

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0946.01 Jerry Barry x4341

HOUSE BILL 18-1262

HOUSE SPONSORSHIP

Jackson and Roberts,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE "ARBITRATION SERVICES PROVIDER**
102 **TRANSPARENCY ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 22, 2018

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 7 to article
3 22 of title 13 as follows:

4 PART 7

5 ARBITRATION SERVICES

6 PROVIDER TRANSPARENCY ACT

7 **13-22-701. Short title.** THE SHORT TITLE OF THIS PART 7 IS THE
8 "ARBITRATION SERVICES PROVIDER TRANSPARENCY ACT".

9 **13-22-702. Arbitration services providers - required
10 disclosures - definition.** (1) AS USED IN THIS SECTION, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES, "ARBITRATION SERVICES PROVIDER"
12 MEANS ANY COMPANY, ORGANIZATION, ASSOCIATION, AGENCY, BOARD, OR
13 COMMISSION THAT SPONSORS OR ADMINISTERS ARBITRATIONS OR IS
14 INVOLVED IN APPOINTING OR PROVIDING ARBITRATORS; EXCEPT THAT THIS
15 TERM DOES NOT INCLUDE ANY LABOR ORGANIZATION OR OTHER PARTY TO
16 A COLLECTIVE BARGAINING AGREEMENT THAT INITIATES AN ARBITRATION
17 PURSUANT TO THE TERMS OF AN AGREEMENT BETWEEN A LABOR
18 ORGANIZATION AND AN EMPLOYER.

19 (2) (a) AN ARBITRATION SERVICES PROVIDER THAT ADMINISTERS
20 AN ARBITRATION IN WHICH A CONSUMER OR EMPLOYEE ASSERTS A CLAIM
21 OR COUNTERCLAIM SHALL COLLECT, PUBLISH AT LEAST QUARTERLY, AND
22 MAKE EASILY AVAILABLE TO THE PUBLIC FOR NO CHARGE ON THE WEBSITE
23 OF THE ARBITRATION SERVICES PROVIDER, IF ANY, AND IN WRITING UPON
24 REQUEST, A SINGLE CUMULATIVE REPORT THAT CONTAINS ALL OF THE
25 FOLLOWING INFORMATION REGARDING EACH CONSUMER OR EMPLOYMENT
26 ARBITRATION WITHIN THE PRECEDING FIVE YEARS:

1 (I) WHETHER ARBITRATION WAS DEMANDED PURSUANT TO A
2 PREDISPUTE ARBITRATION CLAUSE AND, IF SO, WHETHER THE PREDISPUTE
3 ARBITRATION CLAUSE DESIGNATED THE ADMINISTERING ARBITRATION
4 SERVICES PROVIDER;

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

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

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

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

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

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

27 (VIII) THE DATE THE ARBITRATION SERVICES PROVIDER RECEIVED

1 THE DEMAND FOR ARBITRATION, THE DATE THE ARBITRATOR WAS
2 APPOINTED, AND THE DATE OF DISPOSITION BY THE ARBITRATOR OR
3 ARBITRATION SERVICES PROVIDER;

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

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

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

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

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

26 (c) AN ARBITRATION SERVICES PROVIDER IS NOT LIABLE IN A CLAIM
27 FOR DAMAGES FOR FAILURE TO COLLECT, PUBLISH, OR DISTRIBUTE THE

1 INFORMATION REQUIRED BY THIS SECTION.

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

6 (e) (I) NO RIGHT CONFERRED BY THIS PART 7 MAY BE WAIVED
7 BEFORE A PARTY TO THE DISPUTE DEMANDS ARBITRATION OR FILES A
8 CLAIM THAT IS COMPELLED TO ARBITRATION.

9 (II) AFTER AN ARBITRATION DEMAND HAS BEEN FILED OR AFTER
10 A CLAIM IS COMPELLED TO ARBITRATION, THE PARTIES TO A DISPUTE MAY
11 WAIVE ANY RIGHT CONFERRED BY THIS SECTION IF THE WAIVER IS MADE
12 IN WRITING AND SIGNED BY THE PARTIES TO THE ARBITRATION.

13

14 **SECTION 2. Severability.** Every provision of this act and each
15 of its subsections is severable.

16 **SECTION 3. Effective date.** This act takes effect upon passage.

17 **SECTION 4. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.