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Effective Date:

Effective date versioning not available for certain content such as court rules and Federal Sentencing Guidelines

## **Subchapter A.1. Revised Statutory Arbitration**

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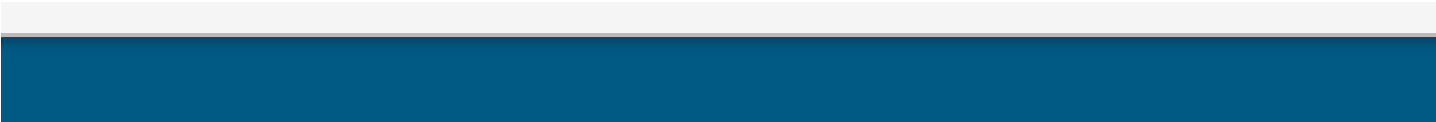
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## § 7321.1. *Short title of subchapter*

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Effective: July 1, 2019

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 42 Pa.C.S.A. Judiciary and Judicial Procedure (Refs & Annos)  
Part VII. Civil Actions and Proceedings  
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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.1

## § 7321.1. Short title of subchapter

[Currentness](#)

This subchapter shall be known and may be cited as the Revised Statutory Arbitration Act.

### **Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.1, PA ST 42 Pa.C.S.A. § 7321.1

Current through Act 4 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Effective: July 1, 2019

Purdon's Pennsylvania Statutes and Consolidated Statutes  
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Chapter 73. Arbitration (Refs & Annos)  
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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.2

## § 7321.2. Definitions

[Currentness](#)

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**“Arbitration organization.”** Any association, agency, board, commission or other entity that is neutral and initiates, sponsors or administers an arbitration proceeding or is involved in the appointment of an arbitrator.

**“Arbitrator.”** An individual appointed to render an award, alone or with others, in a controversy that is subject to an agreement to arbitrate.

**“Consumer.”** An individual who incurs an obligation in an agreement with a merchant for personal, family or household purposes.

**“Consumer transaction.”** A transaction between a consumer domiciled in this Commonwealth and a merchant, including all personal injury claims arising out of such a transaction.

**“Court.”** A court of competent jurisdiction in this Commonwealth.

**“Knowledge.”** Actual knowledge.

**“Merchant.”** A person in the ordinary course of business that offers or sells goods or services to consumers or holds itself out as having knowledge or skill peculiar to such transactions, including a manufacturer, supplier or distributor of goods, or a supplier of personal or professional services.

**“Person.”** Any individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture; a government; a governmental subdivision, agency or instrumentality; a public corporation; or any other legal or commercial entity.

**“Record.”** Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.2, PA ST 42 Pa.C.S.A. § 7321.2

Current through Act 4 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.3

**§ 7321.3. Notice**[Currentness](#)

**(a) Giving notice.**--Except as otherwise provided in this subchapter, a person gives notice to another person by taking action that is reasonably necessary to inform the other person in ordinary course whether or not the other person acquires knowledge of the notice.

**(b) Having notice.**--A person has notice if the person has knowledge of the notice or has received notice.

**(c) Receiving notice.**--A person receives notice when it comes to the person's attention or the notice is delivered at:

- (1) the person's place of residence or business; or
- (2) another location held out by the person as a place of delivery of such communications.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.3, PA ST 42 Pa.C.S.A. § 7321.3

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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.4

**§ 7321.4. When subchapter applies**[Currentness](#)

**(a) Subsequent agreements.**--This subchapter governs an agreement to arbitrate made on or after the effective date of this subchapter.

**(b) Prior agreements.**--For an agreement to arbitrate made before the effective date of this subchapter, except as set forth in subsection (c):

(1) If all the parties to the agreement or to the arbitration proceeding agree in a record that this subchapter governs the agreement, this subchapter governs the agreement.

(2) If paragraph (1) does not apply, Subchapter A (relating to statutory arbitration) governs the agreement.

**(c) Collective bargaining agreements.**--This subchapter shall apply to collective bargaining agreements to arbitrate controversies between employers and employees or their respective representatives only to the extent that the arbitration under this subchapter is consistent with any other statute regulating labor and management relations.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.4, PA ST 42 Pa.C.S.A. § 7321.4

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Chapter 73. Arbitration (Refs & Annos)  
Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.5

**§ 7321.5. Effect of agreement to arbitrate; nonwaivable provisions**[Currentness](#)

**(a) Waiver or variance.**--Except as otherwise provided in subsections (b) and (c), a party to an agreement to arbitrate or to an arbitration proceeding may waive, or the parties may vary the effect of, the requirements of this subchapter to the extent permitted by law.

