The bill requires arbitration services providers that administer consumer or employment arbitrations to collect, publish, and make available specified information on those arbitrations administered in the previous 5 years. The bill amends a provision of the uniform arbitration act to make the bill effective.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add part 7 to article 22 of title 13 as follows:

PART 7

ARBITRATION SERVICES

PROVIDER TRANSPARENCY ACT

13-22-701. Short title. The short title of this part 7 is the "ARBITRATION SERVICES PROVIDER TRANSPARENCY ACT".

13-22-702. Arbitration services providers - required disclosures - definition. (1) As used in this section, unless the context otherwise requires, "ARBITRATION SERVICES PROVIDER" means any company, organization, association, agency, board, or commission that initiates, sponsors, or administers arbitrations or is involved in appointing or providing arbitrators; except that this term does not include any labor organization or other party to a collective bargaining agreement that initiates an arbitration pursuant to the terms of an agreement between a labor organization and an employer.

(2) (a) An arbitration services provider that administers an arbitration in which a consumer or employee asserts a claim or counterclaim shall collect, publish at least quarterly, and make easily available to the public for no charge on the website of the arbitration services provider, if any, and in writing upon request, a single cumulative report that contains all of the following information regarding each consumer or employment arbitration within the preceding five years:
(I) WHETHER ARBITRATION WAS DEMANDED PURSUANT TO A
PREDISPUTE ARBITRATION CLAUSE AND, IF SO, WHETHER THE PREDISPUTE
ARBITRATION CLAUSE DESIGNATED THE ADMINISTERING ARBITRATION
SERVICES PROVIDER;

(II) THE NAME OF A NONCONSUMER PARTY OR EMPLOYER, IF THE
NONCONSUMER PARTY OR EMPLOYER IS A CORPORATION OR OTHER
BUSINESS ENTITY, AND WHETHER THE NONCONSUMER PARTY OR
EMPLOYER INITIATED THE ARBITRATION OR WAS THE RESPONDING PARTY,
IF KNOWN;

(III) THE NATURE OF THE DISPUTE INVOLVED, CATEGORIZED AS
ONE OF THE FOLLOWING: GOODS; CREDIT; OTHER BANKING OR FINANCE;
INSURANCE; HEALTH CARE; CONSTRUCTION; REAL ESTATE;
TELECOMMUNICATIONS, INCLUDING SOFTWARE AND INTERNET USAGE;
DEBT COLLECTION; PERSONAL INJURY; EMPLOYMENT; OR OTHER;

(IV) WHETHER THE CONSUMER, NONCONSUMER, EMPLOYEE, OR
EMPLOYER PARTY WAS THE PREVAILING PARTY;

(V) THE TOTAL NUMBER OF OCCASIONS, IF ANY, THAT THE
NONCONSUMER OR EMPLOYER PARTY HAS PREVIOUSLY BEEN A PARTY IN
AN ARBITRATION ADMINISTERED BY THE ARBITRATION SERVICES
PROVIDER;

(VI) THE TOTAL NUMBER OF OCCASIONS, IF ANY, THAT THE
NONCONSUMER OR EMPLOYER PARTY HAS PREVIOUSLY BEEN A PARTY IN
A MEDIATION ADMINISTERED BY THE ARBITRATION SERVICES PROVIDER;

(VII) THE NAME OF THE ATTORNEY AND THE FULL NAME OF THE
LAW FIRM THAT EMPLOYS THE ATTORNEY WHO REPRESENTED A PARTY, IF
ANY;

(VIII) THE DATE THE ARBITRATION SERVICES PROVIDER RECEIVED
THE DEMAND FOR ARBITRATION, THE DATE THE ARBITRATOR WAS
APPOINTED, AND THE DATE OF DISPOSITION BY THE ARBITRATOR OR
ARBITRATION SERVICES PROVIDER;

(IX) THE TYPE OF DISPOSITION OF THE DISPUTE, IF KNOWN,
IDENTIFIED AS ONE OF THE FOLLOWING: WITHDRAWAL, ABANDONMENT,
SETTLEMENT, AWARD AFTER HEARING, AWARD WITHOUT HEARING,
DEFAULT, OR DISMISSAL WITHOUT HEARING;

(X) IF A CASE WAS ADMINISTERED IN A HEARING, WHETHER THE
HEARING WAS CONDUCTED IN PERSON, BY TELEPHONE OR VIDEO
CONFERENCE, OR BY DOCUMENTS ONLY;

(XI) THE AMOUNT OF THE CLAIM, WHETHER EQUITABLE RELIEF
WAS REQUESTED OR AWARDED, THE AMOUNT OF ANY MONETARY AWARD,
THE AMOUNT OF ANY ATTORNEY FEES AWARD, AND ANY OTHER RELIEF
GRANTED, IF ANY; AND

(XII) THE NAME OF THE ARBITRATOR, HIS OR HER TOTAL FEE FOR
THE CASE, THE PERCENTAGE OF THE ARBITRATOR'S FEE ALLOCATED TO
EACH PARTY, WHETHER A WAIVER OF ANY FEES WAS GRANTED, AND, IF SO,
THE AMOUNT OF THE WAIVER.

