

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1351

By: Helton

AS INTRODUCED

An Act relating to arbitration; amending 15 O.S. 1991, Section 812, which relates to awards by arbitrators; adding grounds for vacation of arbitration award; clarifying language; updating statutory references; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 15 O.S. 1991, Section 812, is amended to read as follows:

Section 812. A. Upon application of a party to the arbitration proceedings, the court shall vacate an award if:

1. The award was procured by corruption, fraud, or other illegal means;

2. There was evident partiality by an arbitrator appointed as a neutral or corruption in any of the arbitrators or misconduct prejudicing the rights of ~~any~~ a party to the arbitration proceedings;

3. The arbitrators exceeded their powers;

4. The arbitrators refused to postpone the hearing upon sufficient cause being shown therefor or refused to hear evidence material to the controversy or otherwise so conducted the hearing, contrary to the requirements of this act, as to prejudice substantially the rights of a party ~~or~~ to the arbitration proceedings;

5. Substantial evidence on the record as a whole does not support the award. The court shall not vacate an award on this ground if:

- a. a party urging the vacation has not caused the arbitration proceedings to be reported,
- b. the parties have agreed that a vacation shall not be made on this ground, or
- c. the arbitration has been conducted under the auspices of the American Arbitration Association; or

6. There was no ~~arbitration~~ agreement to arbitrate and the issue was not adversely determined in proceedings under Section ~~3~~ 803 of this ~~act~~ title and the party did not participate in the arbitration hearing without raising the objection.

B. The fact that the relief was such that it could not or would not be granted by a court of law or equity is not ground for vacating or refusing to confirm the award.

C. An application under this section shall be made within ninety (90) days after delivery of a copy of the award to the applicant. If predicated upon corruption, fraud, or other illegal means, the application shall be made within ninety (90) days after such grounds are known or should have been known.

D. When vacating the award on grounds other than stated in paragraph ~~5~~ 6 of subsection A of this section, the court may order a rehearing before new arbitrators are chosen as provided in the agreement. In the absence of such provision, new arbitrators shall be chosen by the court in accordance with Section ~~4~~ 804 of this ~~act~~ title. If the award is vacated on grounds set forth in ~~paragraphs~~ paragraph ~~3 and or~~ 3 and 4 of subsection A of this section, the court may order a rehearing before the arbitrators who made the award or their successors appointed in accordance with Section ~~4~~ 804 of this ~~act~~ title. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.

E. If the application to vacate is denied and no motion to modify or correct the award is pending, the court shall confirm the award.

SECTION 2. This act shall become effective November 1, 2000.

47-2-2739

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