

1 AN ACT concerning arbitration.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 0.01. Short title. This Act may be cited as the
5 Uniform Arbitration Act (2000).

6 Section 1. Definitions. In this Act:

7 (1) "Arbitration organization" means an association,
8 agency, board, commission, or other entity that is neutral
9 and initiates, sponsors, or administers an arbitration
10 proceeding or is involved in the appointment of an
11 arbitrator.

12 (2) "Arbitrator" means an individual appointed to render
13 an award, alone or with others, in a controversy that is
14 subject to an agreement to arbitrate.

15 (3) "Court" means a circuit court of this State.

16 (4) "Knowledge" means actual knowledge.

17 (5) "Person" means an individual, corporation, business
18 trust, estate, trust, partnership, limited liability company,
19 association, joint venture, government; governmental
20 subdivision, agency, or instrumentality; public corporation;
21 or any other legal or commercial entity.

22 (6) "Record" means information that is inscribed on a
23 tangible medium or that is stored in an electronic or other
24 medium and is retrievable in perceivable form.

25 Section 2. Notice.

26 (a) Except as otherwise provided in this Act, a person
27 gives notice to another person by taking action that is
28 reasonably necessary to inform the other person in ordinary
29 course, whether or not the other person acquires knowledge of
30 the notice.

1 (b) A person has notice if the person has knowledge of
2 the notice or has received notice.

3 (c) A person receives notice when it comes to the
4 person's attention or the notice is delivered at the person's
5 place of residence or place of business, or at another
6 location held out by the person as a place of delivery of
7 such communications.

8 Section 3. When Act applies.

9 (a) This Act governs an agreement to arbitrate made on
10 or after the effective date of this Act.

11 (b) This Act governs an agreement to arbitrate made
12 before the effective date of this Act if all the parties to
13 the agreement or to the arbitration proceeding so agree in a
14 record.

15 (c) On or after July 1, 2004, this Act governs an
16 agreement to arbitrate whenever made.

17 Section 4. Effect of agreement to arbitrate; nonwaivable
18 provisions.

19 (a) Except as otherwise provided in subsections (b) and
20 (c), a party to an agreement to arbitrate or to an
21 arbitration proceeding may waive or, the parties may vary the
22 effect of, the requirements of this Act to the extent
23 permitted by law.

24 (b) Before a controversy arises that is subject to an
25 agreement to arbitrate, a party to the agreement may not:

26 (1) waive or agree to vary the effect of the
27 requirements of Section 5(a), 6(a), 8, 17(a), 17(b), 26,
28 or 28;

29 (2) agree to unreasonably restrict the right under
30 Section 9 to notice of the initiation of an arbitration
31 proceeding;

32 (3) agree to unreasonably restrict the right under

1 Section 12 to disclosure of any facts by a neutral
2 arbitrator; or

3 (4) waive the right under Section 16 of a party to
4 an agreement to arbitrate to be represented by a lawyer
5 at any proceeding or hearing under this Act, but an
6 employer and a labor organization may waive the right to
7 representation by a lawyer in a labor arbitration.

8 (c) A party to an agreement to arbitrate or arbitration
9 proceeding may not waive, or the parties may not vary the
10 effect of, the requirements of this section or Section 3(a)
11 or (c), 7, 14, 18, 20(d) or (e), 22, 23, 24, 25(a) or (b),
12 29, 30, 31, or 32.

13 Section 5. Application for judicial relief.

14 (a) Except as otherwise provided in Section 28, an
15 application for judicial relief under this Act must be made
16 by motion to the court and heard in the manner provided by
17 law or rule of court for making and hearing motions.

18 (b) Unless a civil action involving the agreement to
19 arbitrate is pending, notice of an initial motion to the
20 court under this Act must be served in the manner provided by
21 law for the service of a summons in a civil action.
22 Otherwise, notice of the motion must be given in the manner
23 provided by law or rule of court for serving motions in
24 pending cases.

25 Section 6. Validity of agreement to arbitrate.

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

31 (b) The court shall decide whether an agreement to
32 arbitrate exists or a controversy is subject to an agreement

1 to arbitrate.

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

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

11 Section 7. Motion to compel or stay arbitration.

12 (a) On motion of a person showing an agreement to
13 arbitrate and alleging another person's refusal to arbitrate
14 pursuant to the agreement:

15 (1) if the refusing party does not appear or does
16 not oppose the motion, the court shall order the parties
17 to arbitrate; and

18 (2) if the refusing party opposes the motion, the
19 court shall proceed summarily to decide the issue and
20 order the parties to arbitrate unless it finds that there
21 is no enforceable agreement to arbitrate.

