

Title 10

Courts and Civil Procedure — Procedure in Particular Actions

Chapter 3

Arbitration

R.I. Gen. Laws § 10-3-1

§ 10-3-1. Short title.

This chapter may be referred to as “The Arbitration Act”.

History of Section.

P.L. 1929, ch. 1408, § 17; G.L. 1938, ch. 475, § 17; G.L. 1956, § 10-3-1.

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R.I. Gen. Laws § 10-3-2

§ 10-3-2. Agreements to arbitrate subject to chapter — Notice.

(a) When clearly written and expressed, a provision in a written contract to settle by arbitration a controversy thereafter arising out of such contract, or out of the refusal to perform the whole or any part thereof, or an agreement in writing between two (2) or more persons to submit to arbitration any controversy existing between them at the time of the agreement to submit shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract; provided, however, that the provisions of this chapter shall not apply to collective contracts between employers and employees, or between employers and associations of employees, in respect to terms or conditions of employment; and provided further, that in all contracts of primary insurance, wherein the provision for arbitration is not placed immediately before the testimonium clause or the signature of the parties, the arbitration procedure may be enforced at the option of the insured, and in the event the insured exercises the option to arbitrate, then the provisions of this chapter shall apply and be the exclusive remedy available to the insured.

(b) Notice of intention to arbitrate. A party may serve upon another party a demand for arbitration or a notice of intention to arbitrate, specifying the agreement pursuant to which arbitration is sought and the name and address of the party serving the notice, or of an officer or agent thereof if such party is an association or corporation, and stating that unless the party served applies to stay the arbitration within twenty (20) days after such service they shall thereafter be precluded from objecting that a valid agreement was not made or has not been complied with and from asserting in court the bar of a limitation of time. Such notice or demand shall be served in the same manner as a summons or by registered or certified mail, return receipt requested. An application to stay arbitration shall be made by the party served within twenty (20) days after service upon the party of the notice or demand, or they shall be so precluded. Notice of such application shall be served in the same manner as a summons or by registered or certified mail, return receipt requested. Service of the application may be made upon the adverse party, or upon their attorney if the attorneys' name appears on the demand for arbitration or the notice of intention to arbitrate. Service of the application by mail shall be timely if such application is posted within the prescribed period. Any provision in an arbitration agreement or arbitration rules that waives the right to apply for a stay of arbitration or prescribes a manner of notifying a party of an intention to commence arbitration that is more burdensome than that described in this section is hereby declared null and void.

(c) The party required to send notice pursuant to subsection (b) of this section shall affirmatively include in the notice the rights being waived by failure to apply for the stay of arbitration. Said notice shall be done in bold print and highlighted.

History of Section.

P.L. 1929, ch. 1408, § 1; G.L. 1938, ch. 475, § 1; P.L. 1939, ch. 659, § 2; G.L. 1956, § 10-3-2; P.L. 1974, ch. 48, § 1; P.L. 1976, ch. 342, § 1; P.L. 1998, ch. 275, § 1; P.L. 2024, ch. 445, § 1, effective June 29, 2024; P.L. 2024, ch. 446, § 1, effective June 29, 2024.

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R.I. Gen. Laws § 10-3-3

§ 10-3-3. Stay of actions on issues referable to arbitration.

If any suit or proceeding be brought upon any issue referable to arbitration under an agreement in writing for arbitration, the court in which the suit is pending, upon being satisfied that the issue involved in the suit or proceeding is referable to arbitration under such an agreement, shall, on application of one of the parties, stay the trial of the action until the arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with the arbitration.

History of Section.

P.L. 1929, ch. 1408, § 2; G.L. 1938, ch. 475, § 2; G.L. 1956, § 10-3-3.

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R.I. Gen. Laws § 10-3-4

§ 10-3-4. Petition for arbitration — Service, hearing, and reference.

The party aggrieved by the alleged failure, neglect, or refusal of another to perform under a written agreement for arbitration may petition the superior court for the county in which any of the parties reside or has their place of business for an order directing that the arbitration proceed in the manner provided for in the agreement. If there are multiple parties seeking arbitration against the same party or parties, the proceeding may be brought in any court and county where any of the parties seeking arbitration resides or is doing business or where the arbitration was held or is pending. Five (5) days' notice in writing of the application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of a writ of summons. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement.

History of Section.

P.L. 1929, ch. 1408, § 3; G.L. 1938, ch. 475, § 3; G.L. 1956, § 10-3-4; P.L. 2024, ch. 445, § 1, effective June 29, 2024; P.L. 2024, ch. 446, § 1, effective June 29, 2024.

