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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **1692**

March 12, 2009

Authored by Morrow

The bill was read for the first time and referred to the Committee on Civil Justice

March 4, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act  
 1.2 relating to dispute resolution; providing for arbitration of disputes; adopting  
 1.3 the Uniform Arbitration Act; amending Minnesota Statutes 2008, sections  
 1.4 80C.146, subdivision 2; 122A.40, subdivision 15; 122A.41, subdivision 13;  
 1.5 179.09; 325E.37, subdivision 5; 325F.665, subdivision 6; 469.1762; 572A.02,  
 1.6 subdivision 1; proposing coding for new law as Minnesota Statutes, chapter  
 1.7 572B; repealing Minnesota Statutes 2008, sections 572.08; 572.09; 572.10;  
 1.8 572.11; 572.12; 572.13; 572.14; 572.15; 572.16; 572.17; 572.18; 572.19; 572.20;  
 1.9 572.21; 572.22; 572.23; 572.24; 572.25; 572.26; 572.27; 572.28; 572.29; 572.30.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 **ARTICLE 1**

1.12 **UNIFORM ARBITRATION ACT**

1.13 Section 1. **[572B.01] DEFINITIONS.**

1.14 In sections 572B.01 to 572B.31:

1.15 (1) "Arbitration organization" means a neutral association, agency, board,  
 1.16 commission, or other entity that initiates, sponsors, or administers arbitration proceedings  
 1.17 or is involved in the appointment of arbitrators.

1.18 (2) "Arbitrator" means an individual appointed to render an award in a controversy  
 1.19 between persons who are parties to an agreement to arbitrate.

1.20 (3) "Authenticate" means:

1.21 (A) to sign; or

1.22 (B) to execute or adopt a record by attaching to or logically associating with the  
 1.23 record, an electronic sound, symbol, or process with the intent to sign the record.

1.24 (4) "Court" means a court of competent jurisdiction in this state.

1.25 (5) "Knowledge" means actual knowledge.

2.1 (6) "Person" means an individual, corporation, business trust, estate, trust,  
2.2 partnership, limited liability company, association, joint venture, or government;  
2.3 governmental subdivision, agency, or instrumentality; public corporation; or any other  
2.4 legal or commercial entity.

2.5 (7) "Record" means information that is inscribed on a tangible medium or that is  
2.6 stored in an electronic or other medium and is retrievable in perceivable form.

2.7 **Sec. 2. [572B.02] NOTICE.**

2.8 Unless the parties to an agreement to arbitrate otherwise agree or except as otherwise  
2.9 provided in sections 572B.01 to 572B.31, a person gives notice to another person by  
2.10 taking action that is reasonably necessary to inform the other person in the ordinary course  
2.11 of business, whether or not the other person acquires knowledge of the notice. A person  
2.12 has notice if the person has knowledge of the notice or has received notice. A person  
2.13 receives notice when it comes to the person's attention or the notice is delivered at the  
2.14 person's place of residence or place of business, or at another location held out by the  
2.15 person as a place of delivery of such communications.

2.16 **Sec. 3. [572B.03] WHEN ACT APPLIES.**

2.17 (a) Sections 572B.01 to 572B.31 govern agreements to arbitrate entered into:

2.18 (1) on or after August 1, 2010; and

2.19 (2) before August 1, 2010, if all parties to the agreement to arbitrate or to arbitration  
2.20 proceedings agree in a record to be governed by sections 572B.01 to 572B.31.

2.21 (b) On or after August 1, 2010, sections 572B.01 to 572B.31 govern agreements to  
2.22 arbitrate even if the arbitration agreement was entered into prior to August 1, 2010.

2.23 **Sec. 4. [572B.04] EFFECT OF AGREEMENT TO ARBITRATE;**  
2.24 **NONWAIVABLE PROVISIONS.**

2.25 (a) Except as otherwise provided in subsections (b) and (c), the parties to an  
2.26 agreement to arbitrate or to an arbitration proceeding may waive or vary the requirements  
2.27 of sections 572B.01 to 572B.31 to the extent permitted by law.

2.28 (b) Before a controversy arises that is subject to an agreement to arbitrate, the parties  
2.29 to the agreement may not:

2.30 (1) waive or vary the requirements of section 572B.05, subsection (a); 572B.06,  
2.31 subsection (a); 572B.08; 572B.17, subsection (a) or (b); 572B.26; or 572B.27;

2.32 (2) unreasonably restrict the right under section 572B.09 to notice of the initiation of  
2.33 an arbitration proceeding;

3.1 (3) unreasonably restrict the right under section 572B.12 to disclosure of any facts  
3.2 by a neutral arbitrator; or

3.3 (4) waive the right under section 572B.16 of a party to an agreement to arbitrate  
3.4 to be represented by a lawyer at any proceeding or hearing under sections 572B.01  
3.5 to 572B.31, except that an employer and a labor organization may waive the right to  
3.6 representation by a lawyer in a labor arbitration.

3.7 (c) The parties to an agreement to arbitrate may not waive or vary the requirements  
3.8 of this section or section 572B.03, subsection (a)(1) or (b); 572B.07; 572B.14; 572B.18;  
3.9 572B.20, subsection (c) or (d); 572B.22; 572B.23; 572B.24; 572B.25, subsection (a) or  
3.10 (b); 572B.29; 572B.30; 572B.31; or 572B.32.

3.11 **Sec. 5. [572B.05] APPLICATION TO COURT.**

3.12 (a) Except as otherwise provided in section 572B.28, an application for judicial  
3.13 relief under sections 572B.01 to 572B.31 must be made by motion to the court and heard  
3.14 in the manner and upon the notice provided by law or rule of court for making and hearing  
3.15 motions.

3.16 (b) Notice of an initial motion to the court under sections 572B.01 to 572B.31 must  
3.17 be served in the manner provided by law for the service of a summons in a civil action  
3.18 unless a civil action is already pending involving the agreement to arbitrate.

3.19 **Sec. 6. [572B.06] VALIDITY OF AGREEMENT TO ARBITRATE.**

3.20 (a) An agreement contained in a record to submit to arbitration any existing or  
3.21 subsequent controversy arising between the parties to the agreement is valid, enforceable,  
3.22 and irrevocable except upon a ground that exists at law or in equity for the revocation of  
3.23 contract.

3.24 (b) The court shall decide whether an agreement to arbitrate exists or a controversy  
3.25 is subject to an agreement to arbitrate, except in the case of a grievance arising under a  
3.26 collective bargaining agreement when an arbitrator shall decide.

