parties to the arbitration proceeding may agree in a record to
11 extend the time. The court or the parties may extend the time
12 within or after the time specified or ordered. A party waives any
13 objection that an award was not timely made unless the party gives
14 notice of the objection to the arbitrator before receiving notice
15 of the award.

16 Sec. 20. (1) On motion to an arbitrator by a party to an
17 arbitration proceeding, the arbitrator may modify or correct an
18 award on any of the following grounds:

19 (a) A ground stated in section 24(1)(a) or (c).

20 (b) Because the arbitrator has not made a final and definite
21 award on a claim submitted by the parties to the arbitration
22 proceeding.

23 (c) To clarify the award.

24 (2) A motion under subsection (1) must be made and notice
25 given to all parties within 20 days after the moving party receives
26 notice of the award.

27 (3) A party to the arbitration proceeding must give notice of

1 any objection to the motion within 10 days after receipt of the
2 notice.

3 (4) If a motion to the court is pending under section 22, 23,
4 or 24, the court may submit the claim to the arbitrator to consider
5 whether to modify or correct the award for any of the following
6 grounds:

7 (a) A ground stated in section 24(1)(a) or (c).

8 (b) Because the arbitrator has not made a final and definite
9 award upon a claim submitted by the parties to the arbitration
10 proceeding.

11 (c) To clarify the award.

12 (5) An award modified or corrected under this section is
13 subject to sections 19(1), 22, 23, and 24.

14 Sec. 21. (1) An arbitrator may award punitive damages or other
15 exemplary relief if such an award is authorized by law in a civil
16 action involving the same claim and the evidence produced at the
17 hearing justifies the award under the legal standards otherwise
18 applicable to the claim.

19 (2) An arbitrator may award reasonable attorney fees and other
20 reasonable expenses of arbitration if such an award is authorized
21 by law in a civil action involving the same claim or by the
22 agreement of the parties to the arbitration proceeding.

23 (3) As to all remedies other than those authorized by
24 subsections (1) and (2), an arbitrator may order remedies that the
25 arbitrator considers just and appropriate under the circumstances
26 of the arbitration proceeding. The fact that such a remedy could
27 not or would not be granted by the court is not a ground for

1 refusing to confirm an award under section 22 or for vacating an
2 award under section 23.

3 (4) An arbitrator's expenses and fees, and other expenses,
4 shall be paid as provided in the award.

5 (5) If an arbitrator awards punitive damages or other
6 exemplary relief under subsection (1), the arbitrator shall specify
7 in the award the basis in fact justifying and the basis in law
8 authorizing the award and state separately the amount of the
9 punitive damages or other exemplary relief.

10 Sec. 22. After a party to an arbitration proceeding receives
11 notice of an award, the party may move the court for an order
12 confirming the award at which time the court shall issue a
13 confirming order unless the award is modified or corrected under
14 section 20 or 24 or is vacated under section 23.

15 Sec. 23. (1) On motion to the court by a party to an
16 arbitration proceeding, the court shall vacate an award made in the
17 arbitration proceeding if any of the following apply:

18 (a) The award was procured by corruption, fraud, or other
19 undue means.

20 (b) There was any of the following:

21 (i) Evident partiality by an arbitrator appointed as a neutral
22 arbitrator.

23 (ii) Corruption by an arbitrator.

24 (iii) Misconduct by an arbitrator prejudicing the rights of a
25 party to the arbitration proceeding.

26 (c) An arbitrator refused to postpone the hearing upon showing
27 of sufficient cause for postponement, refused to consider evidence

1 material to the controversy, or otherwise conducted the hearing
2 contrary to section 15, so as to prejudice substantially the rights
3 of a party to the arbitration proceeding.

4 (d) An arbitrator exceeded the arbitrator's powers.

5 (e) There was no agreement to arbitrate, unless the person
6 participated in the arbitration proceeding without raising the
7 objection under section 15(3) not later than the beginning of the
8 arbitration hearing.

9 (f) The arbitration was conducted without proper notice of the
10 initiation of an arbitration as required in section 9 so as to
11 prejudice substantially the rights of a party to the arbitration
12 proceeding.

13 (2) A motion under this section must be filed within 90 days
14 after the moving party receives notice of the award under section
15 19 or within 90 days after the moving party receives notice of a
16 modified or corrected award under section 20, unless the moving
17 party alleges that the award was procured by corruption, fraud, or
18 other undue means, in which case the motion must be made within 90
19 days after the ground is known or by the exercise of reasonable
20 care would have been known by the moving party.