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R.I. Gen. Laws § 10-3-5

§ 10-3-5. Determination as to whether issue is subject to arbitration.

If the making of the arbitration agreement or the failure, neglect, or refusal to perform the arbitration agreement is in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded, the court shall hear and determine the issue. Where such an issue is raised, either party may, on or before the return day of the notice of application, demand a jury trial of the issue, and upon the demand of a jury trial the court shall make an order referring the issue or issues to a jury as in equity causes. If the jury finds that no agreement in writing for arbitration was made, or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury finds that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

History of Section.

P.L. 1929, ch. 1408, § 3; G.L. 1938, ch. 475, § 3; G.L. 1956, § 10-3-5.

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R.I. Gen. Laws § 10-3-6

§ 10-3-6. Judicial appointment of arbitrators.

If, in the agreement, provision is made for a method of naming or appointing an arbitrator or arbitrators or an umpire, the method shall be followed; but if no method is provided in the agreement, or if a method is provided and any party thereto shall fail to avail himself or herself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or an umpire, or in filling a vacancy, then, upon the application of either party to the controversy, the court, as described in § 10-3-4, shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the agreement with the same force and effect as if he, she, or they had been specifically named in the agreement; and, unless otherwise provided in the agreement, the arbitration shall be by a single arbitrator.

History of Section.

P.L. 1929, ch. 1408, § 5; G.L. 1938, ch. 475, § 5; G.L. 1956, § 10-3-6; P.L. 1997, ch. 326, § 27.

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R.I. Gen. Laws § 10-3-7

§ 10-3-7. Manner of making and hearing applications.

Any application to the court under this chapter shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise expressly provided in this chapter.

History of Section.

P.L. 1929, ch. 1408, § 4; G.L. 1938, ch. 475, § 4; G.L. 1956, § 10-3-7; P.L. 1997, ch. 326, § 93.

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R.I. Gen. Laws § 10-3-8

§ 10-3-8. Arbitrators' hearing — Summons of witnesses.

When more than one arbitrator is agreed to, all the arbitrators shall sit at the hearing of the case, unless, by consent in writing, all parties shall agree to proceed with the hearing with a less number. The arbitrators selected either as prescribed in this chapter or otherwise, or a majority of them, may summon in writing any person, to attend before them or any of them as a witness, and in a proper case to bring with him, her, or them any book, record, document or paper, which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses in the superior court. The summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrator or arbitrators, or a majority of them, and shall be directed to the person to be summoned and shall be served in the same manner as subpoenas to appear and testify before superior court. If any person or persons, so summoned to testify, shall refuse or neglect to obey the summons, upon petition the court may compel the attendance of the person or persons before the arbitrator or arbitrators or punish the person or persons for contempt, in the same manner now provided for securing the attendance of witnesses or their punishment for neglect or refusal to attend superior court.

History of Section.

P.L. 1929, ch. 1408, § 6; G.L. 1938, ch. 475, § 6; G.L. 1956, § 10-3-8; P.L. 1997, ch. 326, § 93.

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R.I. Gen. Laws § 10-3-9

§ 10-3-9. Taking of depositions.

Upon petition, approved by the arbitrators or by a majority of them, the superior court may direct the taking of depositions to be used as evidence before the arbitrators, in the same manner and for the same reasons as provided by law for the taking of depositions in suits or proceedings pending in superior court.

History of Section.

P.L. 1929, ch. 1408, § 7; G.L. 1938, ch. 475, § 7; G.L. 1956, § 10-3-9; P.L. 1997, ch. 326, § 93.

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R.I. Gen. Laws § 10-3-10

§ 10-3-10. Form and signature of arbitrators' award.

The award must be in writing and must be signed by the arbitrators or by a majority of them.

History of Section.

P.L. 1929, ch. 1408, § 8; G.L. 1938, ch. 475, § 8; G.L. 1956, § 10-3-10.

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R.I. Gen. Laws § 10-3-11

§ 10-3-11. Order confirming award.

At any time within one year after the award is made, any party to the arbitration may apply to the court for an order confirming the award, and thereupon the court must grant the order confirming the award unless the award is vacated, modified or corrected, as prescribed in §§ 10-3-12 — 10-3-14. Notice in writing of the application shall be served upon the adverse party or his or her attorney ten (10) days before the hearing on the application.

History of Section.

P.L. 1929, ch. 1408, § 9; G.L. 1938, ch. 475, § 9; G.L. 1956, § 10-3-11; P.L. 1989, ch. 145, § 1.