22 (b) On motion of a person alleging that an arbitration
23 proceeding has been initiated or threatened but that there is
24 no agreement to arbitrate, the court shall proceed summarily
25 to decide the issue. If the court finds that there is an
26 enforceable agreement to arbitrate, it shall order the
27 parties to arbitrate.

28 (c) If the court finds that there is no enforceable
29 agreement, it may not pursuant to subsection (a) or
30 (b) order the parties to arbitrate.

31 (d) The court may not refuse to order arbitration
32 because the claim subject to arbitration lacks merit or
33 grounds for the claim have not been established.

1 (e) If a proceeding involving a claim referable to
2 arbitration under an alleged agreement to arbitrate is
3 pending in court, a motion under this section must be made in
4 that court. Otherwise a motion under this section may be made
5 in any court as provided in Section 27.

6 (f) If a party makes a motion to the court to order
7 arbitration, the court on just terms shall stay any judicial
8 proceeding that involves a claim alleged to be subject to the
9 arbitration until the court renders a final decision under
10 this section.

11 (g) If the court orders arbitration, the court on just
12 terms shall stay any judicial proceeding that involves a
13 claim subject to the arbitration. If a claim subject to the
14 arbitration is severable, the court may limit the stay to
15 that claim.

16 Section 8. Provisional remedies.

17 (a) Before an arbitrator is appointed and is authorized
18 and able to act, the court, upon motion of a party to an
19 arbitration proceeding and for good cause shown, may enter an
20 order for provisional remedies to protect the effectiveness
21 of the arbitration proceeding to the same extent and under
22 the same conditions as if the controversy were the subject of
23 a civil action.

24 (b) After an arbitrator is appointed and is authorized
25 and able to act:

26 (1) the arbitrator may issue such orders for
27 provisional remedies, including interim awards, as the
28 arbitrator finds necessary to protect the effectiveness
29 of the arbitration proceeding and to promote the fair and
30 expeditious resolution of the controversy, to the same
31 extent and under the same conditions as if the
32 controversy were the subject of a civil action and

33 (2) a party to an arbitration proceeding may move

1 the court for a provisional remedy only if the matter is
2 urgent and the arbitrator is not able to act timely or
3 the arbitrator cannot provide an adequate remedy.

4 (c) A party does not waive a right of arbitration by
5 making a motion under subsection (a) or (b).

6 Section 9. Initiation of arbitration.

7 (a) A person initiates an arbitration proceeding by
8 giving notice in a record to the other parties to the
9 agreement to arbitrate in the agreed manner between the
10 parties or, in the absence of agreement, by certified or
11 registered mail, return receipt requested and obtained, or by
12 service as authorized for the commencement of a civil action.
13 The notice must describe the nature of the controversy and
14 the remedy sought.

15 (b) Unless a person objects for lack or insufficiency of
16 notice under Section 15(c) not later than the beginning of
17 the arbitration hearing, the person by appearing at the
18 hearing waives any objection to lack of or insufficiency of
19 notice.

20 Section 10. Consolidation of separate arbitration
21 proceedings.

22 (a) Except as otherwise provided in subsection (c), upon
23 motion of a party to an agreement to arbitrate or to an
24 arbitration proceeding, the court may order consolidation of
25 separate arbitration proceedings as to all or some of the
26 claims if:

27 (1) there are separate agreements to arbitrate or
28 separate arbitration proceedings between the same persons
29 or one of them is a party to a separate agreement to
30 arbitrate or a separate arbitration proceeding with a
31 third person;

32 (2) the claims subject to the agreements to

1 arbitrate arise in substantial part from the same
2 transaction or series of related transactions;

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

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

10 (b) The court may order consolidation of separate
11 arbitration proceedings as to some claims and allow other
12 claims to be resolved in separate arbitration proceedings.

13 (c) The court may not order consolidation of the claims
14 of a party to an agreement to arbitrate if the agreement
15 prohibits consolidation.

16 Section 11. Appointment of arbitrator; service as a
17 neutral arbitrator.

18 (a) If the parties to an agreement to arbitrate agree on
19 a method for appointing an arbitrator, that method must be
20 followed, unless the method fails. If the parties have not
21 agreed on a method, the agreed method fails, or an arbitrator
22 appointed fails or is unable to act and a successor has not
23 been appointed, the court, on motion of a party to the
24 arbitration proceeding, shall appoint the arbitrator. An
25 arbitrator so appointed has all the powers of an arbitrator
26 designated in the agreement to arbitrate or appointed
27 pursuant to the agreed method.