3.27 (c) An arbitrator shall decide whether a condition precedent to arbitrability has been  
3.28 fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

3.29 (d) If a party to a judicial proceeding challenges the existence of, or claims that a  
3.30 controversy is not subject to, an agreement to arbitrate, the arbitration proceeding may  
3.31 continue pending final resolution of the issue by the court, unless the court otherwise  
3.32 orders.

3.33 **Sec. 7. [572B.07] MOTION TO COMPEL OR STAY ARBITRATION.**

4.1 (a) On motion of a person showing an agreement to arbitrate and alleging another  
4.2 person's refusal to arbitrate pursuant to the agreement, the court shall order the parties  
4.3 to arbitrate if the refusing party does not appear or does not oppose the motion. If the  
4.4 refusing party opposes the motion, the court shall proceed summarily to decide the issue.  
4.5 Unless the court finds that there is no enforceable agreement to arbitrate, it shall order  
4.6 the parties to arbitrate. If the court finds that there is no enforceable agreement, it may  
4.7 not order the parties to arbitrate.

4.8 (b) On motion of a person alleging that an arbitration proceeding has been initiated  
4.9 or threatened but that there is no agreement to arbitrate, the court shall proceed summarily  
4.10 to decide the issue. If the court finds that there is an enforceable agreement to arbitrate, it  
4.11 shall order the parties to arbitrate. If the court finds that there is no enforceable agreement,  
4.12 it may not order the parties to arbitrate.

4.13 (c) The court may not refuse to order arbitration because the claim subject to  
4.14 arbitration lacks merit or grounds for the claim have not established.

4.15 (d) If a proceeding involving a claim referable to arbitration under an alleged  
4.16 agreement to arbitrate is pending in court, a motion under this section must be filed in  
4.17 that court. Otherwise, a motion under this section may be filed in any court as required  
4.18 by section 572B.27.

4.19 (e) If a party files a motion with the court to order arbitration under this section, the  
4.20 court shall on just terms stay any judicial proceeding that involves a claim alleged to be  
4.21 subject to the arbitration until the court renders a final decision under this section.

4.22 (f) If the court orders arbitration, the court shall on just terms stay any judicial  
4.23 proceeding that involves a claim subject to the arbitration. If a claim subject to the  
4.24 arbitration is severable, the court may sever it and limit the stay to that claim.

4.25 **Sec. 8. [572B.08] PROVISIONAL REMEDIES.**

4.26 (a) Before an arbitrator is appointed and is authorized and able to act, the court, upon  
4.27 motion of a party to an arbitration proceeding and for good cause shown, may enter an  
4.28 order for provisional remedies to protect the effectiveness of the arbitration proceeding to  
4.29 the same extent and under the same conditions as if the controversy were the subject of  
4.30 a civil action.

4.31 (b) After an arbitrator is appointed and is authorized and able to act, the arbitrator  
4.32 may issue such orders for provisional remedies, including interim awards, as the arbitrator  
4.33 finds necessary to protect the effectiveness of the arbitration proceeding and to promote  
4.34 the fair and expeditious resolution of the controversy, to the same extent and under the  
4.35 same conditions as if the controversy were the subject of a civil action. After an arbitrator

5.1 is appointed and is authorized and able to act, a party to an arbitration proceeding may  
5.2 move the court for a provisional remedy only if the matter is urgent and the arbitrator is  
5.3 not able to act in a timely manner or if the arbitrator cannot provide an adequate remedy.

5.4 (c) A motion to a court for a provisional remedy under subsection (a) or (b) does  
5.5 not waive any right of arbitration.

5.6 **Sec. 9. [572B.09] INITIATION OF ARBITRATION.**

5.7 (a) A person initiates an arbitration proceeding by giving notice in a record to the  
5.8 other parties to the agreement to arbitrate in the agreed manner between the parties or,  
5.9 in the absence of agreement, by mail certified or registered, return receipt requested and  
5.10 obtained, or by service as authorized for the initiation of a civil action. The notice must  
5.11 describe the nature of the controversy and the remedy sought.

5.12 (b) Unless a person interposes an objection as to lack or insufficiency of notice  
5.13 under section 572B.15, subsection (c), not later than the commencement of the arbitration  
5.14 hearing, the person's appearance at the hearing waives any objection to lack of or  
5.15 insufficiency of notice.

5.16 **Sec. 10. [572B.10] CONSOLIDATION OF SEPARATE ARBITRATION**  
5.17 **PROCEEDINGS.**

5.18 (a) Except as otherwise provided in subsections (c) and (d), upon motion of a  
5.19 party to an agreement to arbitrate or to an arbitration proceeding, the court may order  
5.20 consolidation of separate arbitration proceedings as to all or some of the claims if:

5.21 (1) there are separate agreements to arbitrate or separate arbitration proceedings  
5.22 between the same persons or one of them is a party to a separate agreement to arbitrate  
5.23 or a separate arbitration proceeding with a third person;

5.24 (2) the claims subject to the agreements to arbitrate arise in substantial part from the  
5.25 same transaction or series of related transactions;

5.26 (3) the existence of a common issue of law or fact creates the possibility of  
5.27 conflicting decisions in the separate arbitration proceedings; and

5.28 (4) prejudice resulting from a failure to consolidate is not outweighed by the risk of  
5.29 undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

5.30 (b) The court may order consolidation of separate arbitration proceedings as to  
5.31 certain claims and allow other claims to be resolved in separate arbitration proceedings.

5.32 (c) The court may not order consolidation of the claims of a party to an agreement  
5.33 to arbitrate which prohibits consolidation.

6.1 (d) An arbitrator shall decide whether to consolidate one or more grievances arising  
6.2 under a collective bargaining agreement.

6.3 Sec. 11. **[572B.11] APPOINTMENT OF ARBITRATOR; SERVICE AS A**  
6.4 **NEUTRAL ARBITRATOR.**

6.5 (a) If the parties to an agreement to arbitrate agree on a method for appointing an  
6.6 arbitrator, that method must be followed, unless the method fails. If the parties have  
6.7 not agreed on a method, the agreed method fails, or an arbitrator appointed fails or is  
6.8 unable to act and a successor has not been appointed, the court, on motion of a party  
6.9 to the arbitration proceeding, shall appoint the arbitrator. The arbitrator so appointed  
6.10 has all the powers of an arbitrator designated in the agreement to arbitrate or appointed  
6.11 pursuant to the agreed method.

6.12 (b) An arbitrator who has a known, direct, and material interest in the outcome of the  
6.13 arbitration proceeding or a known, existing, and substantial relationship with a party may  
6.14 not serve as a neutral arbitrator.