**(b) Prior to controversy.**--Before a controversy arises that is subject to an agreement to arbitrate, a party to the agreement may not do any of the following:

(1) Waive or agree to vary the effect of the requirements of any of the following:

- (i) Section 7321.6(a) (relating to application for judicial relief).
- (ii) Section 7321.7(a) (relating to validity of agreement to arbitrate).
- (iii) Section 7321.9 (relating to provisional remedies).
- (iv) Section 7321.18(a) or (b) (relating to witnesses; subpoenas; depositions; discovery).
- (v) Section 7321.27 (relating to jurisdiction).
- (vi) Section 7321.29 (relating to appeals).

(2) Agree to unreasonably restrict the right under section 7321.10 (relating to initiation of arbitration) to notice of the initiation of an arbitration proceeding.

(3) Agree to unreasonably restrict the right under section 7321.13 (relating to disclosure by arbitrator) to disclosure of any facts by a neutral arbitrator.

(4) Waive the right under section 7321.17 (relating to representation by attorney) of a party to an agreement to arbitrate to be represented by an attorney at any proceeding or hearing under this subchapter, but an employer and a labor organization may waive the right to representation by an attorney in a labor arbitration.

**(c) Absolute prohibition.**--A party to an agreement to arbitrate or an arbitration proceeding may not waive, or the parties may not vary the effect of, the requirements of any of the following:

- (1) This section.
- (2) Section 7321.4(a) (relating to when subchapter applies).
- (3) Section 7321.8 (relating to motion to compel or stay arbitration).
- (4) Section 7321.15 (relating to immunity of arbitrator; competency to testify; attorney fees and costs).
- (5) Section 7321.19 (relating to judicial enforcement of preaward ruling by arbitrator).
- (6) Section 7321.21(d) or (e) (relating to change of award by arbitrator).
- (7) Section 7321.23 (relating to confirmation of award).

- (8) Section 7321.24 (relating to vacating award).
- (9) Section 7321.25 (relating to modification or correction of award).
- (10) Section 7321.26(a) or (b) (relating to judgment on award; attorney fees and litigation expenses).
- (11) Section 7321.30 (relating to uniformity of application and construction).
- (12) Section 7321.31 (relating to relationship to Electronic Signatures in Global and National Commerce Act).

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.  
42 Pa.C.S.A. § 7321.5, PA ST 42 Pa.C.S.A. § 7321.5  
Current through Act 4 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Effective: July 1, 2019

Purdon's Pennsylvania Statutes and Consolidated Statutes  
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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.6

**§ 7321.6. Application for judicial relief**[Currentness](#)

**(a) Procedure.**--Except as otherwise provided in section 7321.29 (relating to appeals), an application for judicial relief under this subchapter must be made by motion to the court and heard in the manner provided by law or rule of court for making and hearing motions.

**(b) Service.**--Unless a civil action involving the agreement to arbitrate is pending, notice of an initial motion to the court under this subchapter must be served in the manner provided by law for the service of a summons in a civil action. Otherwise, notice of the motion must be given in the manner provided by law or rule of court for serving motions in pending cases.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.6, PA ST 42 Pa.C.S.A. § 7321.6

Current through Act 4 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes

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Effective: July 1, 2019

Purdon's Pennsylvania Statutes and Consolidated Statutes  
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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.7

**§ 7321.7. Validity of agreement to arbitrate**[Currentness](#)

**(a) General rule.**--An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement is valid, enforceable and irrevocable except upon a ground that exists at law or in equity for the revocation of a contract.

**(b) Court decision.**--The court shall decide whether an agreement to arbitrate exists or a controversy is subject to an agreement to arbitrate.

**(c) Arbitrator decision.**--An arbitrator shall decide whether a condition precedent to arbitrability has been fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

**(d) Challenge to arbitration.**--If a party to a judicial proceeding challenges the existence of, or claims that a controversy is not subject to, an agreement to arbitrate, the arbitration proceeding may continue pending final resolution of the issue by the court, unless the court otherwise orders.

**(e) Grounds for validity and enforceability.--**

(1) Subject to paragraph (2), in determining the validity and enforceability of an agreement to arbitrate, a court may consider any grounds that exist at law or in equity for the revocation of a contract, regardless of whether arising out of Federal or State law or as a matter of public policy, that are applicable to other contracts, including fraud, duress, coercion, unconscionability or the imposition by a contract of adhesion of any requirement that unreasonably favors the party that imposed the provision.

(2) Paragraph (1) shall not apply in any manner prohibited by 9 U.S.C. (relating to arbitration) or other Federal law.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.7, PA ST 42 Pa.C.S.A. § 7321.7

Current through Act 4 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.8

**§ 7321.8. Motion to compel or stay arbitration**[Currentness](#)

**(a) Refusal to arbitrate under agreement.**--On motion of a person showing an agreement to arbitrate and alleging another person's refusal to arbitrate under the agreement:

- (1) if the refusing party does not appear or does not oppose the motion, the court shall order the parties to arbitrate; and
- (2) if the refusing party opposes the motion, the court shall proceed summarily to decide the issue and order the parties to arbitrate unless it finds that there is no enforceable agreement to arbitrate.

