

The House Committee on Judiciary offers the following substitute to HB 91:

A BILL TO BE ENTITLED  
AN ACT

1 To enact the "2003 Fairness in Arbitration Act"; to amend Code Section 9-9-13 of the  
2 Official Code of Georgia Annotated, relating to vacation of award by court, application,  
3 grounds, rehearing, and appeal of order, so as to provide for vacation of an arbitration award  
4 based on an arbitrator's manifest disregard of the law; to provide for related matters; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

**SECTION 2.**

9 Code Section 9-9-13 of the Official Code of Georgia Annotated, relating to vacation of  
10 award by court, application, grounds, rehearing, and appeal of order is amended by striking  
11 subsection (b), and inserting in lieu thereof the following:  
12

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

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

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

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

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

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

**SECTION 3.**

23 All laws and parts of laws in conflict with this Act are repealed.  
24

H. B. 91 (SUB)