6.15 Sec. 12. **[572B.12] DISCLOSURE BY ARBITRATOR.**

6.16 (a) Before accepting appointment, an individual who is requested to serve as an  
6.17 arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement  
6.18 to arbitrate and arbitration proceeding and to any other arbitrators any known facts that a  
6.19 reasonable person would consider likely to affect the impartiality of the arbitrator in the  
6.20 arbitration proceeding, including:

6.21 (1) a financial or personal interest in the outcome of the arbitration proceeding; and  
6.22 (2) an existing or past relationship with any of the parties to the agreement to  
6.23 arbitrate or the arbitration proceeding, their counsel or representatives, witnesses, or  
6.24 the other arbitrators.

6.25 (b) An arbitrator has a continuing obligation to disclose to all parties to the  
6.26 agreement to arbitrate and arbitration proceedings and to any other arbitrators any facts  
6.27 that the arbitrator learns after accepting appointment which a reasonable person would  
6.28 consider likely to affect the impartiality of the arbitrator.

6.29 (c) If an arbitrator discloses a fact required by subsection (a) or (b) to be disclosed  
6.30 and a party timely objects to the appointment or continued service of the arbitrator based  
6.31 upon the disclosure, the objection may be a ground to vacate the award under section  
6.32 572B.23, subsection (a)(2).

7.1 (d) If the arbitrator did not disclose a fact as required by subsection (a) or (b), upon  
7.2 timely objection of a party, an award may be vacated under section 572B.23, subsection  
7.3 (a)(2).

7.4 (e) An arbitrator appointed as a neutral who does not disclose a known, direct,  
7.5 and material interest in the outcome of the arbitration proceeding or a known, existing,  
7.6 and substantial relationship with a party is presumed to act with evident partiality under  
7.7 section 572B.23, subsection (a)(2).

7.8 (f) If the parties to an arbitration proceeding agree to the procedures of an arbitration  
7.9 organization or any other procedures for challenges to arbitrators before an award is made,  
7.10 substantial compliance with those procedures is a condition precedent to a motion to  
7.11 vacate an award on that ground under section 572B.23, subsection (a)(2).

7.12 **Sec. 13. [572B.13] ACTION BY MAJORITY.**

7.13 If there is more than one arbitrator, the powers of the arbitrators must be exercised  
7.14 by a majority of them.

7.15 **Sec. 14. [572B.14] IMMUNITY OF ARBITRATOR; COMPETENCY TO**  
7.16 **TESTIFY; ATTORNEY FEES AND COSTS.**

7.17 (a) An arbitrator or an arbitration organization acting in such capacity is immune  
7.18 from civil liability to the same extent as a judge of a court in this state acting in a judicial  
7.19 capacity.

7.20 (b) The immunity afforded by this section supplements any other immunity.

7.21 (c) If an arbitrator does not make a disclosure required by section 572B.12, the  
7.22 nondisclosure does not cause a loss of immunity under this section.

7.23 (d) In any judicial, administrative, or similar proceeding, an arbitrator or  
7.24 representative of an arbitration organization is not competent to testify or required to  
7.25 produce records as to any statement, conduct, decision, or ruling occurring during the  
7.26 arbitration proceeding to the same extent as a judge of a court of this state acting in a  
7.27 judicial capacity. This subsection does not apply:

7.28 (1) to the extent necessary to determine the claim of an arbitrator or an arbitration  
7.29 organization or a representative of the arbitration organization against a party to the  
7.30 arbitration proceeding; or

7.31 (2) if a party to the arbitration proceeding files a motion to vacate an award under  
7.32 section 572B.23, subsection (a)(1) or (2), and establishes prima facie that a ground for  
7.33 vacating the award exists.

8.1 (e) If a person commences a civil action against an arbitrator, an arbitration  
8.2 organization, or a representative of an arbitration organization arising from the services of  
8.3 the arbitrator, organization, or representative or if a person seeks to compel an arbitrator  
8.4 or a representative of an arbitration organization to testify in violation of subsection  
8.5 (d), and the court decides that the arbitrator, arbitration organization, or representative  
8.6 of an arbitration organization is immune from civil liability or that the arbitrator or  
8.7 representative of the organization is incompetent to testify, the court may award to the  
8.8 arbitrator, organization, or representative reasonable attorney fees and other reasonable  
8.9 expenses of litigation.

8.10 **Sec. 15. [572B.15] ARBITRATION PROCESS.**

8.11 (a) The arbitrator may conduct the arbitration in such manner as the arbitrator  
8.12 considers appropriate so as to aid in the fair and expeditious disposition of the proceeding.  
8.13 The authority conferred upon the arbitrator includes the power to hold conferences  
8.14 with the parties to the arbitration proceeding before the hearing and to determine the  
8.15 admissibility, relevance, materiality, and weight of any evidence.

8.16 (b) The arbitrator may decide a request for summary disposition of a claim or  
8.17 particular issue by agreement of all interested parties or upon request of one party to  
8.18 the arbitration proceeding if that party gives notice to all other parties to the arbitration  
8.19 proceeding and the other parties have a reasonable opportunity to respond.

8.20 (c) The arbitrator shall set a time and place for a hearing and give notice of the  
8.21 hearing not less than five days before the hearing. Unless a party to the arbitration  
8.22 proceeding interposes an objection to lack of or insufficiency of notice not later than the  
8.23 commencement of the hearing, the party's appearance at the hearing waives the objection.  
8.24 Upon request of a party to the arbitration proceeding and for good cause shown, or upon  
8.25 the arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time  
8.26 as necessary but may not postpone the hearing to a time later than that fixed by the  
8.27 agreement to arbitrate for making the award unless the parties to the arbitration proceeding  
8.28 consent to a later date. The arbitrator may hear and decide the controversy upon the  
8.29 evidence produced although a party who was duly notified of the arbitration proceeding  
8.30 did not appear. The court, on request, may direct the arbitrator to promptly conduct the  
8.31 hearing and render a timely decision.

8.32 (d) If an arbitrator orders a hearing under subsection (c), the parties to the arbitration  
8.33 proceeding are entitled to be heard, to present evidence material to the controversy, and to  
8.34 cross-examine witnesses appearing at the hearing.

9.1 (e) If there is more than one arbitrator, all of them shall conduct the hearing under  
9.2 subsection (c), however, a majority shall decide any issue and make a final award.

9.3 (f) If an arbitrator ceases, or is unable, to act during the arbitration proceeding, a  
9.4 replacement arbitrator must be appointed in accordance with section 572B.11 to continue  
9.5 the hearing and to decide the controversy.

9.6 Sec. 16. **[572B.16] REPRESENTATION BY LAWYER.**

9.7 A party to an arbitration proceeding may be represented by a lawyer.

9.8 Sec. 17. **[572B.17] WITNESSES; SUBPOENAS; DEPOSITIONS; DISCOVERY.**

9.9 (a) An arbitrator may issue a subpoena for the attendance of a witness and for the  
9.10 production of records and other evidence at any hearing and may administer oaths. A  
9.11 subpoena must be served in the manner for service of subpoenas in a civil action and, upon  
9.12 motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in  
9.13 the manner for enforcement of subpoenas in a civil action.

