

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT S.B. 336

SENATE BILL NO. 336—COMMITTEE ON JUDICIARY

MARCH 13, 2001

Referred to Committee on Judiciary

SUMMARY—Adopts revised Uniform Arbitration Act. (BDR 3-1343)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to arbitration; adopting the revision of the Uniform Arbitration Act that was adopted in 2000; providing for the transition from the present act to the act as revised; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 38 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 38, inclusive, of this act.
3 **Sec. 2.** *This act may be cited as the Uniform Arbitration Act of 2000.*
4 **Sec. 3.** *As used in sections 2 to 37, inclusive, of this act, the words*
5 *and terms defined in sections 4 to 8, inclusive, of this act have the*
6 *meanings ascribed to them in those sections.*
7 **Sec. 4.** *“Arbitral organization” means an association, agency,*
8 *board, commission or other entity that is neutral and initiates, sponsors*
9 *or administers an arbitral proceeding or is involved in the appointment of*
10 *an arbitrator.*
11 **Sec. 5.** *“Arbitrator” means an individual appointed to render an*
12 *award, alone or with others, in a controversy that is subject to an*
13 *agreement to arbitrate.*
14 **Sec. 6.** *“Court” means the district court.*
15 **Sec. 7.** *“Knowledge” means actual knowledge.*
16 **Sec. 8.** *“Record” means information that is inscribed on a tangible*
17 *medium or that is stored in an electronic or other medium and is*
18 *retrievable in perceivable form.*
19 **Sec. 9.** *1. Except as otherwise provided in sections 2 to 37,*
20 *inclusive, of this act, a person gives notice to another person by taking*
21 *action that is reasonably necessary to inform the other person in*
22 *ordinary course, whether or not the other person acquires knowledge of*
23 *the notice.*



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1 2. A person has notice if he has knowledge of the notice or has
2 received notice.

3 3. A person receives notice when it comes to his attention or the
4 notice is delivered at his place of residence or place of business, or at
5 another location held out by him as a place of delivery of such
6 communications.

7 **Sec. 10.** 1. Sections 2 to 37, inclusive, of this act govern an
8 agreement to arbitrate made on or after October 1, 2001.

9 2. Sections 2 to 37, inclusive, of this act govern an agreement to
10 arbitrate made before October 1, 2001, if all the parties to the agreement
11 or to the arbitral proceeding so agree in a record.

12 3. On or after October 1, 2003, sections 2 to 37, inclusive, of this act
13 govern an agreement to arbitrate whenever made.

14 **Sec. 11.** 1. Except as otherwise provided in subsections 2 and 3, a
15 party to an agreement to arbitrate or to an arbitral proceeding may
16 waive, or the parties may vary the effect of, the requirements of sections 2
17 to 37, inclusive, of this act to the extent permitted by law.

18 2. Before a controversy arises that is subject to an agreement to
19 arbitrate, a party to the agreement may not:

20 (a) Waive or agree to vary the effect of the requirements of subsection
21 1 of section 12, subsection 1 of section 13, section 15, subsection 1 or 2 of
22 section 24, section 33, or section 35 of this act;

23 (b) Agree to unreasonably restrict the right under section 16 of this
24 act to notice of the initiation of an arbitral proceeding;

25 (c) Agree to unreasonably restrict the right under section 19 of this act
26 to disclosure of any facts by a neutral arbitrator; or

27 (d) Waive the right under section 23 of this act of a party to an
28 agreement to arbitrate to be represented by a lawyer at any proceeding or
29 hearing under sections 2 to 37, inclusive, of this act, but an employer and
30 a labor organization may waive the right to representation by a lawyer in
31 a labor arbitration.

32 3. A party to an agreement to arbitrate or arbitral proceeding may
33 not waive, or the parties may not vary the effect of, the requirements of
34 this section or subsection 1 or 3 of section 10, section 14, 21, 25,
35 subsection 3 or 4 of section 27, section 29, 30, 31, subsection 1 or 2 of
36 section 32, section 36, 37, 38 or 39 of this act.

37 **Sec. 12.** 1. Except as otherwise provided in section 35 of this act,
38 an application for judicial relief under sections 2 to 37, inclusive, of this
39 act must be made by motion to the court and heard in the manner
40 provided by rule of court for making and hearing motions.

41 2. Unless a civil action involving the agreement to arbitrate is
42 pending, notice of an initial motion to the court under sections 2 to 37,
43 inclusive, of this act must be served in the manner provided by rule of
44 court for the service of a summons in a civil action. Otherwise, notice of
45 the motion must be given in the manner provided by rule of court for
46 serving motions in pending cases.

47 **Sec. 13.** 1. An agreement contained in a record to submit to
48 arbitration any existing or subsequent controversy arising between the
49 parties to the agreement is valid, enforceable and irrevocable except



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1 upon a ground that exists at law or in equity for the revocation of a
2 contract.

3 2. The court shall decide whether an agreement to arbitrate exists or
4 a controversy is subject to an agreement to arbitrate.

5 3. An arbitrator shall decide whether a condition precedent to
6 arbitrability has been fulfilled and whether a contract containing a valid
7 agreement to arbitrate is enforceable.