**(b) Agreement challenged.**--On motion of a person alleging that an arbitration proceeding has been initiated or threatened but that there is no agreement to arbitrate, the court shall proceed summarily to decide the issue. If the court finds that there is an enforceable agreement to arbitrate, the court shall order the parties to arbitrate.

**(c) Enforceable agreement required.**--If the court finds that there is no enforceable agreement, the court may not, under subsection (a) or (b), order the parties to arbitrate.

**(d) Court refusal.**--The court may not refuse to order arbitration because the claim subject to arbitration lacks merit or grounds for the claim have not been established.

**(e) Appropriate court.**--If a proceeding involving a claim referable to arbitration under an alleged agreement to arbitrate is pending in court, a motion under this section must be made in that court. Otherwise, a motion under this section may be made in any court as provided in section 7321.28 (relating to venue).

**(f) Stay of judicial proceedings.**--An action or proceeding allegedly involving an issue subject to arbitration shall be stayed if a court order to proceed with arbitration has been made or a motion for such an order has been made under this section. If the issue allegedly subject to arbitration is severable, the stay of the court action or proceeding may be made with respect to the severable issue only. If a motion for an order to proceed with arbitration is made in the action or proceeding and is granted, the court order to proceed with arbitration shall include a stay of the action or proceeding.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.8, PA ST 42 Pa.C.S.A. § 7321.8

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.9

§ 7321.9. *Provisional remedies*[Currentness](#)

**(a) Court.**--Before an arbitrator is appointed and is authorized and able to act, the court, upon motion of a party to an arbitration proceeding and for good cause shown, may enter an order for provisional remedies to protect the effectiveness of the arbitration proceeding to the same extent and under the same conditions as if the controversy were the subject of a civil action.

**(b) Arbitrator.**--After an arbitrator is appointed and is authorized and able to act:

(1) the arbitrator may issue orders for provisional remedies, including interim awards, as the arbitrator finds necessary to protect the effectiveness of the arbitration proceeding and to promote the fair and expeditious resolution of the controversy, to the same extent and under the same conditions as if the controversy were the subject of a civil action; and

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

**(c) Effect.**--A party does not waive a right of arbitration by making a motion under subsection (a) or (b).

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.9, PA ST 42 Pa.C.S.A. § 7321.9

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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.10

**§ 7321.10. Initiation of arbitration**[Currentness](#)

**(a) Notice.**--A person initiates an arbitration proceeding by giving notice in a record to the other parties to the agreement to arbitrate in the agreed manner between the parties or, in the absence of agreement, by certified or registered mail, return receipt requested and obtained, or by service as authorized for the commencement of a civil action. The notice must describe the nature of the controversy and the remedy sought.

**(b) Lack of notice.**--Unless a person objects for lack or insufficiency of notice under section 7321.16 (relating to arbitration process) not later than at the beginning of the arbitration hearing, the person by appearing at the hearing waives any objection to lack of or insufficiency of notice.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.10, PA ST 42 Pa.C.S.A. § 7321.10

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§ 7321.11. *Consolidation of separate arbitration proceedings* Purdon's Pennsylvania Statutes and Consolidated Statutes

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Effective: July 1, 2019

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.11

§ 7321.11. Consolidation of separate arbitration proceedings

[Currentness](#)

**(a) Conditions.**--Except as otherwise provided in subsection (c), upon motion of a party to an agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of separate arbitration proceedings as to all or some of the claims if:

- (1) there are separate agreements to arbitrate or separate arbitration proceedings between the same persons, or one of them is a party to a separate agreement to arbitrate or a separate arbitration proceeding with a third person;
- (2) the claims subject to the agreements to arbitrate arise in substantial part from the same transaction or series of related transactions;
- (3) the existence of a common issue of law or fact creates the possibility of conflicting decisions in the separate arbitration proceedings; and
- (4) prejudice resulting from a failure to consolidate is not outweighed by the risk of undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

**(b) Partial consolidation.**--The court may order consolidation of separate arbitration proceedings as to some claims and allow other claims to be resolved in separate arbitration proceedings.

**(c) Agreement governs.**--The court may not order consolidation of the claims of a party to an agreement to arbitrate if the agreement prohibits consolidation.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.11, PA ST 42 Pa.C.S.A. § 7321.11

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.12

**§ 7321.12. Appointment of arbitrator; service as a neutral arbitrator**[Currentness](#)

**(a) Appointment.**--If the parties to an agreement to arbitrate agree on a method for appointing an arbitrator, that method must be followed unless the method fails. If the parties have not agreed on a method, the agreed method fails or an arbitrator appointed fails or is unable to act and a successor has not been appointed, the court, on motion of a party to the arbitration proceeding, shall appoint the arbitrator. An arbitrator appointed by the court has all the powers of an arbitrator designated in the agreement to arbitrate or appointed under the agreed method.