9.14 (b) On request of a party to or a witness in an arbitration proceeding, an arbitrator  
9.15 may permit a deposition of any witness to provide testimony at the arbitration hearing,  
9.16 including a witness who cannot be subpoenaed for or is unable to attend a hearing, to be  
9.17 taken under conditions determined by the arbitrator for use as evidence in order to make  
9.18 the proceeding fair, expeditious, and cost-effective.

9.19 (c) An arbitrator may permit such discovery as the arbitrator decides is appropriate  
9.20 in the circumstances, taking into account the needs of the parties to the arbitration  
9.21 proceeding and other affected persons and the desirability of making the proceeding fair,  
9.22 expeditious, and cost-effective.

9.23 (d) If an arbitrator permits discovery under subsection (c), the arbitrator may order a  
9.24 party to the arbitration proceeding to comply with the arbitrator's discovery-related orders,  
9.25 including the issuance of a subpoena for the attendance of a witness and for the production  
9.26 of records and other evidence at a discovery proceeding, and may take action against a  
9.27 party to the arbitration proceeding who does not comply to the extent permitted by law as  
9.28 if the controversy were the subject of a civil action in this state.

9.29 (e) An arbitrator may issue a protective order to prevent the disclosure of privileged  
9.30 information, confidential information, trade secrets, and other information protected from  
9.31 disclosure as if the controversy were the subject of a civil action in this state.

9.32 (f) All laws compelling a person under subpoena to testify and all fees for attending  
9.33 a judicial proceeding, a deposition, or a discovery proceeding as a witness apply to an

10.1 arbitration proceeding as if the controversy were the subject of a civil action under the  
10.2 laws and rules of civil procedure of this state.

10.3 (g) The court may enforce a subpoena or discovery-related order for the attendance  
10.4 of a witness within this state and for the production of records and other evidence  
10.5 issued by an arbitrator in connection with an arbitration proceeding in another state  
10.6 upon conditions determined by the court in order to make the arbitration proceeding  
10.7 fair, expeditious, and cost-effective. A subpoena or discovery-related order issued by  
10.8 an arbitrator must be served in the manner provided by law for service of subpoenas  
10.9 in a civil action in this state and, upon motion to the court by a party to the arbitration  
10.10 proceeding or the arbitrator, enforced in the manner provided by law for enforcement of  
10.11 subpoenas in a civil action in this state.

10.12 **Sec. 18. [572B.18] COURT ENFORCEMENT OF PRE-AWARD RULING BY**  
10.13 **ARBITRATOR.**

10.14 If an arbitrator makes a pre-award ruling in favor of a party to the arbitration  
10.15 proceeding, the party may request the arbitrator to incorporate the ruling into an award  
10.16 under section 572B.19. The successful party may file a motion to the court for an  
10.17 expedited order to confirm the award under section 572B.22, in which case the court shall  
10.18 proceed summarily to decide the motion. The court shall issue an order to confirm the  
10.19 award unless the court vacates, modifies, or corrects the award of the arbitrator pursuant to  
10.20 sections 572B.23 and 572B.24.

10.21 **Sec. 19. [572B.19] AWARD.**

10.22 (a) An arbitrator shall make a record of an award. The record must be authenticated  
10.23 by any arbitrator who concurs with the award. The arbitrator or the arbitration organization  
10.24 shall give notice of the award, including a copy of the award, to each party to the  
10.25 arbitration proceeding.

10.26 (b) An award must be made within the time specified by the agreement to arbitrate  
10.27 or, if not specified therein, within the time ordered by the court. The court may extend or  
10.28 the parties to the arbitration proceeding may agree in a record to extend the time. The  
10.29 court or the parties may do so within or after the time specified or ordered. A party waives  
10.30 any objection that an award was not timely made unless the party gives notice of the  
10.31 objection to the arbitrator before receiving notice of the award.

10.32 **Sec. 20. [572B.20] CHANGE OF AWARD BY ARBITRATOR.**

11.1 (a) On motion to an arbitrator by a party to the arbitration proceeding, the arbitrator  
11.2 may modify or correct an award:

11.3 (1) upon the grounds stated in section 572B.24, subsection (a)(1) or (3);

11.4 (2) because the arbitrator has not made a final and definite award upon a claim  
11.5 submitted by the parties to the arbitration proceeding; or

11.6 (3) to clarify the award.

11.7 (b) A motion under subsection (a) must be made and served on all parties within 20  
11.8 days after the movant receives notice of the award.

11.9 (c) A party to the arbitration proceeding must serve any objections to the motion  
11.10 within ten days after receipt of the notice.

11.11 (d) If a motion to the court is pending under sections 572B.22, 572B.23, and  
11.12 572B.24, the court may submit the claim to the arbitrator to consider whether to modify or  
11.13 correct the award:

11.14 (1) upon the grounds stated in section 572B.24, subsection (a)(1) or (3);

11.15 (2) because the arbitrator has not made a final and definite award upon a claim  
11.16 submitted by the parties to the arbitration proceeding; or

11.17 (3) to clarify the award.

11.18 (e) An award modified or corrected pursuant to this section is subject to sections  
11.19 572B.22, 572B.23, and 572B.24.

11.20 **Sec. 21. [572B.21] REMEDIES; FEES AND EXPENSES OF ARBITRATION**  
11.21 **PROCEEDING.**

11.22 (a) An arbitrator may award punitive damages or other exemplary relief if such an  
11.23 award is authorized by law in a civil action involving the same claim and the evidence  
11.24 produced at the hearing justifies the award under the legal standards otherwise applicable  
11.25 to the claim.

11.26 (b) An arbitrator may award attorney fees and other reasonable expenses of  
11.27 arbitration if such an award is authorized by law in a civil action involving the same claim  
11.28 or by the agreement of the parties to the arbitration proceeding.

11.29 (c) As to all remedies other than those authorized by subsections (a) and (b), an  
11.30 arbitrator may order such remedies as the arbitrator considers just and appropriate under  
11.31 the circumstances of the arbitration proceeding. The fact that such a remedy could not or  
11.32 would not be granted by the court is not a ground for refusing to confirm an award under  
11.33 section 572B.22 or for vacating an award under section 572B.23.

11.34 (d) An arbitrator's expenses and fees, together with other expenses, must be paid  
11.35 as provided in the award.

12.1 (e) If an arbitrator awards punitive damages or other exemplary relief under  
12.2 subsection (a), the arbitrator shall specify in the award the basis in fact justifying and the  
12.3 basis in law authorizing the award and state separately the amount of the punitive damages  
12.4 or other exemplary relief.