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R.I. Gen. Laws § 10-3-12

§ 10-3-12. Grounds for vacating award.

In any of the following cases, the court must make an order vacating the award upon the application of any party to the arbitration:

- (1) Where the award was procured by corruption, fraud or undue means.
- (2) Where there was evident partiality or corruption on the part of the arbitrators, or either of them.
- (3) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in hearing legally immaterial evidence, or refusing to hear evidence pertinent and material to the controversy, or of any other misbehavior by which the rights of any party have been substantially prejudiced.
- (4) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

History of Section.

P.L. 1929, ch. 1408, § 10; G.L. 1938, ch. 475, § 10; G.L. 1956, § 10-3-12.

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R.I. Gen. Laws § 10-3-13

§ 10-3-13. Rehearing after vacation of award.

Where an award is vacated, and the time within which the agreement required the award to be made has not expired, the court may, in its discretion, direct a rehearing by the arbitrators.

History of Section.

P.L. 1929, ch. 1408, § 10; G.L. 1938, ch. 475, § 10; G.L. 1956, § 10-3-13.

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R.I. Gen. Laws § 10-3-14

§ 10-3-14. Modification or correction of award.

(a) In any of the following cases, the court must make an order modifying or correcting the award, upon the application of any party to the arbitration:

- (1)** Where there was an evident material miscalculation of figures, or an evident material mistake in the description of any person, thing, or property referred to in the award.
- (2)** Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matters submitted.
- (3)** Where the award is imperfect in matter of form not affecting the merits of the controversy.

(b) The order must modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

History of Section.

P.L. 1929, ch. 1408, § 11; G.L. 1938, ch. 475, § 11; G.L. 1956, § 10-3-14.

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R.I. Gen. Laws § 10-3-15

§ 10-3-15. Notice of motion to vacate, modify, or correct award.

Notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his or her attorney within sixty (60) days after the award is filed or delivered, and before the award is confirmed, as prescribed by law for service of notice of a motion in an action at law. The court may make an order, to be served with the notice of the motion, staying the proceedings of the adverse party to enforce the award.

History of Section.

P.L. 1929, ch. 1408, § 13; G.L. 1938, ch. 475, § 13; G.L. 1956, § 10-3-16; P.L. 1980, ch. 293, § 1.

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R.I. Gen. Laws § 10-3-16

§ 10-3-16. Judgment on award.

Upon the granting of an order confirming, modifying or correcting an award, judgment shall be entered in conformity with the award in the court within thirty (30) days, unless an appeal is taken as provided in this chapter, in which last case the order of the superior court shall pursue the mandate of the supreme court.

History of Section.

P.L. 1929, ch. 1408, § 13; G.L. 1938, ch. 475, § 13; G.L. 1956, § 10-3-16; P.L. 1997, ch. 326, § 93.

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R.I. Gen. Laws § 10-3-17

§ 10-3-17. Papers filed for judgment.

Any party to a proceeding for an order confirming, modifying or correcting an award shall, when the order is entered, file with the clerk, for the entry of judgment thereon, the following papers:

- (1)** The agreement, the selection or appointment, if any, of an additional arbitrator or umpire, and each written extension of the time, if any, within which to make the award.
- (2)** The award.
- (3)** Each notice, affidavit or other paper used upon an application to confirm, modify or correct the award, and a copy of each order of the court upon such an application.

History of Section.

P.L. 1929, ch. 1408, § 14; G.L. 1938, ch. 475, § 14; G.L. 1956, § 10-3-17.

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R.I. Gen. Laws § 10-3-18

§ 10-3-18. Effect of judgment.

The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action at law; and it may be enforced as if it has been rendered in an action at law in the court in which it is entered.

History of Section.

P.L. 1929, ch. 1408, § 14; G.L. 1938, ch. 475, § 14; G.L. 1956, § 10-3-18.

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R.I. Gen. Laws § 10-3-19

§ 10-3-19. Appeal to supreme court.

Any party aggrieved by any ruling or order made in any court proceeding as authorized in this chapter may obtain review as in any civil action, and upon the entry of any final order provided in § 10-3-3, or an order confirming, modifying or vacating an award, he or she may appeal to the supreme court as provided for appeals in civil actions, and the supreme court shall make such orders in the premises as the rights of the parties and the ends of justice require.

History of Section.

P.L. 1929, ch. 1408, § 15; G.L. 1938, ch. 475, § 15; G.L. 1956, § 10-3-19; P.L. 1965, ch. 55, § 49; P.L. 1997, ch. 326, § 93.