28 (b) An individual who has a known, direct, and material
29 interest in the outcome of the arbitration proceeding or a
30 known, existing, and substantial relationship with a party
31 may not serve as an arbitrator required by an agreement to be
32 neutral.

1 Section 12. Disclosure by arbitrator.

2 (a) Before accepting appointment, an individual who is
3 requested to serve as an arbitrator, after making a
4 reasonable inquiry, shall disclose to all parties to the
5 agreement to arbitrate and arbitration proceeding and to any
6 other arbitrators any known facts that a reasonable person
7 would consider likely to affect the impartiality of the
8 arbitrator in the arbitration proceeding, including:

9 (1) a financial or personal interest in the outcome
10 of the arbitration proceeding; and

11 (2) an existing or past relationship with any of
12 the parties to the agreement to arbitrate or the
13 arbitration proceeding, their counsel or representatives,
14 a witness, or another arbitrators.

15 (b) An arbitrator has a continuing obligation to
16 disclose to all parties to the agreement to arbitrate and
17 arbitration proceeding and to any other arbitrators any facts
18 that the arbitrator learns after accepting appointment which
19 a reasonable person would consider likely to affect the
20 impartiality of the arbitrator.

21 (c) If an arbitrator discloses a fact required by
22 subsection (a) or (b) to be disclosed and a party timely
23 objects to the appointment or continued service of the
24 arbitrator based upon the fact disclosed, the objection may
25 be a ground under Section 23(a)(2) for vacating an award
26 made by the arbitrator.

27 (d) If the arbitrator did not disclose a fact as
28 required by subsection (a) or (b), upon timely objection by a
29 party, the court under Section 23(a)(2) may vacate an award.

30 (e) An arbitrator appointed as a neutral arbitrator who
31 does not disclose a known, direct, and material interest in
32 the outcome of the arbitration proceeding or a known,
33 existing, and substantial relationship with a party is
34 presumed to act with evident partiality under Section

1 23(a)(2).

2 (f) If the parties to an arbitration proceeding agree to
3 the procedures of an arbitration organization or any other
4 procedures for challenges to arbitrators before an award is
5 made, substantial compliance with those procedures is a
6 condition precedent to a motion to vacate an award on that
7 ground under Section 23(a)(2).

8 Section 13. Action by majority. If there is more than
9 one arbitrator, the powers of an arbitrator must be exercised
10 by a majority of the arbitrators, but all of them shall
11 conduct the hearing under Section 15(c).

12 Section 14. Immunity of arbitrator; competency to
13 testify; attorney's fees and costs.

14 (a) An arbitrator or an arbitration organization acting
15 in that capacity is immune from civil liability to the same
16 extent as a judge of a court of this State acting in a
17 judicial capacity.

18 (b) The immunity afforded by this section supplements
19 any immunity under other law.

20 (c) The failure of an arbitrator to make a disclosure
21 required by Section 12 does not cause any loss of immunity
22 under this section.

23 (d) In a judicial, administrative, or similar
24 proceeding, an arbitrator or representative of an arbitration
25 organization is not competent to testify, and may not be
26 required to produce records as to any statement, conduct,
27 decision, or ruling occurring during the arbitration
28 proceeding, to the same extent as a judge of a court of this
29 State acting in a judicial capacity. This subsection does not
30 apply:

31 (1) to the extent necessary to determine the claim
32 of an arbitrator, arbitration organization, or

1 representative of the arbitration organization against a
2 party to the arbitration proceeding; or

3 (2) to a hearing on a motion to vacate an award
4 under Section 23(a)(1) or (2) if the movant establishes
5 prima facie that a ground for vacating the award exists.

6 (e) If a person commences a civil action against an
7 arbitrator, arbitration organization, or representative of an
8 arbitration organization arising from the services of the
9 arbitrator, organization, or representative or if a person
10 seeks to compel an arbitrator or a representative of an
11 arbitration organization to testify or produce records in
12 violation of subsection (d), and the court decides that the
13 arbitrator, arbitration organization, or representative of an
14 arbitration organization is immune from civil liability or
15 that the arbitrator or representative of the organization is
16 not competent to testify, the court shall award to the
17 arbitrator, organization, or representative reasonable
18 attorney's fees and other reasonable expenses of litigation.