8 4. If a party to a judicial proceeding challenges the existence of, or
9 claims that a controversy is not subject to, an agreement to arbitrate, the
10 arbitral proceeding may continue pending final resolution of the issue by
11 the court, unless the court otherwise orders.

12 **Sec. 14.** 1. On motion of a person showing an agreement to
13 arbitrate and alleging another person's refusal to arbitrate pursuant to
14 the agreement:

15 (a) If the refusing party does not appear or does not oppose the
16 motion, the court shall order the parties to arbitrate; and

17 (b) If the refusing party opposes the motion, the court shall proceed
18 summarily to decide the issue and order the parties to arbitrate unless it
19 finds that there is no enforceable agreement to arbitrate.

20 2. On motion of a person alleging that an arbitral proceeding has
21 been initiated or threatened but that there is no agreement to arbitrate,
22 the court shall proceed summarily to decide the issue. If the court finds
23 that there is an enforceable agreement to arbitrate, it shall order the
24 parties to arbitrate.

25 3. If the court finds that there is no enforceable agreement, it may
26 not, pursuant to subsection 1 or 2, order the parties to arbitrate.

27 4. The court may not refuse to order arbitration because the claim
28 subject to arbitration lacks merit or grounds for the claim have not been
29 established.

30 5. If a proceeding involving a claim referable to arbitration under an
31 alleged agreement to arbitrate is pending in court, a motion under this
32 section must be made in that court. Otherwise a motion under this
33 section may be made in any court as provided in section 34 of this act.

34 6. If a party makes a motion to the court to order arbitration, the
35 court on just terms shall stay any judicial proceeding that involves a
36 claim alleged to be subject to the arbitration until the court renders a
37 final decision under this section.

38 7. If the court orders arbitration, the court on just terms shall stay
39 any judicial proceeding that involves a claim subject to the arbitration. If
40 a claim subject to the arbitration is severable, the court may limit the stay
41 to that claim.

42 **Sec. 15.** 1. Before an arbitrator is appointed and is authorized and
43 able to act, the court, upon motion of a party to an arbitral proceeding
44 and for good cause shown, may enter an order for provisional remedies
45 to protect the effectiveness of the arbitral proceeding to the same extent
46 and under the same conditions as if the controversy were the subject of a
47 civil action.

48 2. After an arbitrator is appointed and is authorized and able to act:



1 (a) The arbitrator may issue such orders for provisional remedies,
2 including interim awards, as he finds necessary to protect the
3 effectiveness of the arbitral proceeding and to promote the fair and
4 expeditious resolution of the controversy, to the same extent and under
5 the same conditions as if the controversy were the subject of a civil
6 action; and
7 (b) A party to an arbitral proceeding may move the court for a
8 provisional remedy only if the matter is urgent and the arbitrator is not
9 able to act timely or the arbitrator cannot provide an adequate remedy.
10 3. A party does not waive a right of arbitration by making a motion
11 under subsection 1 or 2.
12 **Sec. 16.** 1. A person initiates an arbitral proceeding by giving
13 notice in a record to the other parties to the agreement to arbitrate in the
14 agreed manner between the parties or, in the absence of agreement, by
15 certified or registered mail, return receipt requested and obtained, or by
16 service as authorized for the commencement of a civil action. The notice
17 must describe the nature of the controversy and the remedy sought.
18 2. Unless a person objects for lack or insufficiency of notice under
19 subsection 3 of section 22 of this act not later than the beginning of the
20 arbitration hearing, by appearing at the hearing he waives any objection
21 to lack of or insufficiency of notice.
22 **Sec. 17.** 1. Except as otherwise provided in subsection 3, upon
23 motion of a party to an agreement to arbitrate or to an arbitral
24 proceeding, the court may order consolidation of separate arbitral
25 proceedings as to all or some of the claims if:
26 (a) There are separate agreements to arbitrate or separate arbitral
27 proceedings between the same persons or one of them is a party to a
28 separate agreement to arbitrate or a separate arbitral proceeding with a
29 third person;
30 (b) The claims subject to the agreements to arbitrate arise in
31 substantial part from the same transaction or series of related
32 transactions;
33 (c) The existence of a common issue of law or fact creates the
34 possibility of conflicting decisions in the separate arbitral proceedings;
35 and
36 (d) Prejudice resulting from a failure to consolidate is not outweighed
37 by the risk of undue delay or prejudice to the rights of or hardship to
38 parties opposing consolidation.
39 2. The court may order consolidation of separate arbitral
40 proceedings as to some claims and allow other claims to be resolved in
41 separate arbitral proceedings.
42 3. The court may not order consolidation of the claims of a party to
43 an agreement to arbitrate if the agreement prohibits consolidation.
44 **Sec. 18.** 1. If the parties to an agreement to arbitrate agree on a
45 method for appointing an arbitrator, that method must be followed,
46 unless the method fails. If the parties have not agreed on a method, the
47 agreed method fails, or an arbitrator appointed fails or is unable to act
48 and a successor has not been appointed, the court, on motion of a party
49 to the arbitral proceeding, shall appoint the arbitrator. An arbitrator so