**(b) Neutral service.**--An individual may not serve as an arbitrator required by an agreement to be neutral under the standards under which a judge would be required to disqualify himself or herself from participation in a proceeding under 207 Pa. Code Ch. 33 Canon 2 Rule 2.11 (relating to disqualification).

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.12, PA ST 42 Pa.C.S.A. § 7321.12

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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.13

## § 7321.13. Disclosure by arbitrator

[Currentness](#)

**(a) Preappointment.**--Before accepting appointment, an individual who is requested to serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to arbitrate and the arbitration proceeding and to any other arbitrators any known facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitration proceeding, including:

- (1) a financial or personal interest in the outcome of the arbitration proceeding; and
- (2) an existing or past relationship with any of the parties to the agreement to arbitrate or the arbitration proceeding, their counsel or representatives, a witness or another arbitrator.

**(b) Continuing.**--An arbitrator has a continuing obligation to disclose to all parties to the agreement to arbitrate and the arbitration proceeding and to other arbitrators facts that the arbitrator learns after accepting appointment that a reasonable person would consider likely to affect the impartiality of the arbitrator.

**(c) Objection.**--If an arbitrator discloses a fact required by subsection (a) or (b) to be disclosed and a party timely objects to the appointment or continued service of the arbitrator based upon the fact disclosed, the objection may be a ground under section 7321.24(a)(2) (relating to vacating award) for vacating an award made by the arbitrator.

**(d) Nondisclosure.**--If the arbitrator does not disclose a fact as required by subsection (a) or (b), upon timely objection by a party, the court under section 7321.24(a)(2) may vacate an award.

**(e) Presumption of neutrality.**--An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct and material interest in the outcome of the arbitration proceeding or a known, existing and substantial relationship with a party is presumed to act with evident partiality under section 7321.24(a)(2).

**(f) Procedure to challenge arbitrator.**--If the parties to an arbitration proceeding agree to the procedures of an arbitration organization or other procedures for challenges to arbitrators before an award is made, substantial compliance with those procedures is a condition precedent to a motion to vacate an award on that ground under section 7321.24(a)(2).

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.13, PA ST 42 Pa.C.S.A. § 7321.13

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Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Effective: July 1, 2019

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 42 Pa.C.S.A. Judiciary and Judicial Procedure (Refs & Annos)  
Part VII. Civil Actions and Proceedings  
Chapter 73. Arbitration (Refs & Annos)  
Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.14

**§ 7321.14. Action by majority**[Currentness](#)

If there is more than one arbitrator, the powers of an arbitrator must be exercised by a majority of the arbitrators but all of them shall conduct the hearing under section 7321.16(c) (relating to arbitration process).

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.14, PA ST 42 Pa.C.S.A. § 7321.14

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§ 7321.15. *Immunity of arbitrator; competency to testify; attorney fees and costs* Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Effective: July 1, 2019

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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.15

### § 7321.15. Immunity of arbitrator; competency to testify; attorney fees and costs

#### [Currentness](#)

**(a) Immunity.**--An arbitrator or an arbitration organization acting in that capacity is immune from civil liability to the same extent as a judge of a court of this Commonwealth acting in a judicial capacity.

**(b) Other immunity.**--The immunity afforded by this section supplements any immunity under other law.

**(c) Failure to disclose.**--The failure of an arbitrator to make a disclosure required by section 7321.13 (relating to disclosure by arbitrator) does not cause a loss of immunity under this section.

**(d) Competency to testify.**--In a judicial, administrative or similar proceeding, an arbitrator or representative of an arbitration organization is not competent to testify and may not be required to produce records as to any statement, conduct, decision or ruling occurring during the arbitration proceeding, to the same extent as a judge of a court of this Commonwealth acting in a judicial capacity. This subsection does not apply:

(1) to the extent necessary to determine the claim of an arbitrator, arbitration organization or representative of the arbitration organization against a party to the arbitration proceeding; or

(2) to a hearing on a motion to vacate an award under section 7321.24(a)(1) or (2) (relating to vacating award) if the movant establishes prima facie that a ground for vacating the award exists.

**(e) Attorney fees and costs.**--If a person commences a civil action against an arbitrator, arbitration organization or representative of an arbitration organization arising from the services of the arbitrator, organization or representative, or if a person seeks to compel an arbitrator or a representative of an arbitration organization to testify or produce records in violation of subsection (d) and the court upon deciding whether the arbitrator, arbitration organization or representative of an arbitration organization is immune from civil liability or whether the arbitrator or representative of the organization is competent to testify, the court may award to the prevailing party, including the arbitrator, organization or representative, reasonable attorney fees and other reasonable expenses of litigation.

