

House Bill 91

By: Representative Oliver of the 56th, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To enact the "2003 Fairness in Arbitration Act"; to amend Title 9 of the Official Code of
2 Georgia Annotated, relating to civil practice, so as to provide for a challenge to the neutrality
3 of an arbitrator; to provide for vacation of an arbitration award based on an arbitrator's
4 manifest disregard of the law; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "2003 Fairness in Arbitration Act."

9 **SECTION 2.**

10 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by
11 striking subsection (b) of Code Section 9-9-6, relating to application to compel or stay
12 arbitration, demand for arbitration, and consolidation of proceedings, and inserting in its
13 place the following:

14 "(b) Subject to subsections (c) and (d) of this Code section, a party who has not
15 participated in the arbitration and who has not made an application to compel arbitration
16 may apply to stay arbitration on the grounds that:

17 (1) No valid agreement to submit to arbitration was made;

18 (2) The agreement to arbitrate was not complied with; ~~or~~

19 (3) The arbitration is barred by limitation of time; or

20 (4) Partiality has occurred on the part of an arbitrator or an arbitration service designated
21 as a neutral, in which case the court shall permit an appropriate period of discovery on
22 the matter."

SECTION 3.

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2 Said title is further amended by striking subsection (b) of Code Section 9-9-13, relating to
3 vacation of award by court, application, grounds, rehearing, and appeal of order, and
4 inserting in its place the following:

5 "(b) The award shall be vacated on the application of a party who either participated in the
6 arbitration or was served with a demand for arbitration if the court finds that the rights of
7 that party were prejudiced by:

8 (1) Corruption, fraud, or misconduct in procuring the award;

9 (2) Partiality of an arbitrator appointed as a neutral;

10 (3) An overstepping by the arbitrators of their authority or such imperfect execution of
11 it that a final and definite award upon the subject matter submitted was not made; ~~or~~

12 (4) A failure to follow the procedure of this part, unless the party applying to vacate the
13 award continued with the arbitration with notice of this failure and without objection; or

14 (5) The arbitrator's manifest disregard of the law."

SECTION 4.

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16 All laws and parts of laws in conflict with this Act are repealed.