

ASSEMBLY BILL

No. 2765

**Introduced by Committee on Judiciary (Feuer (Chair), Brownley,
Evans, Jones, Lieu, and Monning)**

February 25, 2010

An act to amend Section 1281.96 of the Code of Civil Procedure,
relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

AB 2765, as introduced, Committee on Judiciary. Consumer
arbitration cases: disclosures.

Existing law regulates arbitration conducted pursuant to an arbitration
agreement, as specified. Existing law requires a private arbitration
company involved in consumer arbitration cases to make certain
information regarding those cases available to the public, as specified.

This bill would extend these requirements to any arbitrator involved
in consumer arbitration cases.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1281.96 of the Code of Civil Procedure
2 is amended to read:
3 1281.96. (a) Except as provided in paragraph (2) of subdivision
4 (b), any *arbitrator or* private arbitration company that administers
5 or is otherwise involved in, a consumer arbitration, shall collect,
6 publish at least quarterly, and make available to the public in a
7 computer-searchable format, which shall be accessible at the

1 Internet Web site of the private arbitration company, if any, and
2 on paper upon request, all of the following information regarding
3 each consumer arbitration within the preceding five years:

4 (1) The name of the nonconsumer party, if the nonconsumer
5 party is a corporation or other business entity.

6 (2) The type of dispute involved, including goods, banking,
7 insurance, health care, employment, and, if it involves employment,
8 the amount of the employee’s annual wage divided into the
9 following ranges: less than one hundred thousand dollars
10 (\$100,000), one hundred thousand dollars (\$100,000) to two
11 hundred fifty thousand dollars (\$250,000), inclusive, and over two
12 hundred fifty thousand dollars (\$250,000).

13 (3) Whether the consumer or nonconsumer party was the
14 prevailing party.

15 (4) On how many occasions, if any, the nonconsumer party has
16 previously been a party in an arbitration or mediation administered
17 by the private arbitration company.

18 (5) Whether the consumer party was represented by an attorney.

19 (6) The date the private arbitration company received the
20 demand for arbitration, the date the arbitrator was appointed, and
21 the date of disposition by the arbitrator or private arbitration
22 company.

23 (7) The type of disposition of the dispute, if known, including
24 withdrawal, abandonment, settlement, award after hearing, award
25 without hearing, default, or dismissal without hearing.

26 (8) The amount of the claim, the amount of the award, and any
27 other relief granted, if any.

28 (9) The name of the arbitrator, his or her total fee for the case,
29 and the percentage of the arbitrator’s fee allocated to each party.

30 (b) (1) If the information required by subdivision (a) is provided
31 by the private arbitration company in a computer-searchable format
32 at the company’s Internet Web site and may be downloaded without
33 any fee, the company may charge the actual cost of copying to any
34 person who requests the information on paper. If the information
35 required by subdivision (a) is not accessible by the Internet, the
36 company shall provide that information without charge to any
37 person who requests the information on paper.

38 (2) Notwithstanding paragraph (1), a private arbitration company
39 that receives funding pursuant to Chapter 8 (commencing with
40 Section 465) of Division 1 of the Business and Professions Code,

1 and that administers or conducts fewer than 50 consumer
2 arbitrations per year may collect and publish the information
3 required by subdivision (a) semiannually, provide the information
4 only on paper, and charge the actual cost of copying.

5 (c) This section shall apply to any consumer arbitration
6 commenced on or after January 1, 2003.

7 (d) No private arbitration company shall have any liability for
8 collecting, publishing, or distributing the information required by
9 this section.

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