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1 *appointed has all the powers of an arbitrator designated in the agreement*
2 *to arbitrate or appointed pursuant to the agreed method.*

3 2. *An individual who has a known, direct and material interest in the*
4 *outcome of the arbitral proceeding or a known, existing and substantial*
5 *relationship with a party may not serve as an arbitrator required by an*
6 *agreement to be neutral.*

7 **Sec. 19.** 1. *Before accepting appointment, an individual who is*
8 *requested to serve as an arbitrator, after making a reasonable inquiry,*
9 *shall disclose to all parties to the agreement to arbitrate and arbitral*
10 *proceeding and to any other arbitrators any known facts that a*
11 *reasonable person would consider likely to affect the impartiality of the*
12 *arbitrator in the proceeding, including:*

13 (a) *A financial or personal interest in the outcome of the arbitral*
14 *proceeding; and*

15 (b) *An existing or past relationship with any of the parties to the*
16 *agreement to arbitrate or the arbitral proceeding, their counsel or*
17 *representatives, a witness or another arbitrators.*

18 2. *An arbitrator has a continuing obligation to disclose to all parties*
19 *to the agreement to arbitrate and arbitral proceeding and to any other*
20 *arbitrators any facts that he learns after accepting appointment which a*
21 *reasonable person would consider likely to affect the impartiality of the*
22 *arbitrator.*

23 3. *If an arbitrator discloses a fact required by subsection 1 or 2 to be*
24 *disclosed and a party timely objects to the appointment or continued*
25 *service of the arbitrator based upon the fact disclosed, the objection may*
26 *be a ground under paragraph (b) of subsection 1 of section 30 of this act*
27 *for vacating an award made by the arbitrator.*

28 4. *If the arbitrator did not disclose a fact as required by subsection 1*
29 *or 2, upon timely objection by a party, the court under paragraph (b) of*
30 *subsection 1 of section 30 of this act may vacate an award.*

31 5. *An arbitrator appointed as a neutral arbitrator who does not*
32 *disclose a known, direct and material interest in the outcome of the*
33 *arbitral proceeding or a known, existing and substantial relationship*
34 *with a party is presumed to act with evident partiality for the purposes of*
35 *paragraph (b) of subsection 1 of section 30 of this act.*

36 6. *If the parties to an arbitral proceeding agree to the procedures of*
37 *an arbitral organization or any other procedures for challenges to*
38 *arbitrators before an award is made, substantial compliance with those*
39 *procedures is a condition precedent to a motion to vacate an award on*
40 *that ground under paragraph (b) of subsection 1 of section 30 of this act.*

41 **Sec. 20.** *If there are two or more arbitrators, the powers of an*
42 *arbitrator must be exercised by a majority of the arbitrators, but all of*
43 *them shall conduct the hearing under subsection 3 of section 22 of this*
44 *act.*

45 **Sec. 21.** 1. *An arbitrator or an arbitral organization acting in that*
46 *capacity is immune from civil liability to the same extent as a judge of a*
47 *court of this state acting in a judicial capacity.*

48 2. *The immunity afforded by this section supplements any immunity*
49 *under other law.*



1 3. *The failure of an arbitrator to make a disclosure required by*
2 *section 19 of this act does not cause any loss of immunity under this*
3 *section.*

4 4. *In a judicial, administrative or similar proceeding, an arbitrator or*
5 *representative of an arbitral organization is not competent to testify, and*
6 *may not be required to produce records as to any statement, conduct,*
7 *decision or ruling occurring during the arbitral proceeding, to the same*
8 *extent as a judge of a court of this state acting in a judicial capacity. This*
9 *subsection does not apply:*

10 (a) *To the extent necessary to determine the claim of an arbitrator,*
11 *arbitral organization or representative of the arbitral organization*
12 *against a party to the arbitral proceeding; or*

13 (b) *To a hearing on a motion to vacate an award under paragraph (a)*
14 *or (b) of subsection 1 of section 30 of this act if the movant establishes*
15 *prima facie that a ground for vacating the award exists.*

16 5. *If a person commences a civil action against an arbitrator, arbitral*
17 *organization or representative of an arbitral organization arising from*
18 *the services of the arbitrator, organization or representative or if a*
19 *person seeks to compel an arbitrator or a representative of an arbitral*
20 *organization to testify or produce records in violation of subsection 4,*
21 *and the court decides that the arbitrator, arbitral organization or*
22 *representative is immune from civil liability or that the arbitrator or*
23 *representative is not competent to testify, the court shall award to the*
24 *arbitrator, organization or representative reasonable attorney's fees and*
25 *other reasonable expenses of litigation.*

26 **Sec. 22.** 1. *An arbitrator may conduct an arbitration in such*
27 *manner as he considers appropriate for a fair and expeditious disposition*
28 *of the proceeding. The authority conferred upon the arbitrator includes*
29 *the power to hold conferences with the parties to the arbitral proceeding*
30 *before the hearing and, among other matters, determine the*
31 *admissibility, relevance, materiality and weight of any evidence.*

32 2. *An arbitrator may decide a request for summary disposition of a*
33 *claim or particular issue:*