21 (3) If the court vacates an award on a ground other than that
22 set forth in subsection (1)(e), it may order a rehearing. If the
23 award is vacated on a ground stated in subsection (1)(a) or (b),
24 the rehearing shall be before a new arbitrator. If the award is
25 vacated on a ground stated in subsection (1)(c), (d), or (f), the
26 rehearing may be before the arbitrator who made the award or the
27 arbitrator's successor. The arbitrator shall render the decision in

1 the rehearing within the same time as that provided in section
2 19(2) for an award.

3 (4) If the court denies a motion to vacate an award, it shall
4 confirm the award unless a motion to modify or correct the award is
5 pending.

6 Sec. 24. (1) On motion made within 90 days after the moving
7 party receives notice of the award under section 19 or within 90
8 days after the moving party receives notice of a modified or
9 corrected award under section 20, the court shall modify or correct
10 the award if any of the following apply:

11 (a) There was an evident mathematical miscalculation or an
12 evident mistake in the description of a person, thing, or property
13 referred to in the award.

14 (b) The arbitrator has made an award on a claim not submitted
15 to the arbitrator and the award may be corrected without affecting
16 the merits of the decision on the claims submitted.

17 (c) The award is imperfect in a matter of form not affecting
18 the merits of the decision on the claims submitted.

19 (2) If a motion made under subsection (1) is granted, the
20 court shall modify or correct and confirm the award as modified or
21 corrected. Otherwise, unless a motion to vacate is pending, the
22 court shall confirm the award.

23 (3) A motion to modify or correct an award under this section
24 may be joined with a motion to vacate the award.

25 Sec. 25. (1) On granting an order confirming, vacating without
26 directing a rehearing, modifying, or correcting an award, the court
27 shall enter a judgment that conforms with the order. The judgment

1 may be recorded, docketed, and enforced as any other judgment in a
2 civil action.

3 (2) A court may allow reasonable costs of the motion and
4 subsequent judicial proceedings.

5 (3) On request of a prevailing party to a contested judicial
6 proceeding under section 22, 23, or 24, the court may add
7 reasonable attorney fees and other reasonable expenses of
8 litigation incurred in a judicial proceeding after the award is
9 made to a judgment confirming, vacating without directing a
10 rehearing, modifying, or correcting an award.

11 Sec. 26. (1) A court of this state that has jurisdiction over
12 the controversy and the parties may enforce an agreement to
13 arbitrate.

14 (2) An agreement to arbitrate that provides for arbitration in
15 this state confers exclusive jurisdiction on the court to enter
16 judgment on an award under this act.

17 Sec. 27. A motion under section 5 shall be made in the court
18 of the county in which the agreement to arbitrate specifies the
19 arbitration hearing is to be held or, if the hearing has been held,
20 in the court of the county in which it was held. Otherwise, the
21 motion may be made in the court of any county in which an adverse
22 party resides or has a place of business or, if no adverse party
23 has a residence or place of business in this state, in the court of
24 any county in this state. All subsequent motions shall be made in
25 the court that heard the initial motion unless the court otherwise
26 directs.

27 Sec. 28. (1) An appeal may be taken from any of the following:

1 (a) An order denying a motion to compel arbitration.

2 (b) An order granting a motion to stay arbitration.

3 (c) An order confirming or denying confirmation of an award.

4 (d) An order modifying or correcting an award.

5 (e) An order vacating an award without directing a rehearing.

6 (f) A final judgment entered under this act.

7 (2) An appeal under this section shall be taken as from an
8 order or a judgment in a civil action.

9 Sec. 29. In applying and construing this uniform act,
10 consideration shall be given to the need to promote uniformity of
11 the law with respect to its subject matter among states that enact
12 it.

13 Sec. 30. The provisions of this act that govern the legal
14 effect, validity, and enforceability of electronic records or
15 electronic signatures, and of contracts performed with the use of
16 such records or signatures conform to the requirements of section
17 102 of the electronic signatures in global and national commerce
18 act, 15 USC 7002.

19 Sec. 31. This act takes effect on July 1, 2012.

20 Sec. 33. This act does not affect an action or proceeding
21 commenced or right accrued before this act takes effect. Subject to
22 section 3 of this act, an arbitration agreement that would be
23 governed by this act that is made before the effective date of this
24 act is governed by chapter 50 of the revised judicature act of
25 1961, 1961 PA 236, MCL 600.5001 to 5035.

26 Enacting section 1. This act does not take effect unless all
27 of the following bills of the 96th Legislature are enacted into

1 law:

2 (a) Senate Bill No. 902.

3

4 (b) Senate Bill No. 901.

5