12.5 **Sec. 22. [572B.22] CONFIRMATION OF AWARD.**

12.6 After a party to the arbitration proceeding receives notice of an award, the party may  
12.7 file a motion with the court for an order confirming the award, at which time the court  
12.8 shall issue such an order unless the award is modified or corrected pursuant to section  
12.9 572B.20 or 572B.24 or is vacated pursuant to section 572B.23.

12.10 **Sec. 23. [572B.23] VACATING AWARD.**

12.11 (a) Upon motion of a party to the arbitration proceeding, the court shall vacate an  
12.12 award if:

12.13 (1) the award was procured by corruption, fraud, or other undue means;

12.14 (2) there was:

12.15 (A) evident partiality by an arbitrator appointed as a neutral;

12.16 (B) corruption by an arbitrator; or

12.17 (C) misconduct by an arbitrator prejudicing the rights of a party to the arbitration  
12.18 proceeding;

12.19 (3) an arbitrator refused to postpone the hearing upon showing of sufficient cause  
12.20 for postponement, refused to consider evidence material to the controversy, or otherwise  
12.21 conducted the hearing contrary to section 572B.15, so as to prejudice substantially the  
12.22 rights of a party to the arbitration proceeding;

12.23 (4) an arbitrator exceeded the arbitrator's powers;

12.24 (5) there was no agreement to arbitrate, unless the person participated in the  
12.25 arbitration proceeding without raising the objection under section 572B.15, subsection (c),  
12.26 not later than the commencement of the arbitration hearing; or

12.27 (6) the arbitration was conducted without proper notice of the initiation of an  
12.28 arbitration as required in section 572B.09 so as to prejudice substantially the rights of a  
12.29 party to the arbitration proceeding.

12.30 (b) A motion under this section must be filed within 90 days after the movant  
12.31 receives notice of the award in a record pursuant to section 572B.19 or within 90 days  
12.32 after the movant receives notice of an arbitrator's award in a record on a motion to modify  
12.33 or correct an award pursuant to section 572B.20, unless the motion is predicated upon the  
12.34 ground that the award was procured by corruption, fraud, or other undue means, in which

13.1 case it must be filed within 90 days after such a ground is known or by the exercise of  
13.2 reasonable care should have been known by the movant.

13.3 (c) In vacating an award on a ground other than that set forth in subsection (a)(5),  
13.4 the court may order a rehearing before a new arbitrator. If the award is vacated on the  
13.5 ground stated in subsection (a)(3), (4), or (6), the court may order a rehearing before the  
13.6 arbitrator who made the award or the arbitrator's successor. The arbitrator must render  
13.7 the decision in the rehearing within the same time as that provided in section 572B.19,  
13.8 subsection (b), for an award.

13.9 (d) If a motion to vacate an award is denied and a motion to modify or correct the  
13.10 award is not pending, the court shall confirm the award.

13.11 **Sec. 24. [572B.24] MODIFICATION OR CORRECTION OF AWARD.**

13.12 (a) Upon motion filed within 90 days after the movant receives notice of the award  
13.13 in a record pursuant to section 572B.19 or within 90 days after the movant receives notice  
13.14 of an arbitrator's award in a record on a motion to modify or correct an award pursuant to  
13.15 section 572B.20, the court shall modify or correct the award if:

13.16 (1) there was an evident mathematical miscalculation or an evident mistake in the  
13.17 description of a person, thing, or property referred to in the award;

13.18 (2) the arbitrator has made an award on a claim not submitted to the arbitrator and  
13.19 the award may be corrected without affecting the merits of the decision upon the claims  
13.20 submitted; or

13.21 (3) the award is imperfect in a matter of form not affecting the merits of the decision  
13.22 on the claims submitted.

13.23 (b) If a motion filed under subsection (a) is granted, the court shall modify or correct  
13.24 and confirm the award as modified or corrected. Otherwise, the court shall confirm the  
13.25 award.

13.26 (c) A motion to modify or correct an award pursuant to this section may be joined  
13.27 with a motion to vacate the award.

13.28 **Sec. 25. [572B.25] JUDGMENT ON AWARD; ATTORNEY FEES AND**  
13.29 **LITIGATION EXPENSES.**

13.30 (a) Upon granting an order confirming, vacating without directing a rehearing,  
13.31 modifying, or correcting an award, the court shall enter a judgment in conformity  
13.32 therewith. The judgment may be recorded, docketed, and enforced as any other judgment  
13.33 in a civil action.

14.1 (b) A court may allow reasonable costs of the motion and subsequent judicial  
14.2 proceedings.

14.3 (c) On application of a prevailing party to a contested judicial proceeding under  
14.4 section 572B.22, 572B.23, or 572B.24, the court may add to a judgment confirming,  
14.5 vacating without directing a rehearing, modifying, or correcting an award, attorney fees  
14.6 and other reasonable expenses of litigation incurred in a judicial proceeding after the  
14.7 award is made.

14.8 **Sec. 26. [572B.26] JURISDICTION.**

14.9 (a) A court of this state having jurisdiction over the dispute and the parties may  
14.10 enforce an agreement to arbitrate.

14.11 (b) An agreement to arbitrate providing for arbitration in this state confers exclusive  
14.12 jurisdiction on the court to enter judgment on an award under sections 572B.01 to 572B.31.

14.13 **Sec. 27. [572B.27] VENUE.**

14.14 A motion pursuant to section 572B.05 must be filed in the court of the county in  
14.15 which the agreement to arbitrate specifies the arbitration hearing is to be held or, if the  
14.16 hearing has been held, in the court of the county in which it was held. Otherwise, the  
14.17 motion must be filed in any county in which an adverse party resides or has a place of  
14.18 business or, if no adverse party has a residence or place of business in this state, in the  
14.19 court of any county in this state. All subsequent motions must be filed in the court hearing  
14.20 the initial motion unless the court otherwise directs.

14.21 **Sec. 28. [572B.28] APPEALS.**

14.22 (a) An appeal may be taken from:

14.23 (1) an order denying a motion to compel arbitration;

14.24 (2) an order granting a motion to stay arbitration;

14.25 (3) an order confirming or denying confirmation of an award;

14.26 (4) an order modifying or correcting an award;

14.27 (5) an order vacating an award without directing a rehearing; or

14.28 (6) a final judgment entered pursuant to sections 572B.01 to 572B.31.

14.29 (b) An appeal under this section must be taken as from an order or a judgment in  
14.30 a civil action.