34 (a) *If all interested parties agree; or*

35 (b) *Upon request of one party to the arbitral proceeding if that party*
36 *gives notice to all other parties to the proceeding, and the other parties*
37 *have a reasonable opportunity to respond.*

38 3. *If an arbitrator orders a hearing, he shall set a time and place and*
39 *give notice of the hearing not less than 5 days before the hearing begins.*
40 *Unless a party to the arbitral proceeding makes an objection to lack or*
41 *insufficiency of notice not later than the beginning of the hearing, his*
42 *appearance at the hearing waives the objection. Upon request of a party*
43 *to the arbitral proceeding and for good cause shown, or upon his own*
44 *initiative, the arbitrator may adjourn the hearing from time to time as*
45 *necessary but may not postpone the hearing to a time later than that*
46 *fixed by the agreement to arbitrate for making the award unless the*
47 *parties to the arbitral proceeding consent to a later date. The arbitrator*
48 *may hear and decide the controversy upon the evidence produced*
49 *although a party who was duly notified of the arbitral proceeding did not*



1 *appear. The court, on request, may direct the arbitrator to conduct the*
2 *hearing promptly and render a timely decision.*

3 *4. At a hearing held under subsection 3, a party to the arbitral*
4 *proceeding has a right to be heard, to present evidence material to the*
5 *controversy and to cross-examine witnesses appearing at the hearing.*

6 *5. If an arbitrator ceases or is unable to act during an arbitral*
7 *proceeding, a replacement arbitrator must be appointed in accordance*
8 *with section 18 of this act to continue the proceeding and to resolve the*
9 *controversy.*

10 **Sec. 23.** *A party to an arbitral proceeding may be represented by a*
11 *lawyer.*

12 **Sec. 24.** *1. An arbitrator may issue a subpoena for the attendance*
13 *of a witness and for the production of records and other evidence at any*
14 *hearing and may administer oaths. A subpoena must be served in the*
15 *manner for service of subpoenas in a civil action and, upon motion to the*
16 *court by a party to the arbitral proceeding or the arbitrator, enforced in*
17 *the manner for enforcement of subpoenas in a civil action.*

18 *2. To make the proceedings fair, expeditious and cost effective, upon*
19 *request of a party to or a witness in an arbitral proceeding, an arbitrator*
20 *may permit a deposition of any witness to be taken for use as evidence at*
21 *the hearing, including a witness who cannot be subpoenaed for or is*
22 *unable to attend a hearing. The arbitrator shall determine the conditions*
23 *under which the deposition is taken.*

24 *3. An arbitrator may permit such discovery as he decides is*
25 *appropriate in the circumstances, taking into account the needs of the*
26 *parties to the arbitral proceeding and other affected persons and the*
27 *desirability of making the proceeding fair, expeditious and cost effective.*

28 *4. If an arbitrator permits discovery under subsection 3, he may*
29 *order a party to the arbitral proceeding to comply with the arbitrator's*
30 *orders related to discovery, issue subpoenas for the attendance of a*
31 *witness and for the production of records and other evidence at a*
32 *proceeding for discovery, and take action against a noncomplying party*
33 *to the extent a court could if the controversy were the subject of a civil*
34 *action in this state.*

35 *5. An arbitrator may issue a protective order to prevent the disclosure*
36 *of privileged information, confidential information, trade secrets and*
37 *other information protected from disclosure to the extent a court could if*
38 *the controversy were the subject of a civil action in this state.*

39 *6. All laws compelling a person under subpoena to testify and all fees*
40 *for attending a judicial proceeding, a deposition or a proceeding for*
41 *discovery as a witness apply to an arbitral proceeding as if the*
42 *controversy were the subject of a civil action in this state.*

43 *7. The court may enforce a subpoena or order related to discovery*
44 *for the attendance of a witness within this state and for the production of*
45 *records and other evidence issued by an arbitrator in connection with an*
46 *arbitral proceeding in another state upon conditions determined by the*
47 *court so as to make the arbitral proceeding fair, expeditious and cost*
48 *effective. A subpoena or order related to discovery issued by an arbitrator*
49 *in another state must be served in the manner provided by rule of court*



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1 *for service of subpoenas in a civil action in this state and, upon motion to*
2 *the court by a party to the arbitral proceeding or the arbitrator, enforced*
3 *in the manner provided by rule of court for enforcement of subpoenas in*
4 *a civil action in this state.*

5 **Sec. 25.** *If an arbitrator makes a pre-award ruling in favor of a*
6 *party to an arbitral proceeding, the party may request the arbitrator to*
7 *incorporate the ruling into an award under section 26 of this act. A*
8 *prevailing party may make a motion to the court for an expedited order to*
9 *confirm the award under section 29 of this act, in which case the court*
10 *shall summarily decide the motion. The court shall issue an order to*
11 *confirm the award unless the court vacates, modifies or corrects the*
12 *award under section 30 or 31 of this act.*

13 **Sec. 26.** *1. An arbitrator shall make a record of an award. The*
14 *record must be signed or otherwise authenticated by an arbitrator who*
15 *concurs with the award. The arbitrator or the arbitral organization shall*
16 *give notice of the award, including a copy of the award, to each party to*
17 *the arbitral proceeding.*