#### **Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.15, PA ST 42 Pa.C.S.A. § 7321.15

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## § 7321.16. Arbitration process

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Effective: July 1, 2019

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.16

## § 7321.16. Arbitration process

[Currentness](#)

**(a) Discretion of arbitrator.**--An arbitrator may conduct an arbitration in a manner appropriate for a fair and expeditious disposition of the proceeding. The authority conferred upon the arbitrator includes the power to hold conferences with the parties to the arbitration proceeding before the hearing and, among other matters, determine the admissibility, relevance, materiality and weight of any evidence.

**(b) Summary disposition.**--An arbitrator may decide a request for summary disposition of a claim or particular issue:

- (1) if all interested parties agree; or
- (2) upon request of one party to the arbitration proceeding if that party gives notice to all other parties to the proceeding and if the other parties have a reasonable opportunity to respond.

**(c) Notice and hearing.**--If an arbitrator orders a hearing, the arbitrator shall set a time and place and give notice of the hearing not less than five days before the hearing begins. Unless a party to the arbitration proceeding makes an objection to lack or insufficiency of notice not later than the beginning of the hearing, the party's appearance at the hearing waives the objection. Upon request of a party to the arbitration proceeding and for good cause shown, or upon the arbitrator's own initiative, the arbitrator may adjourn the hearing as necessary but may not postpone the hearing to a time later than that fixed by the agreement to arbitrate for making the award unless the parties to the arbitration proceeding consent to a later date. The arbitrator may hear and decide the controversy upon the evidence produced although a party who was notified of the arbitration proceeding did not appear. The court, on request, may direct the arbitrator to conduct the hearing promptly and render a timely decision.

**(d) Procedure.**--At a hearing under subsection (c), a party to the arbitration proceeding has a right to be heard, to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing.

**(e) Replacement.**--If an arbitrator ceases or is unable to act during the arbitration proceeding, a replacement arbitrator must be appointed in accordance with section 7321.12 (relating to appointment of arbitrator; service as a neutral arbitrator) to continue the proceeding and to resolve the controversy.

**(f) Location for arbitration hearing for consumer transactions.**--A hearing conducted under an arbitration agreement applicable to a consumer transaction shall be held at a location reasonably convenient to the consumer.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.16, PA ST 42 Pa.C.S.A. § 7321.16

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.17

**§ 7321.17. Representation by attorney**[Currentness](#)

A party to an arbitration proceeding may be represented by an attorney.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.17, PA ST 42 Pa.C.S.A. § 7321.17

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.18

**§ 7321.18. Witnesses; subpoenas; depositions; discovery**[Currentness](#)

**(a) Subpoenas.**--An arbitrator may issue a subpoena for the attendance of a witness and for the production of records and other evidence at a hearing and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, may be enforced in the manner for enforcement of subpoenas in a civil action.

**(b) Depositions.**--In order to make the proceedings fair, expeditious and cost effective, upon request of a party to or a witness in an arbitration proceeding, an arbitrator may permit a deposition of a witness to be taken for use as evidence at the hearing, including a witness who cannot be subpoenaed for or is unable to attend a hearing. The arbitrator shall determine the conditions under which the deposition is taken.

**(c) Discovery.**--An arbitrator may permit discovery as the arbitrator decides is appropriate in the circumstances, taking into account the needs of the parties to the arbitration proceeding and other affected persons and the desirability of making the proceeding fair, expeditious and cost effective.

**(d) Compliance with discovery.**--If an arbitrator permits discovery under subsection (c), the arbitrator may order a party to the arbitration proceeding to comply with the arbitrator's discovery-related orders, issue subpoenas for the attendance of a witness and for the production of records and other evidence at a discovery proceeding and take action against a noncomplying party to the extent a court could if the controversy were the subject of a civil action in this Commonwealth.

**(e) Protective orders.**--An arbitrator may issue a protective order to prevent the disclosure of privileged information, confidential information, trade secrets and other information protected from disclosure to the extent a court could if the controversy were the subject of a civil action in this Commonwealth.

**(f) Compulsory laws.**--All laws compelling a person under subpoena to testify and all fees for attending a judicial proceeding, a deposition or a discovery proceeding as a witness apply to an arbitration proceeding as if the controversy were the subject of a civil action in this Commonwealth.