14.31 **Sec. 29. [572B.29] UNIFORMITY OF APPLICATION AND CONSTRUCTION;**  
14.32 **NO-FAULT AUTOMOBILE INSURANCE ACT; CONFLICT; PREVAILING LAW.**

15.1 (a) In applying and construing this uniform act, consideration must be given to the  
15.2 need to promote uniformity of the law with respect to its subject matter among states  
15.3 that enact it.

15.4 (b) When provisions of sections 572B.01 to 572B.31 are in conflict with provisions  
15.5 of sections 65B.41 to 65B.71, the provisions of sections 65B.41 to 65B.71 shall prevail.

15.6 Sec. 30. **[572B.30] SAVINGS CLAUSE.**

15.7 Sections 572B.01 to 572B.31 do not affect an action or proceeding commenced or  
15.8 right accrued before sections 572B.01 to 572B.31 take effect.

15.9 Sec. 31. **[572B.31] RELATIONSHIP TO ELECTRONIC SIGNATURES IN**  
15.10 **GLOBAL AND NATIONAL COMMERCE ACT.**

15.11 The provisions of sections 572B.01 to 572B.31 governing the legal effect, validity,  
15.12 and enforceability of electronic records or electronic signatures, and of contracts  
15.13 performed with the use of such records or signatures conform to the requirements of  
15.14 section 102 of the Electronic Signatures in Global and National Commerce Act.

15.15 Sec. 32. **REPEALER.**

15.16 Minnesota Statutes 2008, sections 572.08; 572.09; 572.10; 572.11; 572.12; 572.13;  
15.17 572.14; 572.15; 572.16; 572.17; 572.18; 572.19; 572.20; 572.21; 572.22; 572.23; 572.24;  
15.18 572.25; 572.26; 572.27; 572.28; 572.29; and 572.30, are repealed effective August 1, 2012.

15.19 Sec. 33. **EFFECTIVE DATE.**

15.20 Sections 1 to 31 are effective August 1, 2010.

15.21 **ARTICLE 2**

15.22 **CONFORMING AMENDMENTS**

15.23 Section 1. Minnesota Statutes 2008, section 80C.146, subdivision 2, is amended to read:

15.24 Subd. 2. **Building alterations.** (a) A motor fuel franchise agreement entered into or  
15.25 renewed, extended, or modified, after April 27, 1988, must comply with this subdivision  
15.26 if it allows the franchisor to modify, remodel, or alter a full-service station operated by  
15.27 a franchisee by eliminating one or more service bays. The agreement must provide that  
15.28 if the motor fuel franchisor eliminates one or more service bays during the term of the  
15.29 agreement, the franchisor must first pay to the franchisee in cash an amount that fairly and  
15.30 adequately compensates the franchisee for the loss of the service and repair business. The  
15.31 amount of compensation must be determined without regard to:

16.1 (1) the income or loss the franchisee may realize as a result of any subsequent or  
16.2 replacement business the franchisee may be entitled to operate on the premises leased  
16.3 from the motor fuel franchisor; or

16.4 (2) the income or loss the franchisee may realize by relocating the franchisee service  
16.5 and repair business or by acquiring another service and repair business.

16.6 (b) The commissioner shall require inclusion of the provision specified in paragraph  
16.7 (a) in the franchise agreement as a condition of registration of the agreement. An  
16.8 agreement subject to this subdivision that does not contain the provision is deemed  
16.9 to contain the provision. The provision may not be waived or modified except in a  
16.10 writing signed by the franchisee that is executed at least 30 days after the execution of  
16.11 the franchise agreement, is separate and independent from the franchise agreement, and  
16.12 is based upon adequate consideration. Adequate consideration may include, without  
16.13 limitation, an agreement to purchase the entire business operated by the franchisee or an  
16.14 agreement to provide equivalent repair facilities for use by the franchisee.

16.15 (c) If the franchisor and the franchisee are unable to agree on the amount of  
16.16 compensation, and either the franchisor or the franchisee demands arbitration, the matter  
16.17 must be submitted to binding arbitration in accordance with sections ~~572.08 to 572.30~~  
16.18 572B.01 to 572B.31 and the rules of the American Arbitration Association. Within 30  
16.19 days after the demand for arbitration, the franchisor and the franchisee shall each select  
16.20 an arbitrator. The two arbitrators shall select a third arbitrator within 45 days after the  
16.21 demand for arbitration. The franchisor and the franchisee shall pay the fees and expenses  
16.22 of the arbitrator each selects, and the franchisor and franchisee shall share equally the  
16.23 fees and expenses of the third arbitrator.

16.24 (d) Nothing in this subdivision prohibits a motor fuel franchisor from altering,  
16.25 modifying, or remodeling a full-service station, without payment to the franchisee,  
16.26 following the expiration of the franchise relationship based upon termination or  
16.27 nonrenewal of the franchise relationship in accordance with United States Code, title  
16.28 15, section 2802(b)(3)(D).

16.29 Sec. 2. Minnesota Statutes 2008, section 122A.40, subdivision 15, is amended to read:

16.30 Subd. 15. **Hearing and determination by arbitrator.** A teacher whose termination  
16.31 is proposed under subdivision 7 on grounds specified in subdivision 9, or whose discharge  
16.32 is proposed under subdivision 13, may elect a hearing before an arbitrator instead of the  
16.33 school board. The hearing is governed by this subdivision.

16.34 (a) The teacher must make a written request for a hearing before an arbitrator  
16.35 within 14 days after receiving notification of proposed termination on grounds specified

17.1 in subdivision 9 or within ten days of receiving notification of proposed discharge under  
17.2 subdivision 13. If a request for a hearing does not specify that the hearing be before an  
17.3 arbitrator, it is considered to be a request for a hearing before the school board.

17.4 (b) If the teacher and the school board are unable to mutually agree on an arbitrator,  
17.5 the board must request from the bureau of mediation services a list of five persons to serve  
17.6 as an arbitrator. If the matter to be heard is a proposed termination on grounds specified  
17.7 in subdivision 9, arbitrators on the list must be available to hear the matter and make  
17.8 a decision within a time frame that will allow the board to comply with all statutory  
17.9 timelines relating to termination. If the teacher and the board are unable to mutually agree  
17.10 on an arbitrator from the list provided, the parties shall alternately strike names from the  
17.11 list until the name of one arbitrator remains. The person remaining after the striking  
17.12 procedure must be the arbitrator. If the parties are unable to agree on who shall strike the  
17.13 first name, the question must be decided by a flip of a coin. The teacher and the school  
17.14 board must share equally the costs and fees of the arbitrator.

17.15 (c) The arbitrator shall determine, by a preponderance of the evidence, whether the  
17.16 grounds for termination or discharge specified in subdivision 9 or 13 exist to support the  
17.17 proposed termination or discharge. A lesser penalty than termination or discharge may be  
17.18 imposed by the arbitrator only to the extent that either party proposes such lesser penalty  
17.19 in the proceeding. In making the determination, the arbitration proceeding is governed by  
17.20 sections ~~572.11 to 572.17~~ 572B.15 to 572B.28 and by the collective bargaining agreement  
17.21 applicable to the teacher.