18 *2. An award must be made within the time specified by the*
19 *agreement to arbitrate or, if not specified therein, within the time ordered*
20 *by the court. The court may extend or the parties to the arbitral*
21 *proceeding may agree in a record to extend the time. The court or the*
22 *parties may do so within or after the time specified or ordered. A party*
23 *waives any objection that an award was not timely made unless he gives*
24 *notice of the objection to the arbitrator before receiving notice of the*
25 *award.*

26 **Sec. 27.** *1. On motion to an arbitrator by a party to an arbitral*
27 *proceeding, the arbitrator may modify or correct an award:*

28 *(a) Upon a ground stated in paragraph (a) or (c) of subsection 1 of*
29 *section 31 of this act;*

30 *(b) Because the arbitrator has not made a final and definite award*
31 *upon a claim submitted by the parties to the arbitral proceeding; or*

32 *(c) To clarify the award.*

33 *2. A motion under to subsection 1 must be made and notice given to*
34 *all parties within 20 days after the movant receives notice of the award.*

35 *3. A party to the arbitral proceeding must give notice of any*
36 *objection to the motion within 10 days after receipt of the notice.*

37 *4. If a motion to the court is pending under section 29, 30 or 31 of*
38 *this act, the court may submit the claim to the arbitrator to consider*
39 *whether to modify or correct the award:*

40 *(a) Upon a ground stated in paragraph (a) or (c) of subsection 1 of*
41 *section 31 of this act;*

42 *(b) Because the arbitrator has not made a final and definite award*
43 *upon a claim submitted by the parties to the arbitral proceeding; or*

44 *(c) To clarify the award.*

45 *5. An award modified or corrected pursuant to this section is subject*
46 *to subsection 1 of section 26 of this act and to sections 29, 30 and 31 of*
47 *this act.*



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1 **Sec. 28.** 1. *An arbitrator may award reasonable attorney's fees and*
2 *other reasonable expenses of arbitration if such an award is authorized*
3 *by law in a civil action involving the same claim or by the agreement of*
4 *the parties to the arbitral proceeding.*

5 2. *As to all remedies other than those authorized by subsection 1, an*
6 *arbitrator may order such remedies as he considers just and appropriate*
7 *under the circumstances of the arbitral proceeding. The fact that such a*
8 *remedy could not or would not be granted by the court is not a ground*
9 *for refusing to confirm an award under section 29 of this act or for*
10 *vacating an award under section 30 of this act.*

11 3. *An arbitrator's expenses and fees, together with other expenses,*
12 *must be paid as provided in the award.*

13 **Sec. 29.** *After a party to an arbitral proceeding receives notice of an*
14 *award, he may make a motion to the court for an order confirming the*
15 *award at which time the court shall issue a confirming order unless the*
16 *award is modified or corrected pursuant to section 27 or 31 of this act or*
17 *is vacated pursuant to section 30 of this act.*

18 **Sec. 30.** 1. *Upon motion to the court by a party to an arbitral*
19 *proceeding, the court shall vacate an award made in the arbitral*
20 *proceeding if:*

21 (i) *The award was procured by corruption, fraud, or other undue*
22 *means;*

23 (ii) *There was:*

24 (1) *Evident partiality by an arbitrator appointed as a neutral*
25 *arbitrator;*

26 (2) *Corruption by an arbitrator; or*

27 (3) *Misconduct by an arbitrator prejudicing the rights of a party to*
28 *the arbitral proceeding;*

29 (c) *An arbitrator refused to postpone the hearing upon showing of*
30 *sufficient cause for postponement, refused to consider evidence material*
31 *to the controversy, or otherwise conducted the hearing contrary to*
32 *section 22 of this act, so as to prejudice substantially the rights of a party*
33 *to the arbitral proceeding;*

34 (d) *An arbitrator exceeded his powers;*

35 (e) *There was no agreement to arbitrate, unless the movant*
36 *participated in the arbitral proceeding without raising the objection*
37 *under subsection 3 of section 22 of this act not later than the beginning*
38 *of the arbitral hearing; or*

39 (f) *The arbitration was conducted without proper notice of the*
40 *initiation of an arbitration as required in section 16 of this act so as to*
41 *prejudice substantially the rights of a party to the arbitral proceeding.*

42 2. *A motion under this section must be made within 90 days after the*
43 *movant receives notice of the award pursuant to section 26 of this act or*
44 *within 90 days after he receives notice of a modified or corrected award*
45 *pursuant to section 27 of this act, unless he alleges that the award was*
46 *procured by corruption, fraud, or other undue means, in which case the*
47 *motion must be made within 90 days after the ground is known or by the*
48 *exercise of reasonable care would have been known by the movant.*



1 3. *If the court vacates an award on a ground other than that set forth*
2 *in paragraph (e) of subsection 1, it may order a rehearing. If the award is*
3 *vacated on a ground stated in paragraph (a) or (b) of subsection 1, the*
4 *rehearing must be before a new arbitrator. If the award is vacated on a*
5 *ground stated in paragraph (c), (d) or (f) of subsection 1, the rehearing*
6 *may be before the arbitrator who made the award or his successor. The*
7 *arbitrator must render the decision in the rehearing within the same time*
8 *as that provided in subsection 2 of section 26 of this act for an award.*