**(g) Enforcement.**--The court may enforce a subpoena or discovery-related order for the attendance of a witness within this Commonwealth and for the production of records and other evidence issued by an arbitrator in connection with an arbitration proceeding in another state upon conditions determined by the court so as to make the arbitration proceeding fair, expeditious and cost effective. A subpoena or discovery-related order issued by an arbitrator in another state must be served in the manner provided by law for service of subpoenas in a civil action in this Commonwealth and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, may be enforced in the manner provided by law for enforcement of subpoenas in a civil action in this Commonwealth.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.18, PA ST 42 Pa.C.S.A. § 7321.18

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§ 7321.19. *Judicial enforcement of preaward ruling by arbitrator* Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Effective: July 1, 2019

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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.19

§ 7321.19. Judicial enforcement of preaward ruling by arbitrator

[Currentness](#)

If an arbitrator makes a preaward ruling in favor of a party to the arbitration proceeding, the party may request the arbitrator to incorporate the ruling into an award under section 7321.20 (relating to award). A prevailing party may make a motion to the court for an expedited order to confirm the award under section 7321.23 (relating to confirmation of award), in which case the court shall summarily decide the motion. The court shall issue an order to confirm the award unless the court vacates, modifies or corrects the award under section 7321.24 (relating to vacating award) or 7321.25 (relating to modification or correction of award).

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.19, PA ST 42 Pa.C.S.A. § 7321.19

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## § 7321.20. Award

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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.20

## § 7321.20. Award

[Currentness](#)

**(a) Record.**--An arbitrator shall make a record of an award. The record must be signed or otherwise authenticated by an arbitrator who concurs with the award. The arbitrator or the arbitration organization shall give notice of the award, including a copy of the award, to each party to the arbitration proceeding.

**(b) Time.**--An award must be made within the time specified by the agreement to arbitrate or, if not specified in the agreement, within the time ordered by the court. The court may extend or the parties to the arbitration proceeding may agree in a record to extend the time. The court or the parties may do so within or after the time specified or ordered. A party waives an objection that an award was not timely made unless the party gives notice of the objection to the arbitrator before receiving notice of the award.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.20, PA ST 42 Pa.C.S.A. § 7321.20

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Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.21

**§ 7321.21. Change of award by arbitrator**[Currentness](#)

**(a) Motion.**--On motion to an arbitrator by a party to an arbitration proceeding, the arbitrator may modify or correct an award:

- (1) upon a ground stated in section 7321.25(a)(1) or (3) (relating to modification or correction of award);
- (2) because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceeding; or
- (3) to clarify the award.

**(b) Time for motion.**--A motion under subsection (a) must be made and notice given to all parties within 20 days after the movant receives notice of the award.

**(c) Time for objection to motion.**--A party to the arbitration proceeding must give notice of an objection to the motion within 10 days after receipt of the notice.

**(d) Pending motion to court.**--If a motion to the court is pending under section 7321.23 (relating to confirmation of award), 7321.24 (relating to vacating award) or 7321.25, the court may submit the claim to the arbitrator to consider whether to modify or correct the award:

- (1) upon a ground stated in section 7321.25(a)(1) or (3);
- (2) because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceeding; or
- (3) to clarify the award.

**(e) Other provisions applicable.**--An award modified or corrected under this section is subject to sections 7321.20(a) (relating to award), 7321.23, 7321.24 and 7321.25.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.21, PA ST 42 Pa.C.S.A. § 7321.21

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§ 7321.22. Remedies; fees and expenses of arbitration proceeding  
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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.22

§ 7321.22. Remedies; fees and expenses of arbitration proceeding

[Currentness](#)

**(a) Punitive damages.**--An arbitrator may award punitive damages or other exemplary relief if such an award is authorized by law in a civil action involving the same claim and the evidence produced at the hearing justifies the award under the legal standards otherwise applicable to the claim.

**(b) Attorney fees and costs.**--An arbitrator may award reasonable attorney fees and other reasonable expenses of arbitration if the award is authorized by law in a civil action involving the same claim, by the agreement of the parties to the arbitration proceeding or by the terms of an agreement subject to arbitration.

**(c) Additional remedies.**--As to all remedies other than those authorized by subsections (a) and (b), an arbitrator may order remedies as the arbitrator considers just and appropriate under the circumstances of the arbitration proceeding. The fact that a remedy could not or would not be granted by the court is not a ground for refusing to confirm an award under section 7321.23 (relating to confirmation of award) or for vacating an award under section 7321.24 (relating to vacating award).

**(d) Arbitrator costs and fees.**--An arbitrator's expenses and fees, together with other expenses, must be paid as provided in the award.

**(e) Justification for punitive damages.**--If an arbitrator awards punitive damages or other exemplary relief under subsection (a), the arbitrator shall specify in the award the basis in fact justifying and the basis in law authorizing the award and state separately the amount of the punitive damages or other exemplary relief.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.22, PA ST 42 Pa.C.S.A. § 7321.22

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.23

**§ 7321.23. Confirmation of award**[Currentness](#)

After a party to an arbitration proceeding receives notice of an award, the party must make a motion to the court for an order confirming the award. The court shall then issue a confirming order unless the award is modified or corrected under section 7321.21 (relating to change of award by arbitrator) or 7321.25 (relating to modification or correction of award) or is vacated under section 7321.24 (relating to vacating award).

