

Introduced by Senator Wieckowski

February 18, 2016

An act to amend Section 1286.2 of the Code of Civil Procedure, relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

SB 1241, as introduced, Wieckowski. Arbitration awards.

Existing law establishes standards for arbitration, and requires the court to vacate an arbitration award if it makes certain findings.

This bill would make a technical, nonsubstantive change to that provision.

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 1286.2 of the Code of Civil Procedure
2 is amended to read:
3 1286.2. (a) Subject to Section 1286.4, the court shall vacate
4 the award if the court determines any of the following:
5 (1) The award was procured by corruption, fraud or other undue
6 means.
7 (2) There was corruption in ~~any of the arbitrators.~~ *an arbitrator.*
8 (3) The rights of the party were substantially prejudiced by
9 misconduct of a neutral arbitrator.
10 (4) The arbitrators exceeded their powers and the award cannot
11 be corrected without affecting the merits of the decision upon the
12 controversy submitted.

1 (5) The rights of the party were substantially prejudiced by the
2 refusal of the arbitrators to postpone the hearing upon sufficient
3 cause being shown therefor or by the refusal of the arbitrators to
4 hear evidence material to the controversy or by other conduct of
5 the arbitrators contrary to the provisions of this title.

6 (6) An arbitrator making the award either: (A) failed to disclose
7 within the time required for disclosure a ground for disqualification
8 of which the arbitrator was then aware; or (B) was subject to
9 disqualification upon grounds specified in Section 1281.91 but
10 failed upon receipt of timely demand to disqualify himself or
11 herself as required by that provision. However, this subdivision
12 does not apply to arbitration proceedings conducted under a
13 collective bargaining agreement between employers and employees
14 or between their respective representatives.

15 (b) Petitions to vacate an arbitration award pursuant to Section
16 1285 are subject to the provisions of Section 128.7.