19 Section 15. Arbitration process.

20 (a) An arbitrator may conduct an arbitration in such
21 manner as the arbitrator considers appropriate for a fair and
22 expeditious disposition of the proceeding. The authority
23 conferred upon the arbitrator includes the power to hold
24 conferences with the parties to the arbitration proceeding
25 before the hearing and, among other matters, determine the
26 admissibility, relevance, materiality and weight of any
27 evidence.

28 (b) An arbitrator may decide a request for summary
29 disposition of a claim or particular issue:

30 (1) if all interested parties agree; or

31 (2) upon request of one party to the arbitration
32 proceeding if that party gives notice to all other
33 parties to the proceeding, and the other parties have a

1 reasonable opportunity to respond.

2 (c) If an arbitrator orders a hearing, the arbitrator
3 shall set a time and place and give notice of the hearing not
4 less than five days before the hearing begins. Unless a party
5 to the arbitration proceeding makes an objection to lack or
6 insufficiency of notice not later than the beginning of the
7 hearing, the party's appearance at the hearing waives the
8 objection. Upon request of a party to the arbitration
9 proceeding and for good cause shown, or upon the arbitrator's
10 own initiative, the arbitrator may adjourn the hearing from
11 time to time as necessary but may not postpone the hearing to
12 a time later than that fixed by the agreement to arbitrate
13 for making the award unless the parties to the arbitration
14 proceeding consent to a later date. The arbitrator may hear
15 and decide the controversy upon the evidence produced
16 although a party who was duly notified of the arbitration
17 proceeding did not appear. The court, on request, may direct
18 the arbitrator to conduct the hearing promptly and render a
19 timely decision.

20 (d) At a hearing under subsection (c), a party to the
21 arbitration proceeding has a right to be heard, to present
22 evidence material to the controversy, and to cross-examine
23 witnesses appearing at the hearing.

24 (e) If an arbitrator ceases or is unable to act during
25 the arbitration proceeding, a replacement arbitrator must be
26 appointed in accordance with Section 11 to continue the
27 proceeding and to resolve the controversy.

28 Section 16. Representation by lawyer. A party to an
29 arbitration proceeding may be represented by a lawyer.

30 Section 17. Witnesses; subpoenas; depositions;
31 discovery.

32 (a) An arbitrator may issue a subpoena for the

1 attendance of a witness and for the production of records and
2 other evidence at any hearing and may administer oaths. A
3 subpoena must be served in the manner for service of
4 subpoenas in a civil action and, upon motion to the court by
5 a party to the arbitration proceeding or the arbitrator,
6 enforced in the manner for enforcement of subpoenas in a
7 civil action.

8 (b) In order to make the proceedings fair, expeditious,
9 and cost effective, upon request of a party to or a witness
10 in an arbitration proceeding, an arbitrator may permit a
11 deposition of any witness to be taken for use as evidence at
12 the hearing, including a witness who cannot be subpoenaed for
13 or is unable to attend a hearing. The arbitrator shall
14 determine the conditions under which the deposition is taken.

15 (c) An arbitrator may permit such discovery as the
16 arbitrator decides is appropriate in the circumstances,
17 taking into account the needs of the parties to the
18 arbitration proceeding and other affected persons and the
19 desirability of making the proceeding fair, expeditious, and
20 cost effective.

21 (d) If an arbitrator permits discovery under subsection
22 (c), the arbitrator may order a party to the arbitration
23 proceeding to comply with the arbitrator's discovery-related
24 orders, issue subpoenas for the attendance of a witness and
25 for the production of records and other evidence at a
26 discovery proceeding, and take action against a noncomplying
27 party to the extent a court could if the controversy were the
28 subject of a civil action in this State.

29 (e) An arbitrator may issue a protective order to
30 prevent the disclosure of privileged information,
31 confidential information, trade secrets, and other
32 information protected from disclosure to the extent a court
33 could if the controversy were the subject of a civil action
34 in this State.

1 (f) All laws compelling a person under subpoena to
2 testify and all fees for attending a judicial proceeding, a
3 deposition, or a discovery proceeding as a witness apply to
4 an arbitration proceeding as if the controversy were the
5 subject of a civil action in this State.

6 (g) The court may enforce a subpoena or
7 discovery-related order for the attendance of a witness
8 within this State and for the production of records and other
9 evidence issued by an arbitrator in connection with an
10 arbitration proceeding in another State upon conditions
11 determined by the court so as to make the arbitration
12 proceeding fair, expeditious, and cost effective. A subpoena
13 or discovery-related order issued by an arbitrator in another
14 State must be served in the manner provided by law for
15 service of subpoenas in a civil action in this State and,
16 upon motion to the court by a party to the arbitration
17 proceeding or the arbitrator, enforced in the manner provided
18 by law for enforcement of subpoenas in a civil action in this
19 State.