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R.I. Gen. Laws § 10-3-20

§ 10-3-20. Severability.

If any provision of this chapter shall be declared unconstitutional or invalid, the unconstitutionality or invalidity shall in no way affect the validity of any other portion thereof which can be given reasonable effect without the part so declared unconstitutional or invalid.

History of Section.

P.L. 1929, ch. 1408, § 16; G.L. 1938, ch. 475, § 16; G.L. 1956, § 10-3-20.

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R.I. Gen. Laws § 10-3-21

§ 10-3-21. Sureties — Bound to arbitration award on construction contract.

(a) If a contractor principal on a bond furnished to guarantee performance or payment on a construction contract and the claimant are parties to a written contract with a provision to submit to arbitration any controversy thereafter arising under the contract, the arbitration provisions shall apply to the surety for all disputes involving questions of the claimant's right of recovery against the surety. Either the claimant, the contractor principal, or surety may demand arbitration in accordance with the written contract in one arbitration proceeding. The arbitration award shall decide all controversies subject to arbitration between the claimant, on the one hand, and the contractor principal and surety on the other hand, including all questions involving liability of the contractor principal and surety on the construction bond, but a claimant must file suit for recovery against the surety within the time limits set forth by law or by the terms of the bond when there are no applicable statutory provisions. The arbitration shall be in accordance with § 10-3-1 et seq. and the court shall enter judgment on the arbitration as provided in the agreement.

(b) The arbitrator or arbitrators, if more than one, shall make findings of fact as to the compliance with the requirements for recovery against the surety, and those findings of fact shall be a part of the award binding on all parties to the arbitration.

History of Section.

P.L. 1985, ch. 456, § 1; P.L. 1997, ch. 326, § 93.

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R.I. Gen. Laws § 10-3-22

§ 10-3-22. Right to representation.

A party has the right to be represented by an attorney and may claim such right at any time as to any part of the arbitration or hearings that have not taken place. This right may not be waived. If a party is represented by an attorney, papers to be served on the party shall be served upon the party's attorney. Any agreement that discriminates against or penalizes a party for retaining the services of counsel in an arbitration is null and void.

History of Section.

P.L. 2024, ch. 445, § 2, effective June 29, 2024; P.L. 2024, ch. 446, § 2, effective June 29, 2024.

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R.I. Gen. Laws § 10-3-23

§ 10-3-23. Fees and costs of arbitration initiation — Invoice — Breach of agreement — Sanctions.

(a)(1) In an employment or consumer arbitration that requires, either expressly or through application of state or federal law or the rules of the arbitration provider, unless there is a mutually agreed upon provision to split costs equally, the drafting party, unless otherwise specified, is to pay certain fees and costs before the arbitration can proceed. If the fees or costs to initiate an arbitration proceeding are not paid within thirty (30) days after the due date the drafting party is in material breach of the arbitration agreement, is in default of the arbitration, and waives its right to compel arbitration under § 10-3-4.

(2) After an employee or consumer meets the filing requirements necessary to initiate an arbitration, the arbitration provider shall immediately provide an invoice for any fees and costs required before the arbitration can proceed to all of the parties to the arbitration. The invoice shall be provided in its entirety, shall state the full amount owed and the date that payment is due, and shall be sent to all parties by the same means on the same day. To avoid delay, absent an express provision in the arbitration agreement stating the number of days in which the parties to the arbitration must pay any required fees or costs, the arbitration provider shall issue all invoices to the parties as due upon receipt.

(b) If the drafting party materially breaches the arbitration agreement and is in default under subsection (a) of this section, the employee or consumer may do either of the following:

(1) Withdraw the claim from arbitration and proceed in a court of appropriate jurisdiction; or

(2) Compel arbitration in which the drafting party shall pay reasonable attorneys' fees and costs related to the arbitration.

(c) If the employee, consumer, or other involved party withdraws the claim from arbitration and proceeds with an action in a court of appropriate jurisdiction under subsection (b)(1) of this section, the statute of limitations with regard to all claims brought or that relate back to any claim brought in arbitration shall be tolled as of the date of the first filing of a claim in a court, arbitration forum, or other dispute resolution forum.

(d) If the employee or consumer proceeds with an action in a court of appropriate jurisdiction, the court shall impose sanctions on the drafting party in accordance with § 10-3-25.

History of Section.

P.L. 2024, ch. 445, § 2, effective June 29, 2024; P.L. 2024, ch. 446, § 2, effective June 29, 2024.