17.22 (d) An arbitration hearing conducted under this subdivision is a meeting for  
17.23 preliminary consideration of allegations or charges within the meaning of section 13D.05,  
17.24 subdivision 3, paragraph (a), and must be closed, unless the teacher requests it to be open.

17.25 (e) The arbitrator's award is final and binding on the parties, subject to sections  
17.26 ~~572.18 to 572.26~~ 572B.18 to 572B.28.

17.27 Sec. 3. Minnesota Statutes 2008, section 122A.41, subdivision 13, is amended to read:

17.28 Subd. 13. **Hearing and determination by arbitrator.** A teacher against whom  
17.29 charges have been filed alleging any cause for discharge or demotion specified in  
17.30 subdivision 6, clause (1), (2), (3), or (4), may elect a hearing before an arbitrator instead of  
17.31 the school board. The hearing is governed by this subdivision.

17.32 (a) The teacher must make a written request for a hearing before an arbitrator within  
17.33 ten days after receiving a written notice of the filing of charges required by subdivision  
17.34 7. Failure to request a hearing before an arbitrator during this period is considered  
17.35 acquiescence to the board's action.

18.1 (b) If the teacher and the school board are unable to mutually agree on an arbitrator,  
18.2 the board must request from the Bureau of Mediation Services a list of five persons to  
18.3 serve as an arbitrator. If the teacher and the school board are unable to mutually agree on  
18.4 an arbitrator from the list provided, the parties shall alternately strike names from the list  
18.5 until the name of one arbitrator remains. The person remaining after the striking procedure  
18.6 must be the arbitrator. If the parties are unable to agree on who shall strike the first name,  
18.7 the question must be decided by a flip of a coin. The teacher and the board must share  
18.8 equally the costs and fees of the arbitrator.

18.9 (c) The arbitrator shall determine, by a preponderance of the evidence, whether the  
18.10 causes specified in subdivision 6, clause (1), (2), (3), or (4), exist to support the proposed  
18.11 discharge or demotion. A lesser penalty than discharge or demotion may be imposed  
18.12 by the arbitrator only to the extent that either party proposes such lesser penalty in the  
18.13 proceeding. In making the determination, the arbitration proceeding is governed by  
18.14 sections ~~572.11 to 572.17~~ 572B.15 to 572B.28 and by the collective bargaining agreement  
18.15 applicable to the teacher.

18.16 (d) An arbitration hearing conducted under this subdivision is a meeting for  
18.17 preliminary consideration of allegations or charges within the meaning of section 13D.05,  
18.18 subdivision 3, paragraph (a), and must be closed, unless the teacher requests it to be open.

18.19 (e) The arbitrator's decision is final and binding on the parties, subject to sections  
18.20 ~~572.18 to 572.26~~ 572B.18 to 572B.28.

18.21 Sec. 4. Minnesota Statutes 2008, section 179.09, is amended to read:

18.22 **179.09 ARBITRATION.**

18.23 When a labor dispute arises which is not settled by mediation such dispute may,  
18.24 by written agreement of the parties, be submitted to arbitration on such terms as the  
18.25 parties may specify, including among other methods the arbitration procedure under  
18.26 the terms of sections ~~572.08 to 572.26~~ 572B.01 to 572B.31 and arbitration under the  
18.27 Voluntary Industrial Arbitration Tribunal of the American Arbitration Association. If such  
18.28 agreement so provides, the commissioner of mediation services may act as a member of  
18.29 any arbitration tribunal created by any such agreement and, if the agreement so provides,  
18.30 the commissioner may appoint one or more of such arbitrators. Either or both of the  
18.31 parties to any such agreement or any arbitration tribunal created under any such agreement  
18.32 may apply to the commissioner to have the tribunal designated as a temporary arbitration  
18.33 tribunal and, if so designated, the temporary arbitration tribunal shall have power to  
18.34 administer oaths to witnesses and to issue subpoenas for the attendance of witnesses and  
18.35 the production of evidence, which subpoenas shall be enforced in the same manner as

19.1 subpoenas issued by the commission under section 179.08. Any such temporary arbitration  
19.2 tribunal shall file with the commissioner a copy of its report, duly certified by its chair.

19.3 Sec. 5. Minnesota Statutes 2008, section 325E.37, subdivision 5, is amended to read:

19.4 Subd. 5. **Arbitration.** (a) The sole remedy for a manufacturer, wholesaler,  
19.5 assembler, or importer who alleges a violation of any provision of this section is to submit  
19.6 the matter to arbitration. A sales representative may also submit a matter to arbitration,  
19.7 or in the alternative, at the sales representative's option prior to the arbitration hearing,  
19.8 the sales representative may bring the sales representative's claims in a court of law, and  
19.9 in that event the claims of all parties must be resolved in that forum. In the event the  
19.10 parties do not agree to an arbitrator within 30 days after the sales representative demands  
19.11 arbitration in writing, either party may request the appointment of an arbitrator from  
19.12 the American Arbitration Association. Each party to a sales representative agreement  
19.13 shall be bound by the arbitration. In the event that the American Arbitration Association  
19.14 declines to appoint an arbitrator, the arbitration shall proceed under chapter ~~572~~ 572B. The  
19.15 cost of an arbitration hearing must be borne equally by both parties unless the arbitrator  
19.16 determines a more equitable distribution. Except as provided in paragraph (c), the  
19.17 arbitration proceeding is to be governed by the Uniform Arbitration Act, sections ~~572:08~~  
19.18 ~~to 572:30~~ 572B.01 to 572B.31.

19.19 (b) The arbitrator may provide any of the following remedies:

- 19.20 (1) sustainment of the termination of the sales representative agreement;  
19.21 (2) reinstatement of the sales representative agreement, or damages;  
19.22 (3) payment of commissions due under subdivision 4;  
19.23 (4) reasonable attorneys' fees and costs to a prevailing sales representative;  
19.24 (5) reasonable attorneys' fees and costs to a prevailing manufacturer, wholesaler,  
19.25 assembler, or importer, if the arbitrator finds the complaint was frivolous, unreasonable,  
19.26 or without foundation; or

19.27 (6) the full amount of the arbitrator's fees and expenses if the arbitrator finds that the  
19.28 sales representative's resort to arbitration or the manufacturer's, wholesaler's, assembler's,  
19.29 or importer's defense in arbitration was vexatious and lacking in good faith.

