

HB 1402 -- ARBITRATION AGREEMENTS

SPONSOR: DeGroot

This bill changes the law concerning arbitration agreements between an employer and at-will employee, or a patient and health care provider. In the case of an arbitration agreement covered by the provisions of this bill, the arbitrator, and not the court, shall make the initial decision as to arbitrability. This includes deciding whether the parties have agreed to arbitrate, whether the agreement is an enforceable arbitration agreement, or whether specific claims should be arbitrated under the agreement.

The bill specifies certain circumstances in which the arbitrator shall find the agreement valid and supported by adequate consideration, not illusory, and not a contract of adhesion. The arbitrator shall be chosen by mutual agreement, or, if an agreement cannot be reached, by a strike and ranking process. Upon a motion showing such an agreement covered by the provisions of this bill, the court shall stay the action and order the parties to proceed to arbitration.

This bill is the same as HB 976 (2017) and is similar to SB 45 (2017).