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R.I. Gen. Laws § 10-3-24

§ 10-3-24. Material breach of agreement — Remedies.

(a)(1) In an employment or consumer arbitration that requires, either expressly or through application of state or federal law or the rules of the arbitration provider, that the drafting party pay certain fees and costs during the pendency of an arbitration proceeding, if the fees or costs required to continue the arbitration proceeding are not paid within thirty (30) days after the due date, the drafting party is in material breach of the arbitration agreement, is in default of the arbitration, and waives its right to compel the employee or consumer to proceed with that arbitration as a result of the material breach.

(2) The arbitration provider shall provide an invoice for any fees and costs required for the arbitration proceeding to continue to all of the parties to the arbitration. The invoice shall be provided in its entirety, shall state the full amount owed and the date that payment is due, and shall be sent to all parties by the same means on the same day. To avoid delay, absent an express provision in the arbitration agreement stating the number of days in which the parties to the arbitration must pay any required fees or costs, the arbitration provider shall issue all invoices to the parties as due upon receipt. Any extension of time for the due date shall be agreed upon by all parties.

(b) If the drafting party materially breaches the arbitration agreement and is in default under subsection (a) of this section, the employee or consumer may unilaterally elect to do any of the following:

(1) Withdraw the claim from arbitration and proceed in a court of appropriate jurisdiction. If the employee or consumer withdraws the claim from arbitration and proceeds with an action in a court of appropriate jurisdiction, the statute of limitations, with regard to all claims brought or that relate back to any claim brought in arbitration, shall be tolled as of the date of the first filing of a claim in any court, arbitration forum, or other dispute resolution forum;

(2) Continue the arbitration proceeding, if the arbitration provider agrees to continue administering the proceeding, notwithstanding the drafting party's failure to pay fees or costs. The neutral arbitrator or arbitration provider may institute a collection action at the conclusion of the arbitration proceeding against the drafting party that is in default of the arbitration for payment of all fees associated with the employment or consumer arbitration proceeding, including the cost of administering any proceedings after the default;

(3) Petition the court for an order compelling the drafting party to pay all arbitration fees that the drafting party is obligated to pay under the arbitration agreement or the rules of the arbitration provider;
or

(4) Pay the drafting party's fees and proceed with the arbitration proceeding. As part of the award, the employee or consumer shall recover all arbitration fees paid on behalf of the drafting party without regard to any findings on the merits in the underlying arbitration.

(c) If the employee or consumer withdraws the claim from arbitration and proceeds in a court of appropriate jurisdiction pursuant to subsection (b)(1) of this section, both of the following apply:

(1) The employee or consumer may bring a motion, or a separate action, to recover all attorneys' fees and all costs associated with the abandoned arbitration proceeding. The recovery of arbitration fees, interest, and related attorneys' fees shall be without regard to any findings on the merits in the underlying action or arbitration; and

(2) The court shall impose sanctions on the drafting party in accordance with § 10-3-25.

(d) If the employee or consumer continues in arbitration pursuant to subsections (b)(2) through (4) of this section, inclusive, the arbitrator shall impose appropriate sanctions on the drafting party, including monetary sanctions, issue sanctions, evidence sanctions, or terminating sanctions.

History of Section.

P.L. 2024, ch. 445, § 2, effective June 29, 2024; P.L. 2024, ch. 446, § 2, effective June 29, 2024.

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R.I. Gen. Laws § 10-3-25

§ 10-3-25. Breach of arbitration agreement — Court sanctions — Additional sanctions.

(a) The court shall impose a monetary sanction against a drafting party that materially breaches an arbitration agreement pursuant to § 10-3-23(a) or § 10-3-24(a), by ordering the drafting party to pay the reasonable expenses, including attorneys' fees and costs, incurred by the employee or consumer as a result of the material breach.

(b) In addition to the monetary sanction described in subsection (a) of this section, the court may order any of the following sanctions against a drafting party that materially breaches an arbitration agreement pursuant to § 10-3-23(a) or § 10-3-24(a), unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust:

- (1)** An evidence sanction by an order prohibiting the drafting party from conducting discovery in the civil action;
- (2)** A terminating sanction by one of the following orders:
 - (i)** An order striking out the pleadings or parts of the pleadings of the drafting party;
 - (ii)** An order rendering a judgment by default against the drafting party; and
- (3)** A contempt sanction by an order finding the drafting party in contempt of court.

History of Section.

P.L. 2024, ch. 445, § 2, effective June 29, 2024; P.L. 2024, ch. 446, § 2, effective June 29, 2024.