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.23, PA ST 42 Pa.C.S.A. § 7321.23

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.24

**§ 7321.24. Vacating award**[Currentness](#)

**(a) Grounds.**--Upon motion to the court by a party to an arbitration proceeding, the court shall vacate an award made in the arbitration proceeding if:

- (1) the award was procured by corruption, fraud or other undue means;
- (2) there was:
  - (i) evident partiality by an arbitrator appointed as a neutral arbitrator;
  - (ii) corruption by an arbitrator; or
  - (iii) misconduct by an arbitrator prejudicing the rights of a party to the arbitration proceeding;
- (3) an arbitrator refused to postpone the hearing upon showing of sufficient cause for postponement, refused to consider evidence material to the controversy or otherwise conducted the hearing contrary to section 7321.16 (relating to arbitration process), so as to prejudice the rights of a party to the arbitration proceeding;
- (4) an arbitrator exceeded the arbitrator's powers;
- (5) there was no agreement to arbitrate, unless the person participated in the arbitration proceeding without raising the objection under section 7321.16(c) not later than the beginning of the arbitration hearing; or
- (6) the arbitration was conducted without proper notice of the initiation of an arbitration as required in section 7321.10 (relating to initiation of arbitration) so as to prejudice substantially the rights of a party to the arbitration proceeding.

**(b) Time.**--A motion under this section must be filed within 30 days after the movant receives notice of the award under section 7321.20 (relating to award) or within 30 days after the movant receives notice of a modified or corrected award under section 7321.21 (relating to change of award by arbitrator), unless the movant alleges that the award was procured by corruption, fraud or other undue means, in which case the motion must be made within 30 days after the ground is known or by the exercise of reasonable care would have been known by the movant.

**(c) Rehearing.**--If the court vacates an award on a ground other than that set forth in subsection (a)(5), it may order a rehearing. If the award is vacated on a ground stated in subsection (a)(1) or (2), the rehearing shall be before a new arbitrator. If the award is vacated on a ground stated in subsection (a)(3), (4) or (6), the rehearing may be before the arbitrator who made the award or the arbitrator's successor. The arbitrator shall render the decision in the rehearing within the same time as that provided in section 7321.20(b) for an award.

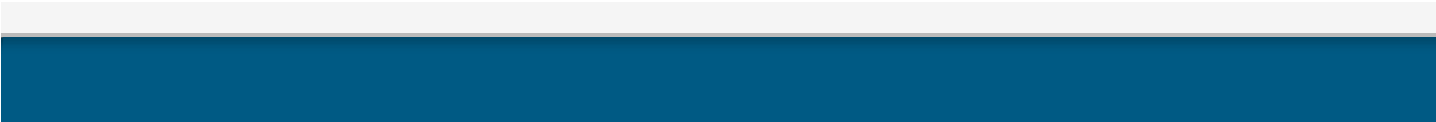
**(d) Confirmation.**--If the court denies a motion to vacate an award, the court shall confirm the award unless a motion to modify or correct the award is pending.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.24, PA ST 42 Pa.C.S.A. § 7321.24

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[Home](#) [Table of Contents](#)*§ 7321.25. Modification or correction of award*

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.25

**§ 7321.25. Modification or correction of award**[Currentness](#)

**(a) Grounds.**--Upon motion made within 90 days after the movant receives notice of the award under section 7321.20 (relating to award) or within 90 days after the movant receives notice of a modified or corrected award under section 7321.21 (relating to change of award by arbitrator), the court shall modify or correct the award if:

- (1) there was an evident mathematical miscalculation or an evident mistake in the description of a person, thing or property referred to in the award;
- (2) the arbitrator has made an award on a claim not submitted to the arbitrator and the award may be corrected without affecting the merits of the decision upon the claims submitted; or
- (3) the award is imperfect in a matter of form not affecting the merits of the decision on the claims submitted.

**(b) Court action.**--If a motion made under subsection (a) is granted, the court shall modify or correct and confirm the award as modified or corrected. Otherwise, unless a motion to vacate is pending, the court shall confirm the award.

**(c) Joinder.**--A motion to modify or correct an award under this section may be joined with a motion to vacate the award under section 7321.24 (relating to vacating award).

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.25, PA ST 42 Pa.C.S.A. § 7321.25

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§ 7321.26. *Judgment on award; attorney fees and litigation expenses* Purdon's Pennsylvania Statutes and Consolidated  
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Effective: July 1, 2019

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.26

§ 7321.26. Judgment on award; attorney fees and litigation expenses

[Currentness](#)

**(a) Judgment.**--Upon granting an order confirming, vacating without directing a rehearing, modifying or correcting an award, the court shall enter a judgment in conformity with the order. The judgment may be recorded, docketed and enforced as any other judgment in a civil action.