19.30 (c) The decision of any arbitration hearing under this subdivision is final and binding  
19.31 on the sales representative and the manufacturer, wholesaler, assembler, or importer. The  
19.32 district court shall, upon application of a party, issue an order confirming the decision.

19.33 Sec. 6. Minnesota Statutes 2008, section 325F.665, subdivision 6, is amended to read:

20.1           Subd. 6. **Alternative dispute settlement mechanism.** (a) Any manufacturer doing  
20.2 business in this state, entering into franchise agreements for the sale of its motor vehicles  
20.3 in this state, or offering express warranties on its motor vehicles sold or distributed for  
20.4 sale in this state shall operate, or participate in, an informal dispute settlement mechanism  
20.5 located in the state of Minnesota which complies with the provisions of the Code of  
20.6 Federal Regulations, title 16, part 703, and the requirements of this section. The provisions  
20.7 of subdivision 3 concerning refunds or replacement do not apply to a consumer who has  
20.8 not first used this mechanism before commencing a civil action, unless the manufacturer  
20.9 allows a consumer to commence an action without first using this mechanism.

20.10           (b) An informal dispute settlement mechanism provided for by this section shall,  
20.11 at the time a request for arbitration is made, provide to the consumer and to each person  
20.12 who will arbitrate the consumer's dispute, information about this section as approved and  
20.13 directed by the attorney general, in consultation with interested parties. The informal  
20.14 dispute settlement mechanism shall permit the parties to present or submit any arguments  
20.15 based on this section and shall not prohibit or discourage the consideration of any such  
20.16 arguments.

20.17           (c) If, in an informal dispute settlement mechanism, it is decided that a consumer  
20.18 is entitled to a replacement vehicle or refund under subdivision 3, then any refund or  
20.19 replacement offered by the manufacturer or selected by a consumer shall include and  
20.20 itemize all amounts authorized by subdivision 3. If the amount of excise tax refunded is  
20.21 not separately stated, or if the manufacturer does not apply for a refund of the tax within  
20.22 one year of the return of the motor vehicle, the Department of Public Safety may refund the  
20.23 excise tax, as determined under subdivision 3, paragraph (h), directly to the consumer and  
20.24 lienholder, if any, as their interests appear on the records of the registrar of motor vehicles.

20.25           (d) No documents shall be received by any informal dispute settlement mechanism  
20.26 unless those documents have been provided to each of the parties in the dispute at or  
20.27 prior to the mechanism's meeting, with an opportunity for the parties to comment on  
20.28 the documents either in writing or orally. If a consumer is present during the informal  
20.29 dispute settlement mechanism's meeting, the consumer may request postponement of the  
20.30 mechanism's meeting to allow sufficient time to review any documents presented at the  
20.31 time of the meeting which had not been presented to the consumer prior to the meeting.

20.32           (e) The informal dispute settlement mechanism shall allow each party to appear and  
20.33 make an oral presentation in the state of Minnesota unless the consumer agrees to submit  
20.34 the dispute for decision on the basis of documents alone or by telephone, or unless the  
20.35 party fails to appear for an oral presentation after reasonable prior written notice. If the  
20.36 consumer agrees to submit the dispute for decision on the basis of documents alone, then

21.1 manufacturer or dealer representatives may not participate in the discussion or decision  
21.2 of the dispute.

21.3 (f) Consumers shall be given an adequate opportunity to contest a manufacturer's  
21.4 assertion that a nonconformity falls within intended specifications for the vehicle by  
21.5 having the basis of the manufacturer's claim appraised by a technical expert selected and  
21.6 paid for by the consumer prior to the informal dispute settlement hearing.

21.7 (g) Where there has been a recent attempt by the manufacturer to repair a consumer's  
21.8 vehicle, but no response has yet been received by the informal dispute mechanism from the  
21.9 consumer as to whether the repairs were successfully completed, the parties must be given  
21.10 the opportunity to present any additional information regarding the manufacturer's recent  
21.11 repair attempt before any final decision is rendered by the informal dispute settlement  
21.12 mechanism. This provision shall not prejudice a consumer's rights under this section.

21.13 (h) If the manufacturer knows that a technical service bulletin directly applies to the  
21.14 specific mechanical problem being disputed by the consumer, then the manufacturer shall  
21.15 provide the technical service bulletin to the consumer at reasonable cost. The mechanism  
21.16 shall review any such technical service bulletins submitted by either party.

21.17 (i) A consumer may be charged a fee to participate in an informal dispute settlement  
21.18 mechanism required by this section, but the fee may not exceed the conciliation court  
21.19 filing fee in the county where the arbitration is conducted.

21.20 (j) Any party to the dispute has the right to be represented by an attorney in an  
21.21 informal dispute settlement mechanism.

21.22 (k) The informal dispute settlement mechanism has all the evidence-gathering  
21.23 powers granted an arbitrator under section ~~572.14~~ 572B.17.

21.24 (l) A decision issued in an informal dispute settlement mechanism required by  
21.25 this section may be in writing and signed.

21.26 Sec. 7. Minnesota Statutes 2008, section 469.1762, is amended to read:

21.27 **469.1762 ARBITRATION OF DISPUTES OVER COUNTY COSTS.**

21.28 If the county and the authority or municipality are unable to agree on either (1)  
21.29 the need for or cost of road improvements under section 469.175, subdivision 1a, or  
21.30 (2) the amount of county administrative costs under section 469.176, subdivision 4h,  
21.31 and the county or municipality demands arbitration, the matter must be submitted to  
21.32 binding arbitration in accordance with sections ~~572.08 to 572.30~~ 572B.01 to 572B.31 and  
21.33 the rules of the American Arbitration Association. Within 30 days after the demand for  
21.34 arbitration, the parties shall each select an arbitrator or agree upon a single arbitrator. If  
21.35 the parties each select an arbitrator, the two arbitrators shall select a third arbitrator within

22.1 45 days after the demand for arbitration. Each party shall pay the fees and expenses of the  
22.2 arbitrator it selected and the parties shall share equally the expenses of the third arbitrator  
22.3 or an arbitrator agreed upon mutually by the parties.

22.4 Sec. 8. Minnesota Statutes 2008, section 572A.02, subdivision 1, is amended to read:

22.5 Subdivision 1. **Submittal to binding arbitration.** If a dispute remains unresolved  
22.6 after the close of mediation, the dispute shall be submitted to binding arbitration within  
22.7 60 days of issuance of the mediation report pursuant to the terms of this section and  
22.8 the Uniform Arbitration Act, sections ~~572.08 to 572.30~~ 572B.01 to 572B.31, except the  
22.9 period may be extended for an additional 15 days as provided in this section. In the event  
22.10 of a conflict between the provisions of the Uniform Arbitration Act and this section,  
22.11 this section controls.