9 4. *If the court denies a motion to vacate an award, it shall confirm*
10 *the award unless a motion to modify or correct the award is pending.*

11 **Sec. 31.** *1. Upon motion made within 90 days after the movant*
12 *receives notice of the award pursuant to section 26 of this act or within*
13 *90 days after he receives notice of a modified or corrected award*
14 *pursuant to section 27 of this act, the court shall modify or correct the*
15 *award if:*

16 (a) *There was an evident mathematical miscalculation or an evident*
17 *mistake in the description of a person, thing or property referred to in the*
18 *award;*

19 (b) *The arbitrator has made an award on a claim not submitted to him*
20 *and the award may be corrected without affecting the merits of the*
21 *decision upon the claims submitted; or*

22 (c) *The award is imperfect in a matter of form not affecting the merits*
23 *of the decision on the claims submitted.*

24 2. *If a motion made under subsection 1 is granted, the court shall*
25 *modify or correct and confirm the award as modified or corrected.*
26 *Otherwise, unless a motion to vacate is pending, the court shall confirm*
27 *the award.*

28 3. *A motion to modify or correct an award pursuant to this section*
29 *may be joined with a motion to vacate the award.*

30 **Sec. 32.** *1. Upon granting an order confirming, vacating without*
31 *directing a rehearing, modifying or correcting an award, the court shall*
32 *enter a judgment in conformity therewith. The judgment may be*
33 *recorded, docketed and enforced as any other judgment in a civil action.*

34 2. *A court may allow reasonable costs of the motion and subsequent*
35 *judicial proceedings.*

36 3. *On application of a prevailing party to a contested judicial*
37 *proceeding under section 29, 30 or 31 of this act, the court may add*
38 *reasonable attorney's fees and other reasonable expenses of litigation*
39 *incurred in a judicial proceeding after the award is made to a judgment*
40 *confirming, vacating without directing a rehearing, modifying or*
41 *correcting an award.*

42 **Sec. 33.** *1. A court of this state having jurisdiction over the*
43 *controversy and the parties may enforce an agreement to arbitrate.*

44 2. *An agreement to arbitrate providing for arbitration in this state*
45 *confers exclusive jurisdiction on the court to enter judgment on an award*
46 *under sections 2 to 37, inclusive, of this act.*

47 **Sec. 34.** *A motion pursuant to section 12 of this act must be made in*
48 *the court of the county in which the agreement to arbitrate specifies the*
49 *arbitration hearing is to be held or, if the hearing has been held, in the*



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1 *court of the county in which it was held. Otherwise, the motion may be*
2 *made in the court of any county in which an adverse party resides or has*
3 *a place of business or, if no adverse party has a residence or place of*
4 *business in this state, in the court of any county in this state. All*
5 *subsequent motions must be made in the court hearing the initial motion*
6 *unless the court otherwise directs.*

7 **Sec. 35. 1. An appeal may be taken from:**

8 (a) *An order denying a motion to compel arbitration;*

9 (b) *An order granting a motion to stay arbitration;*

10 (c) *An order confirming or denying confirmation of an award;*

11 (d) *An order modifying or correcting an award;*

12 (e) *An order vacating an award without directing a rehearing; or*

13 (f) *A final judgment entered pursuant to sections 2 to 37, inclusive, of*
14 *this act.*

15 2. *An appeal under this section must be taken as from an order or a*
16 *judgment in a civil action.*

17 **Sec. 36. In applying and construing this Uniform Act, consideration**
18 *must be given to the need to promote uniformity of the law with respect to*
19 *its subject matter among states that enact it.*

20 **Sec. 37. Sections 2 to 36, inclusive, of this act do not affect an action**
21 *or proceeding commenced or right accrued before October 1, 2001.*
22 *Subject to section 10 of this act, an agreement to arbitrate made before*
23 *October 1, 2001, is governed by the provisions of NRS 38.015 to 38.205,*
24 *inclusive, as they existed on that date.*

25 **Sec. 38. NRS 38.015 to 38.205, inclusive, do not apply to arbitration**
26 *under an agreement to arbitrate made on or after October 1, 2001.*

27 **Sec. 39. NRS 38.330 is hereby amended to read as follows:**

28 38.330 1. If all parties named in a written claim filed pursuant to
29 NRS 38.320 agree to have the claim submitted for mediation, the parties
30 shall reduce the agreement to writing and shall select a mediator from the
31 list of mediators maintained by the division pursuant to NRS 38.340. Any
32 mediator selected must be available within the geographic area. If the
33 parties fail to agree upon a mediator, the division shall appoint a mediator
34 from the list of mediators maintained by the division. Any mediator
35 appointed must be available within the geographic area. Unless otherwise
36 provided by an agreement of the parties, mediation must be completed
37 within 60 days after the parties agree to mediation. Any agreement
38 obtained through mediation conducted pursuant to this section must, within
39 20 days after the conclusion of mediation, be reduced to writing by the
40 mediator and a copy thereof provided to each party. The agreement may be
41 enforced as any other written agreement. Except as otherwise provided in
42 this section, the parties are responsible for all costs of mediation conducted
43 pursuant to this section.