20 Section 18. Judicial enforcement of preaward ruling by
21 arbitrator. If an arbitrator makes a preaward ruling in
22 favor of a party to the arbitration proceeding, the party may
23 request the arbitrator to incorporate the ruling into an
24 award under Section 19. A prevailing party may make a motion
25 to the court for an expedited order to confirm the award
26 under Section 22, in which case the court shall summarily
27 decide the motion. The court shall issue an order to confirm
28 the award unless the court vacates, modifies, or corrects the
29 award under Section 23 or 24.

30 Section 19. Award.

31 (a) An arbitrator shall make a record of an award. The
32 record must be signed or otherwise authenticated by any

1 arbitrator who concurs with the award. The arbitrator or the
2 arbitration organization shall give notice of the award,
3 including a copy of the award, to each party to the
4 arbitration proceeding.

5 (b) An award must be made within the time specified by
6 the agreement to arbitrate or, if not specified therein,
7 within the time ordered by the court. The court may extend or
8 the parties to the arbitration proceeding may agree in a
9 record to extend the time. The court or the parties may do so
10 within or after the time specified or ordered. A party waives
11 any objection that an award was not timely made unless the
12 party gives notice of the objection to the arbitrator before
13 receiving notice of the award.

14 Section 20. Change of award by arbitrator.

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

18 (1) upon a ground stated in Section 24(a)(1) or
19 (3);

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

23 (3) to clarify the award.

24 (b) A motion under subsection (a) must be made and
25 notice given to all parties within 20 days after the movant
26 receives notice of the award.

27 (c) A party to the arbitration proceeding must give
28 notice of any objection to the motion within 10 days after
29 receipt of the notice.

30 (d) If a motion to the court is pending under Section
31 22, 23, or 24, the court may submit the claim to the
32 arbitrator to consider whether to modify or correct the
33 award:

1 (1) upon a ground stated in Section 24(a)(1) or
2 (3);

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

6 (3) to clarify the award.

7 (e) An award modified or corrected pursuant to this
8 section is subject to Sections 19(a), 22, 23, and 24.

9 Section 21. Remedies; fees and expenses of arbitration
10 proceeding.

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

16 (b) An arbitrator may award reasonable attorney's fees
17 and other reasonable expenses of arbitration if such an award
18 is authorized by law in a civil action involving the same
19 claim or by the agreement of the parties to the arbitration
20 proceeding.

21 (c) As to all remedies other than those authorized by
22 subsections (a) and (b), an arbitrator may order such
23 remedies as the arbitrator considers just and appropriate
24 under the circumstances of the arbitration proceeding. The
25 fact that such a remedy could not or would not be granted by
26 the court is not a ground for refusing to confirm an award
27 under Section 22 or for vacating an award under Section 23.

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

30 (e) If an arbitrator awards punitive damages or other
31 exemplary relief under subsection (a), the arbitrator shall
32 specify in the award the basis in fact justifying and the
33 basis in law authorizing the award and state separately the

1 amount of the punitive damages or other exemplary relief.

2 Section 22. Confirmation of award. After a party to an
3 arbitration proceeding receives notice of an award, the party
4 may make a motion to the court for an order confirming the
5 award at which time the court shall issue a confirming order
6 unless the award is modified or corrected pursuant to Section
7 20 or 24 or is vacated pursuant to Section 23.

8 Section 23. Vacating award.

9 (a) Upon motion to the court by a party to an
10 arbitration proceeding, the court shall vacate an award made
11 in the arbitration proceeding if:

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

14 (2) there was:

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

17 (B) corruption by an arbitrator; or

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

20 (3) an arbitrator refused to postpone the hearing
21 upon showing of sufficient cause for postponement,
22 refused to consider evidence material to the controversy,
23 or otherwise conducted the hearing contrary to Section
24 15, so as to prejudice substantially the rights of a
25 party to the arbitration proceeding;

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

27 (5) there was no agreement to arbitrate, unless the
28 person participated in the arbitration proceeding without
29 raising the objection under Section 15(c) not later than
30 the beginning of the arbitration hearing; or

31 (6) the arbitration was conducted without proper
32 notice of the initiation of an arbitration as required in

1 Section 9 so as to prejudice substantially the rights of
2 a party to the arbitration proceeding.

3 (b) A motion under this section must be filed within 90
4 days after the movant receives notice of the award pursuant
5 to Section 19 or within 90 days after the movant receives
6 notice of a modified or corrected award pursuant to Section
7 20, unless the movant alleges that the award was procured by
8 corruption, fraud, or other undue means, in which case the
9 motion must be made within 90 days after the ground is known
10 or by the exercise of reasonable care would have been known
11 by the movant.

