

CHAPTER 104

COURTS

SENATE BILL 93-185

BY SENATORS Blickensderfer, Bishop, Cassidy, Feeley, Groff, Hopper, Mutzebaugh, Peterson, Roberts, Traylor, Trujillo, Weissmann, and Wells;
also REPRESENTATIVES Schauer, DeGette, Fleming, Keller, Rupert, Strom, Williams, and Wright.

AN ACT

CONCERNING ALTERNATIVE DISPUTE RESOLUTION, AND, IN CONNECTION THEREWITH, AUTHORIZING THE RESOLUTION OF INTERNATIONAL DISPUTES WITHIN THE STATE OF COLORADO.

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

SECTION 1. 13-1-124 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-1-124. Jurisdiction of courts. (1) Engaging in any act enumerated in this section by any person, whether or not a resident of the state of Colorado, either in person or by an agent, submits such person and, if a natural person, ~~his~~ SUCH PERSON'S personal representative to the jurisdiction of the courts of this state concerning any cause of action arising from:

- (a) The transaction of any business within this state;
- (b) The commission of a tortious act within this state;
- (c) The ownership, use, or possession of any real property situated in this state;
- (d) Contracting to insure any person, property, or risk residing or located within this state at the time of contracting; ~~or~~
- (e) The maintenance of a matrimonial domicile within this state with respect to all issues relating to obligations for support to children and spouse in any action for dissolution of marriage, legal separation, declaration of invalidity of marriage, or support of children if one of the parties of the marriage continues without interruption

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

to be domiciled within the state;

(f) The engaging of sexual intercourse in this state as to an action brought under article 4 or article 6 of title 19, C.R.S., with respect to a child who may have been conceived by that act of intercourse, as set forth in verified petition; OR

(g) THE ENTERING INTO OF AN AGREEMENT PURSUANT TO PART 2 OR 5 OF ARTICLE 22 OF THIS TITLE.

SECTION 2. 13-22-214 (2), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-22-214. Vacating an award. (2) An application under this section shall be made within ~~ninety~~ THIRTY days after delivery of a copy of the award to the applicant; except that, if predicated upon corruption, fraud, or other undue means, it shall be made within ~~ninety~~ THIRTY days after such grounds are known or should have been known.

SECTION 3. The introductory portion to 13-22-215 (1), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-22-215. Modification or correction of award. (1) Upon application made within ~~ninety~~ THIRTY days after delivery of a copy of the award to the applicant, the court shall modify or correct the award where:

SECTION 4. 13-22-219, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-22-219. Court - jurisdiction. The term "court", as used in this part 2, means any court of competent jurisdiction of this state. The making of an agreement described in section 13-22-203 providing for arbitration in this state, PURSUANT TO THE CHOICE OF THE PARTIES OR PURSUANT TO THE CHOICE OF ARBITRATION, MEDIATION, OR CONCILIATION RULES UNDER WHICH THIS STATE IS DETERMINED TO BE APPROPRIATE, confers jurisdiction on the court to enforce the agreement under this part 2 and to enter judgment on an award under this part 2.

SECTION 5. Article 22 of title 13, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 5
COLORADO INTERNATIONAL DISPUTE RESOLUTION ACT

13-22-501. Short title. THIS PART 5 SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO INTERNATIONAL DISPUTE RESOLUTION ACT".

13-22-502. Legislative declaration. THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS THE POLICY OF THE STATE OF COLORADO TO ENCOURAGE PARTIES TO INTERNATIONAL COMMERCIAL OR NON-COMMERCIAL AGREEMENTS OR TRANSACTIONS TO RESOLVE DISPUTES ARISING FROM SUCH AGREEMENTS OR TRANSACTIONS, WHEN APPROPRIATE, THROUGH ARBITRATION, MEDIATION, OR CONCILIATION. THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT

ARBITRATION AND ANCILLARY FORMS OF ALTERNATIVE DISPUTE RESOLUTION BE MADE AVAILABLE TO RESOLVE INTERNATIONAL DISPUTES.