**(b) Court costs.**--A court may allow reasonable costs of the motion and subsequent judicial proceedings.

**(c) Attorney fees and costs.**--On application of a prevailing party to a contested judicial proceeding under section 7321.23 (relating to confirmation of award), 7321.24 (relating to vacating award) or 7321.25 (relating to modification or correction of award), the court may add reasonable attorney fees and other reasonable expenses of litigation incurred in a judicial proceeding after the award is made to a judgment confirming, vacating without directing a rehearing, modifying or correcting an award if attorney fees and other expenses are authorized by law to be added to an award in a civil action involving the same claim as the arbitration award.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.26, PA ST 42 Pa.C.S.A. § 7321.26

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.27

**§ 7321.27. Jurisdiction**[Currentness](#)

**(a) Enforcement.**--A court having jurisdiction over the controversy and the parties may enforce an agreement to arbitrate.

**(b) Exclusivity.**--An agreement to arbitrate providing for arbitration in this Commonwealth confers exclusive jurisdiction on the court to enter judgment on an award under this subchapter.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.27, PA ST 42 Pa.C.S.A. § 7321.27

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Effective: July 1, 2019

42 Pa.C.S.A. § 7321.28

**§ 7321.28. Venue**[Currentness](#)

A motion under section 7321.6 (relating to application for judicial relief) must be made in the court of the county in which the agreement to arbitrate or section 7321.16(f) (relating to arbitration process) specifies the arbitration hearing is to be held or, if the hearing has been held, in the court of the county in which the hearing was held. Otherwise, the motion may be made in the court of the county in this Commonwealth as provided by the Pennsylvania Rules of Civil Procedure. All subsequent motions must be made in the court hearing the initial motion unless the court otherwise directs.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.28, PA ST 42 Pa.C.S.A. § 7321.28

Current through Act 4 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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[Home](#) [Table of Contents](#)**§ 7321.29. Appeals**

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Effective: July 1, 2019

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 42 Pa.C.S.A. Judiciary and Judicial Procedure (Refs & Annos)  
Part VII. Civil Actions and Proceedings  
Chapter 73. Arbitration (Refs & Annos)  
Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.29

**§ 7321.29. Appeals**[Currentness](#)**(a) Appealable orders.**--An appeal may be taken from:

- (1) an order denying a motion to compel arbitration;
- (2) an order granting a motion to stay arbitration;
- (3) an order confirming or denying confirmation of an award;
- (4) an order modifying or correcting an award;
- (5) an order vacating an award without directing a rehearing; or
- (6) a final judgment entered under this subchapter.

**(b) Procedure.**--An appeal under this section must be taken as from an order or a judgment in a civil action and must be taken within 30 days of the order or judgment.**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.29, PA ST 42 Pa.C.S.A. § 7321.29

Current through Act 4 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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[Home](#) [Table of Contents](#)*§ 7321.30. Uniformity of application and construction*

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Effective: July 1, 2019

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 42 Pa.C.S.A. Judiciary and Judicial Procedure (Refs & Annos)  
Part VII. Civil Actions and Proceedings  
Chapter 73. Arbitration (Refs & Annos)  
Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.30

**§ 7321.30. Uniformity of application and construction**[Currentness](#)

**(a) General rule.**--In applying and construing this subchapter, consideration shall be given to the need to promote uniformity of the law with respect to the subject matter among states that enact it.

**(b) Right to trial by jury.**--Except as provided by an agreement to arbitrate, nothing in this subchapter is intended to require a party to waive the right to trial by jury to the extent provided by the Constitution of the United States and the Constitution of Pennsylvania.

**(c) Severability.**--If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the remainder of this subchapter and the application of such provisions to other persons or circumstances shall not be affected.

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.30, PA ST 42 Pa.C.S.A. § 7321.30

Current through Act 4 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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§ 7321.31. *Relationship to Electronic Signatures in Global and National Commerce Act* Purdon's Pennsylvania Statutes  
and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Effective: July 1, 2019

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 42 Pa.C.S.A. Judiciary and Judicial Procedure (Refs & Annos)  
Part VII. Civil Actions and Proceedings  
Chapter 73. Arbitration (Refs & Annos)  
Subchapter A.1. Revised Statutory Arbitration (Refs & Annos)

Effective: July 1, 2019

42 Pa.C.S.A. § 7321.31

§ 7321.31. Relationship to Electronic Signatures in Global and National Commerce Act

[Currentness](#)

The provisions of this subchapter governing the legal effect, validity and enforceability of electronic records or electronic signatures and of contracts performed with the use of such records or signatures conform to the requirements of section 102 of the Electronic Signatures in Global and National Commerce Act (Public Law 106-229, 15 U.S.C. § 7002).

**Credits**

2018, June 28, P.L. 381, No. 55, § 1.1, effective July 1, 2019.

42 Pa.C.S.A. § 7321.31, PA ST 42 Pa.C.S.A. § 7321.31

Current through Act 4 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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