12 (c) If the court vacates an award on a ground other than
13 that set forth in subsection (a)(5), it may order a
14 rehearing. If the award is vacated on a ground stated in
15 subsection (a)(1) or (2), the rehearing must be before a new
16 arbitrator. If the award is vacated on a ground stated in
17 subsection (a)(3), (4), or (6), the rehearing may be before
18 the arbitrator who made the award or the arbitrator's
19 successor. The arbitrator must render the decision in the
20 rehearing within the same time as that provided in Section
21 19(b) for an award.

22 (d) If the court denies a motion to vacate an award, it
23 shall confirm the award unless a motion to modify or correct
24 the award is pending.

25 Section 24. Modification or correction of award.

26 (a) Upon motion made within 90 days after the movant
27 receives notice of the award pursuant to Section 19 or within
28 90 days after the movant receives notice of a modified or
29 corrected award pursuant to Section 20, the court shall
30 modify or correct the award if:

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

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

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

8 (b) If a motion made under subsection (a) is granted,
9 the court shall modify or correct and confirm the award as
10 modified or corrected. Otherwise, unless a motion to vacate
11 is pending, the court shall confirm the award.

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

14 Section 25. Judgment on award; attorney's fees and
15 litigation expenses.

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

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

23 (c) On application of a prevailing party to a contested
24 judicial proceeding under Section 22, 23, or 24, the court
25 may add reasonable attorney's fees and other reasonable
26 expenses of litigation incurred in a judicial proceeding
27 after the award is made to a judgment confirming, vacating
28 without directing a rehearing, modifying, or correcting an
29 award.

30 Section 26. Jurisdiction.

31 (a) A court of this State having jurisdiction over the
32 controversy and the parties may enforce an agreement to

1 arbitrate.

2 (b) An agreement to arbitrate providing for arbitration
3 in this State confers exclusive jurisdiction on the court to
4 enter judgment on an award under this Act.

5 Section 27. Venue. A motion pursuant to Section 5 must
6 be made in the court of the county in which the agreement to
7 arbitrate specifies the arbitration hearing is to be held or,
8 if the hearing has been held, in the court of the county in
9 which it was held. Otherwise, the motion may be made in the
10 court of any county in which an adverse party resides or has
11 a place of business or, if no adverse party has a residence
12 or place of business in this State, in the court of any
13 county in this State. All subsequent motions must be made in
14 the court hearing the initial motion unless the court
15 otherwise directs.

16 Section 28. Appeals.

17 (a) An appeal may be taken from:

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

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

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

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

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

26 (6) a final judgment entered pursuant to this Act.

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

29 Section 29. Uniformity of application and construction.
30 In applying and construing this uniform act, consideration
31 must be given to the need to promote uniformity of the law

1 with respect to its subject matter among States that enact
2 it.

3 Section 30. Relationship to Electronic Signatures in
4 Global and National Commerce Act. The provisions of this Act
5 governing the legal effect, validity, or enforceability of
6 electronic records or signatures, and of contracts formed or
7 performed with the use of such records or signatures conform
8 to the requirements of Section 102 of the Electronic
9 Signatures in Global and National Commerce Act.

10 Section 33. Savings clause. This Act does not affect an
11 action or proceeding commenced or right accrued before this
12 Act takes effect. Subject to Section 3 of this Act, an
13 arbitration agreement made before the effective date of this
14 Act is governed by the Uniform Arbitration Act.

15 Section 905. The Illinois Public Labor Relations Act is
16 amended by changing Sections 7 and 8 as follows:

17 (5 ILCS 315/7) (from Ch. 48, par. 1607)

18 Sec. 7. Duty to bargain. A public employer and the
19 exclusive representative have the authority and the duty to
20 bargain collectively set forth in this Section.

21 For the purposes of this Act, "to bargain collectively"
22 means the performance of the mutual obligation of the public
23 employer or his designated representative and the
24 representative of the public employees to meet at reasonable
25 times, including meetings in advance of the budget-making
26 process, and to negotiate in good faith with respect to
27 wages, hours, and other conditions of employment, not
28 excluded by Section 4 of this Act, or the negotiation of an
29 agreement, or any question arising thereunder and the
30 execution of a written contract incorporating any agreement

1 reached if requested by either party, but such obligation
2 does not compel either party to agree to a proposal or
3 require the making of a concession.