(b) THE INFORMATION REQUIRED BY SUBSECTION (2)(a) OF THIS
SECTION MUST BE MADE AVAILABLE IN A FORMAT THAT ALLOWS THE
PUBLIC TO SEARCH AND SORT THE INFORMATION USING READILY
AVAILABLE SOFTWARE AND BE DIRECTLY ACCESSIBLE FROM A
CONSPICUOUSLY DISPLAYED LINK ON THE WEBSITE OF THE ARBITRATION
SERVICES PROVIDER WITH THE IDENTIFYING DESCRIPTION: "CONSUMER
CASE INFORMATION".

(c) AN ARBITRATION SERVICES PROVIDER IS NOT LIABLE IN A CLAIM
FOR DAMAGES FOR FAILURE TO COLLECT, PUBLISH, OR DISTRIBUTE THE
INFORMATION REQUIRED BY THIS SECTION.

(d) (I) AN ARBITRATION SERVICES PROVIDER SHALL NOT CONDUCT ARBITRATIONS UNLESS THE ARBITRATION SERVICES PROVIDER HAS SUBSTANTIALLY COMPLIED WITH THIS SECTION.

(II) A PARTY TO AN ARBITRATION AGREEMENT IS ENTITLED TO APPROPRIATE INJUNCTIVE RELIEF AGAINST ANY ARBITRATION SERVICES PROVIDER WHO FAILS TO SUBSTANTIALLY COMPLY WITH THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 13-22-223, add (1.3) as follows:

13-22-223. Vacating award - definitions. (1.3) (a) AS USED IN SUBSECTION (1)(b)(I) OF THIS SECTION, "EVIDENT PARTIALITY" INCLUDES CIRCUMSTANCES WHEN:

(I) AN ARBITRATION SERVICES PROVIDER FAILS TO SUBSTANTIALLY COMPLY WITH THE DISCLOSURE REQUIREMENTS IMPOSED BY SECTION 13-22-701 (2)(a); AND

(II) A PARTY DISCOVERS EVIDENCE OF THE ARBITRATION SERVICES PROVIDER'S POTENTIAL PARTIALITY AFTER SELECTION OF THE ARBITRATOR.

(b) (I) "POTENTIAL PARTIALITY" MEANS THAT, BASED ON THE TOTALITY OF THE FACTS AND CIRCUMSTANCES, A REASONABLE PERSON WOULD CONCLUDE THAT THE IMPARTIALITY OF AN ARBITRATOR OR ARBITRATION SERVICES PROVIDER MAY BE COMPROMISED OR UNDULY INFLUENCED IF HE OR SHE IS ASKED TO DECIDE ONE OR MORE MATTERS SUBJECT TO THE ARBITRATION DUE TO AN ACTUAL OR POTENTIAL CONFLICT OF INTEREST, INCLUDING, WITHOUT LIMITATION, A PECUNIARY INTEREST, A BUSINESS RELATIONSHIP, A FAMILIAL RELATIONSHIP, AN ADVERSARIAL OR SYMPATHETIC RELATIONSHIP, OR A LEGAL ISSUE
CONFLICT ON THE PART OF THE ARBITRATOR OR ARBITRATION SERVICES PROVIDER.

(II) "POTENTIAL PARTIALITY" INCLUDES A CIRCUMSTANCE WHEN A JUDICIAL OFFICER'S SIMILAR INTEREST IN THE OUTCOME OF A DISPUTE BEFORE THAT OFFICER WOULD DISQUALIFY HIM OR HER UNDER THE COLORADO CODE OF JUDICIAL CONDUCT FROM PRESIDING OVER A PROCEEDING OR WOULD DISQUALIFY HIM OR HER UNDER THE COLORADO RULES OF PROFESSIONAL CONDUCT FROM REPRESENTING A CLIENT.

(III) "POTENTIAL PARTIALITY" ALSO MEANS AN ARBITRATION SERVICES PROVIDER'S FAILURE TO MAKE THE DISCLOSURES REQUIRED IN SECTION 13-22-701 (2)(a).

(c) AS USED IN SUBSECTION (1.3)(b)(I) OF THIS SECTION:

(I) "ADVERSARIAL OR SYMPATHETIC RELATIONSHIP" INCLUDES A SIGNIFICANT PERSONAL OR PROFESSIONAL EXPERIENCE ALIGNED WITH FEWER THAN ALL OF THE PARTIES TO THE DISPUTE.

(II) "LEGAL ISSUE CONFLICT" MEANS A LEGAL ISSUE THAT WILL LIKELY BE PRESENTED TO THE ARBITRATOR, THE RESOLUTION OF WHICH LEGAL ISSUE BY THE ARBITRATOR LIKELY WOULD BE CONTRARY TO THE INTERESTS OF ONE OR MORE OF THE ARBITRATORS OR ARBITRATION SERVICES PROVIDERS OR THE ARBITRATOR'S, ARBITRATOR'S EMPLOYER'S, OR ARBITRATION SERVICES PROVIDER'S CURRENT CLIENTS OR A CLIENT'S INDUSTRY OR TRADE GROUP.

SECTION 3. Severability. Every provision of this act and each of its subsections is severable.

SECTION 4. Effective date. This act takes effect upon passage.

SECTION 5. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.