44 2. If all the parties named in the claim do not agree to mediation, the
45 parties shall select an arbitrator from the list of arbitrators maintained by
46 the division pursuant to NRS 38.340. Any arbitrator selected must be
47 available within the geographic area. If the parties fail to agree upon an
48 arbitrator, the division shall appoint an arbitrator from the list maintained
49 by the division. Any arbitrator appointed must be available within the



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1 geographic area. Upon appointing an arbitrator, the division shall provide
2 the name of the arbitrator to each party.

3 3. The division may provide for the payment of the fees for a mediator
4 or an arbitrator selected or appointed pursuant to this section from the
5 account for the ombudsman for owners in common-interest communities
6 created pursuant to NRS 116.1117, to the extent that money is available in
7 the account for this purpose.

8 4. Except as otherwise provided in this section and except where
9 inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, the
10 arbitration of a claim pursuant to this section must be conducted in
11 accordance with the provisions of ~~NRS 38.075 to 38.105, inclusive,~~
12 ~~38.115, 38.125, 38.135, 38.155 and 38.165.~~ *sections 22, 23, 24, 26 to 29,*
13 *inclusive, 31 and 32 of this act.* At any time during the arbitration of a
14 claim relating to the interpretation, application or enforcement of any
15 covenants, conditions or restrictions applicable to residential property or
16 any bylaws, rules or regulations adopted by an association, the arbitrator
17 may issue an order prohibiting the action upon which the claim is based.
18 An award must be made within 30 days after the conclusion of arbitration,
19 unless a shorter period is agreed upon by the parties to the arbitration.

20 5. If all the parties have agreed to nonbinding arbitration, any party to
21 the arbitration may, within 30 days after a decision and award have been
22 served upon the parties, commence a civil action in the proper court
23 concerning the claim which was submitted for arbitration. Any complaint
24 filed in such an action must contain a sworn statement indicating that the
25 issues addressed in the complaint have been arbitrated pursuant to the
26 provisions of NRS 38.300 to 38.360, inclusive. If such an action is not
27 commenced within that period, any party to the arbitration may, within 1
28 year after the service of the award, apply to the proper court for a
29 confirmation of the award pursuant to ~~NRS 38.135.~~ *section 29 of this act.*

30 6. If all the parties agree in writing to binding arbitration, the
31 arbitration must be conducted in accordance with the provisions of chapter
32 38 of NRS. An award procured pursuant to such arbitration may be vacated
33 and a rehearing granted upon application of a party pursuant to the
34 provisions of ~~NRS 38.145.~~ *section 30 of this act.*

35 7. If, after the conclusion of arbitration, a party:

36 (a) Applies to have an award vacated and a rehearing granted pursuant
37 to ~~NRS 38.145.~~ *section 30 of this act;* or

38 (b) Commences a civil action based upon any claim which was the
39 subject of arbitration,
40 the party shall, if he fails to obtain a more favorable award or judgment
41 than that which was obtained in the initial arbitration, pay all costs and
42 reasonable attorney's fees incurred by the opposing party after the
43 application for a rehearing was made or after the complaint in the civil
44 action was filed.

45 8. Upon request by a party, the division shall provide a statement to
46 the party indicating the amount of the fees for a mediator or an arbitrator
47 selected or appointed pursuant to this section.



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1 9. As used in this section, "geographic area" means an area within 150
2 miles from any residential property or association which is the subject of a
3 written claim submitted pursuant to NRS 38.320.

4 **Sec. 40.** NRS 280.190 is hereby amended to read as follows:

5 280.190 The committee shall:

6 1. Direct the department to prepare and shall approve an annual
7 operating budget for the department.

8 2. Submit the budget to the governing bodies of the participating
9 political subdivisions before April 1 for funding for the following fiscal
10 year.

11 3. Direct the department to prepare and shall adopt the funding
12 apportionment plan provided for in NRS 280.201 and submit the plan
13 before February 1 to the governing bodies of the participating political
14 subdivisions for approval. The governing bodies shall approve or reject the
15 plan before March 1.

16 4. If any of the governing bodies fails to approve the apportionment
17 plan, the plan or any disputed element thereof must be submitted to an
18 arbitration panel for resolution. The governing body of each participating
19 political subdivision shall name one arbitrator to the panel, who must
20 reside within this state. If this results in an even number of arbitrators, the
21 arbitrators so named shall, by majority vote, select an additional arbitrator,
22 who must reside within this state and who shall serve as chairman of the
23 panel. The department shall provide such advice and technical and clerical
24 assistance as is requested by the panel. The panel must make its decision
25 and submit it to the participating political subdivisions before April 1.
26 When submitted, the decision is final and binding upon the participating
27 political subdivisions. Except as otherwise provided in this section, the
28 provisions of ~~the Uniform Arbitration Act contained in NRS 38.015 to~~
29 ~~38.205, inclusive,~~ *sections 2 to 37, inclusive, of this act* apply.