4 The duty "to bargain collectively" shall also include an
5 obligation to negotiate over any matter with respect to
6 wages, hours and other conditions of employment, not
7 specifically provided for in any other law or not
8 specifically in violation of the provisions of any law. If
9 any other law pertains, in part, to a matter affecting the
10 wages, hours and other conditions of employment, such other
11 law shall not be construed as limiting the duty "to bargain
12 collectively" and to enter into collective bargaining
13 agreements containing clauses which either supplement,
14 implement, or relate to the effect of such provisions in
15 other laws.

16 The duty "to bargain collectively" shall also include
17 negotiations as to the terms of a collective bargaining
18 agreement. The parties may, by mutual agreement, provide for
19 arbitration of impasses resulting from their inability to
20 agree upon wages, hours and terms and conditions of
21 employment to be included in a collective bargaining
22 agreement. Such arbitration provisions shall be subject to
23 the Illinois "Uniform Arbitration Act or the Uniform
24 Arbitration Act (2000), as applicable," unless agreed by the
25 parties.

26 The duty "to bargain collectively" shall also mean that
27 no party to a collective bargaining contract shall terminate
28 or modify such contract, unless the party desiring such
29 termination or modification:

30 (1) serves a written notice upon the other party to the
31 contract of the proposed termination or modification 60 days
32 prior to the expiration date thereof, or in the event such
33 contract contains no expiration date, 60 days prior to the
34 time it is proposed to make such termination or modification;

1 (2) offers to meet and confer with the other party for
2 the purpose of negotiating a new contract or a contract
3 containing the proposed modifications;

4 (3) notifies the Board within 30 days after such notice
5 of the existence of a dispute, provided no agreement has been
6 reached by that time; and

7 (4) continues in full force and effect, without
8 resorting to strike or lockout, all the terms and conditions
9 of the existing contract for a period of 60 days after such
10 notice is given to the other party or until the expiration
11 date of such contract, whichever occurs later.

12 The duties imposed upon employers, employees and labor
13 organizations by paragraphs (2), (3) and (4) shall become
14 inapplicable upon an intervening certification of the Board,
15 under which the labor organization, which is a party to the
16 contract, has been superseded as or ceased to be the
17 exclusive representative of the employees pursuant to the
18 provisions of subsection (a) of Section 9, and the duties so
19 imposed shall not be construed as requiring either party to
20 discuss or agree to any modification of the terms and
21 conditions contained in a contract for a fixed period, if
22 such modification is to become effective before such terms
23 and conditions can be reopened under the provisions of the
24 contract.

25 (Source: P.A. 83-1012.)

26 (5 ILCS 315/8) (from Ch. 48, par. 1608)

27 Sec. 8. Grievance Procedure. The collective bargaining
28 agreement negotiated between the employer and the exclusive
29 representative shall contain a grievance resolution procedure
30 which shall apply to all employees in the bargaining unit and
31 shall provide for final and binding arbitration of disputes
32 concerning the administration or interpretation of the
33 agreement unless mutually agreed otherwise. Any agreement

1 containing a final and binding arbitration provision shall
2 also contain a provision prohibiting strikes for the duration
3 of the agreement. The grievance and arbitration provisions
4 of any collective bargaining agreement shall be subject to
5 the ~~Illinois~~--"Uniform Arbitration Act or the Uniform
6 Arbitration Act (2000), as applicable,". The costs of such
7 arbitration shall be borne equally by the employer and the
8 employee organization.

9 (Source: P.A. 83-1012.)

10 Section 907. The Data Processing Services for Financial
11 Institutions Act is amended by changing Section 15 as
12 follows:

13 (205 ILCS 715/15)

14 Sec. 15. Arbitration of disputes. In the case of a
15 dispute between the independent data processing servicers
16 regarding any terms or conditions of an interface agreement,
17 or in the event that a dispute regarding proposed terms and
18 conditions results in the failure of the independent data
19 processing servicers to enter into an interface agreement as
20 required by this Act, the parties shall be deemed to have
21 agreed to the appointment of an arbitrator for a binding
22 resolution of the dispute consistent with the provisions of
23 the Uniform Arbitration Act or the Uniform Arbitration Act
24 (2000), as applicable, unless the parties agree to some other
25 process for binding arbitration or unless the aggrieved party
26 seeks court action. Any decision by the arbitrator in
27 connection with any arbitration shall be determined only
28 after an opportunity for a hearing. Anything to the contrary
29 in this Act notwithstanding, any right of arbitration granted
30 under this Act is subject to the right of either party to
31 seek court action.

