

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1839

By: Corn

4
5 AS INTRODUCED

6 An Act relating to the Uniform Arbitration Act;
7 amending Section 5, Chapter 364, O.S.L. 2005 (12 O.S.
8 Supp. 2007, Section 1855), which relates to waivers;
9 updating statutory references; stating exception to
10 applicability; and providing an effective date.

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

12 SECTION 1. AMENDATORY Section 5, Chapter 364, O.S.L.
13 2005 (12 O.S. Supp. 2007, Section 1855), is amended to read as
14 follows:

15 Section 1855. A. Except as otherwise provided in subsections
16 B, C and D of this section and subject to the public policy of this
17 state as expressed in ~~this act~~ the Uniform Arbitration Act,
18 including Section ~~30~~ 1880 of this ~~act~~ title, and in the laws of this
19 state outside of this act, a party to an agreement to arbitrate or
20 to an arbitration proceeding may waive, or the parties may vary the
21 effect of, the requirements of the Uniform Arbitration Act to the
22 extent permitted by law.

23 B. Before a controversy arises that is subject to an agreement
24 to arbitrate, a party to the agreement may not:

1 1. Waive or agree to vary the effect of the requirements of
2 subsection A of Section ~~6 of this act~~ 1856, subsection A of Section
3 ~~7 of this act~~ 1857, Section ~~9 of this act~~ 1859, subsection A or B of
4 Section ~~18 of this act~~ 1868, Section ~~27 of this act~~ 1877 or Section
5 ~~29~~ 1879 of this ~~act~~ title;

6 2. Agree to unreasonably restrict the right under Section ~~10~~
7 1860 of this ~~act~~ title to notice of the initiation of an arbitration
8 proceeding;

9 3. Agree to unreasonably restrict the right under Section ~~13~~
10 1863 of this ~~act~~ title to disclosure of any facts by a neutral
11 arbitrator; or

12 4. Waive the right under Section ~~17~~ 1867 of this ~~act~~ title of a
13 party to an agreement to arbitrate to be represented by a lawyer at
14 any proceeding or hearing under the Uniform Arbitration Act, but an
15 employer and a labor organization may waive the right to
16 representation by a lawyer in a labor arbitration.

17 C. A party to an agreement to arbitrate or to an arbitration
18 proceeding may not waive, or the parties may not vary the effect of,
19 the requirements of this section or subsection A or C of Section 4
20 ~~of this act~~ 1854, Section ~~8 of this act~~ 1858, Section ~~15 of this act~~
21 1865, Section ~~19 of this act~~ 1869, subsection D or E of Section ~~21~~
22 ~~of this act~~ 1871, Section ~~23, 24~~ 1873, 1874 or ~~25 of this act~~ 1875,
23 subsection A or B of Section ~~26 of this act~~ 1876, or Section ~~30~~ 1880
24 of this ~~act~~ title.

1 D. The Uniform Arbitration Act shall not apply to collective
2 bargaining agreements and contracts which reference insurance,
3 except for those contracts between insurance companies.

4 SECTION 2. This act shall become effective November 1, 2008.

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