30 **Sec. 41.** NRS 391.3194 is hereby amended to read as follows:

31 391.3194 1. Within 5 days after the superintendent receives the
32 report of the hearing officer he shall either withdraw the recommendation
33 to demote, dismiss or not reemploy the licensed employee or file his
34 recommendation with the board.

35 2. Within 15 days after the receipt of the recommendation of the
36 superintendent, the board shall either accept or reject the hearing officer's
37 recommendation and notify the licensed employee in writing of its
38 decision.

39 3. The board may, before making a decision, refer the report back to
40 the hearing officer for further evidence and recommendations. Within 15
41 days after the report is referred to him, the hearing officer shall complete
42 the report and file it with the board and mail a copy to the superintendent
43 and licensed employee.

44 4. The licensed employee may appeal the decision to a district court
45 within the time limits and in the manner provided by law for appeals of
46 administrative decisions of state agencies. If the report of the hearing
47 officer is final and binding, the employee or the board may request judicial
48 review of the report ~~pursuant to NRS 38.145 or 38.155,~~ *in the manner*
49 *provided in sections 30 and 31 of this act.*



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1 **Sec. 42.** NRS 487.563 is hereby amended to read as follows:

2 487.563 1. Each person who submits an application for registration
3 pursuant to the provisions of NRS 487.560 must include in the application
4 a written statement to the department that specifies whether he agrees to
5 submit to binding arbitration any claims against him arising out of a
6 contract for repairs made by him to a motor vehicle. If the person fails to
7 submit the statement to the department or specifies in the statement that he
8 does not agree to arbitrate those claims, the person shall file with the
9 department a bond in the amount of \$5,000, with a corporate surety for the
10 bond that is licensed to do business in this state. The form of the bond must
11 be approved by the attorney general and be conditioned upon whether the
12 applicant conducts his business as an owner or operator of a garage without
13 fraud or fraudulent representation and in compliance with the provisions of
14 NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590,
15 inclusive.

16 2. The bond must be continuous in form and the total aggregate
17 liability on the bond must be limited to the payment of the total amount of
18 the bond.

19 3. In lieu of a bond required to be filed pursuant to the provisions of
20 subsection 1, a person may deposit with the department, pursuant to the
21 terms prescribed by the department:

22 (a) A like amount of money or bonds of the United States or of the State
23 of Nevada of an actual market value of not less than the amount fixed by
24 the department; or

25 (b) A savings certificate of a bank or savings and loan association
26 located in this state, which must indicate an account of an amount equal to
27 the amount of the bond that would otherwise be required pursuant to this
28 section and that the amount is unavailable for withdrawal except upon
29 order of the department. Interest earned on the certificate accrues to the
30 account of the applicant.

31 4. If a claim is arbitrated pursuant to the provisions of this section, the
32 proceedings for arbitration must be conducted in accordance with the
33 provisions of ~~NRS 38.015 to 38.205, inclusive.~~ *sections 2 to 37,*
34 *inclusive, of this act.*

35 5. If a person:

36 (a) Submits the statement to the department specifying that he agrees to
37 arbitrate a claim pursuant to the provisions of subsection 1; and

38 (b) Fails to submit to binding arbitration any claim specified in that
39 subsection,

40 the person asserting the claim may notify the department of that fact. Upon
41 receipt of the notice, the department shall, after notice and hearing, revoke
42 or refuse to renew the certificate of registration of the person who failed to
43 submit the claim to arbitration.

44 6. The department may reinstate or renew a certificate of registration
45 that is revoked pursuant to the provisions of subsection 5 if the person
46 whose certificate of registration is revoked:

47 (a) Submits the claim to arbitration pursuant to the provisions of
48 subsection 4 and notifies the department of that fact; or



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- 1 (b) Files a bond or makes a deposit with the department pursuant to the
2 provisions of this section.
3 **Sec. 43.** NRS 38.015, 38.025, 38.035, 38.045, 38.055, 38.065, 38.075,
4 38.085, 38.087, 38.095, 38.105, 38.115, 38.125, 38.135, 38.145, 38.155,
5 38.165, 38.175, 38.185, 38.195 and 38.205 are hereby repealed.
6 **Sec. 44.** 1. This section and sections 1 to 38, inclusive, of this act
7 become effective on October 1, 2001.
8 2. Sections 39 to 43, inclusive, of this act become effective on
9 October 1, 2003.
10 3. Section 38 of this act expires by limitation on October 1, 2003.

LEADLINES OF REPEALED SECTIONS

38.015 Short title.
38.025 Definitions.
38.035 Validity of agreement to arbitrate.
38.045 Proceedings to compel or stay arbitration.
38.055 Appointment of arbitrators by court.
38.065 Majority action by arbitrators.
38.075 Hearing.
38.085 Representation by attorney.
38.087 Discovery.
38.095 Witnesses; subpoenas; depositions.
38.105 Award.
38.115 Change of award by arbitrators.
38.125 Fees and expenses of arbitration.
38.135 Confirmation of award.
38.145 Vacating award.
38.155 Modification or correction of award.
38.165 Judgment or decree on award.
38.175 Judgment roll; docketing.
38.185 Applications to court.
38.195 Venue.
38.205 Appeals.