13-22-503. Definitions. (1) AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ARBITRATION" MEANS THE REFERRAL OF A DISPUTE TO ONE OR MORE NEUTRAL THIRD PARTIES FOR A DECISION BASED ON EVIDENCE AND TESTIMONY PROVIDED BY THE DISPUTANTS.

(b) "CONCILIATION" MEANS ALL FORMS OF DISPUTE RESOLUTION INCLUDING, BUT NOT LIMITED TO, ARBITRATION AND MEDIATION.

(c) "INTERNATIONAL DISPUTE" MEANS ANY DISPUTE WHICH INVOLVES THE FOLLOWING:

(I) A DISPUTE BETWEEN PERSONS WHO ARE RESIDENTS OF MORE THAN ONE COUNTRY OR ENTITIES WHICH HAVE FACILITIES OR OPERATIONS RELEVANT TO THE DISPUTE LOCATED IN MORE THAN ONE COUNTRY;

(II) A DISPUTE IN WHICH THE PARTIES HAVE EXPRESSLY AGREED THAT THE SUBJECT MATTER RELATES TO INTERESTS IN MORE THAN ONE COUNTRY; OR

(III) A DISPUTE WHICH IS OTHERWISE RELATED TO INTERESTS IN MORE THAN ONE COUNTRY.

(d) "MEDIATION" MEANS AN INTERVENTION IN DISPUTE NEGOTIATIONS BY A TRAINED NEUTRAL THIRD PARTY WITH THE PURPOSE OF ASSISTING THE PARTIES TO REACH THEIR OWN SOLUTION.

13-22-504. Agreement for alternative dispute resolution. THE PARTIES TO AN INTERNATIONAL DISPUTE MAY AGREE TO SUBMIT SUCH DISPUTE TO ARBITRATION, MEDIATION, OR CONCILIATION FOR RESOLUTION OF SUCH DISPUTE BY MEANS OTHER THAN BY LITIGATION. SUCH DISPUTE RESOLUTION PURSUANT TO THIS PART 5 SHALL BE SUBJECT TO ANY TREATIES OR AGREEMENTS WHICH ARE IN FORCE AND EFFECT BETWEEN THE UNITED STATES AND ANY OTHER COUNTRY.

13-22-505. Applicability. THE PROVISIONS OF PART 2 OF THIS ARTICLE AND SECTIONS 13-22-307 AND 13-22-308 SHALL APPLY TO ANY INTERNATIONAL DISPUTE SUBMITTED TO ALTERNATIVE DISPUTE RESOLUTION PURSUANT TO THIS PART 5.

13-22-506. Choice of language. THE PARTIES TO ANY INTERNATIONAL DISPUTE SUBMITTED FOR ALTERNATIVE DISPUTE RESOLUTION PURSUANT TO THIS PART 5 MAY AGREE UPON THE LANGUAGE OR LANGUAGES TO BE USED IN THE DISPUTE RESOLUTION PROCEEDINGS.

13-22-507. Immunity. NONE OF THE ARBITRATORS, MEDIATORS, CONCILIATORS, WITNESSES, PARTIES, OR REPRESENTATIVES OF THE PARTIES INVOLVED IN THE ARBITRATION, MEDIATION, OR CONCILIATION OF AN INTERNATIONAL DISPUTE PURSUANT TO THIS PART 5 SHALL BE SUBJECT TO SERVICE OF PROCESS ON ANY CIVIL MATTER WHILE SUCH PERSONS ARE PRESENT IN THIS STATE FOR THE PURPOSE OF

PARTICIPATING IN THE ARBITRATION, MEDIATION, OR CONCILIATION OF THAT INTERNATIONAL DISPUTE.

SECTION 6. Effective date. Sections 5, 6, and 7 of this act shall take effect upon passage and the remainder of this act shall take effect July 1, 1993.

SECTION 7. 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.

Approved: April 12, 1993