

Hall of the House of Representatives

88th General Assembly - Regular Session, 2011

Amendment Form

Subtitle of House Bill No. 1438

TO ESTABLISH THE ARKANSAS ARBITRATION ACT.

Amendment No. 1 to House Bill No. 1438

Amend House Bill No. 1438 as originally introduced:

Page 9, line 31, delete "subsection (c)" and substitute "subsections (c) and (d)"

AND

Page 10, delete lines 14 and 15, and substitute the following:

"(c) Except as provided in subsection (d) of this section, the court may not order consolidation of the claims of a party to an agreement to arbitrate if the agreement prohibits consolidation.

(d)(1) An agreement that prohibits the consolidation of arbitration claims or proceedings or denies arbitration for a class of persons involving substantially similar issues shall be closely scrutinized and shall not be enforced if found unconscionable.

(2) An agreement may be found unconscionable under this subdivision (d) if:

(A) The agreement is unreasonable, one-sided, or contains language that is difficult to notice or to understand;

(B) A meaningful choice of whether or not to agree to the arbitration provisions of the agreement is not provided; or

(C) The agreement is not balanced or fair under reasonable standards of fair dealing."



The Amendment was read _____

By: Representative Williams

DLP/DLP - 02/23/11 06:54

DLP102

Chief Clerk