32 (Source: P.A. 91-742, eff. 6-2-00.)

1 Section 910. The Illinois Insurance Code is amended by
2 changing Section 809.1 as follows:

3 (215 ILCS 5/809.1)

4 Sec. 809.1. Arbitration. In the event of a dispute
5 between a policyholder and an insurer as to whether a
6 residence or commercial building covered by mine subsidence
7 insurance has been damaged by mine subsidence, a policyholder
8 shall have the right to submit that dispute to arbitration in
9 accordance with this Section. No policyholder shall have the
10 right under this Section to submit to arbitration any issue
11 regarding the amount of loss or damage caused to a residence
12 or commercial building by mine subsidence.

13 Arbitration may be initiated only after the insurer has
14 made a decision that the residence or commercial building
15 covered by mine subsidence insurance was not damaged by mine
16 subsidence and so notified the policyholder in writing,
17 accompanied by a notice informing the policyholder of the
18 policyholder's right to arbitration and containing specific
19 reference to this Section. Within 60 days after receipt by
20 the policyholder of the notification, the policyholder may
21 initiate arbitration in accordance with the Commercial
22 Arbitration Rules of the American Arbitration Association, as
23 then in effect. All costs of the arbitration shall be borne
24 by the losing party. Appeals from the decision of the
25 arbitrators shall be in accordance with the Uniform
26 Arbitration Act or the Uniform Arbitration Act (2000), as
27 applicable, as in effect in Illinois.

28 (Source: P.A. 88-379.)

29 Section 915. The Uniform Arbitration Act is amended by
30 changing Sections 19 and 23 as follows:

31 (710 ILCS 5/19) (from Ch. 10, par. 119)

1 Sec. 19. Application of Act not-retroactive.

2 (a) This Act applies only to agreements made subsequent
3 to the effective date of this Act.

4 (b) This Act applies only if the Uniform Arbitration Act
5 (2000) does not apply.

6 (Source: Laws 1961, p. 3844.)

7 (710 ILCS 5/23) (from Ch. 10, par. 123)

8 Sec. 23. Repeal.

9 (a) "An Act to revise the law in relation to
10 arbitrations and awards", approved June 11, 1917, as amended,
11 is repealed; provided, however, that any agreement entered
12 into prior to the effective date of this Act to submit to
13 arbitration a dispute existing at the date of the agreement
14 shall be governed by said Act approved June 11, 1917;
15 provided further, that this Act does not impair the validity
16 of any proceeding under said Act, approved June 11, 1917,
17 commenced prior to the effective date of this Act.

18 (b) Effective on July 1, 2004, this Act is repealed.
19 However, this Act continues to apply after its repeal as
20 provided under Section 33 of the Uniform Arbitration Act
21 (2000).

22 (Source: Laws 1961, p. 3844.)

23 Section 920. The Labor Arbitration Services Act is
24 amended by changing Section 2 as follows:

25 (710 ILCS 10/2) (from Ch. 48, par. 2302)

26 Sec. 2. All arbitration proceedings conducted by
27 Department of Labor arbitrators pursuant to this Act shall be
28 subject to the provisions of the Uniform Arbitration Act or
29 the Uniform Arbitration Act (2000), as applicable.

30 (Source: P.A. 84-527.)

1 Section 925. The Health Care Arbitration Act is amended
2 by changing Sections 3 and 11 as follows:

3 (710 ILCS 15/3) (from Ch. 10, par. 203)

4 Sec. 3. Applicability. This Act shall apply to and
5 shall govern all agreements to arbitrate claims arising out
6 of the providing of health care services. Except where
7 inconsistent with the provisions of this Act, the "Uniform
8 Arbitration Act or the Uniform Arbitration Act (2000), as
9 applicable,"~~7--approved--August-24, 1961, as now or hereafter~~
10 amended, shall apply to and govern all health care
11 arbitration agreements.

12 (Source: P.A. 80-1012.)

13 (710 ILCS 15/11) (from Ch. 10, par. 211)

14 Sec. 11. Discovery. Discovery shall be available to all
15 parties in arbitration proceedings as provided in the Uniform
16 Arbitration Act or the Uniform Arbitration Act (2000), as
17 applicable. Any party may apply to the court for necessary
18 orders.

19 (Source: P.A. 80-1012.)

20 Section 930. The Seed Arbitration Act is amended by
21 changing Section 75 as follows:

22 (710 ILCS 25/75) (from Ch. 10, par. 251-75)

23 Sec. 75. Inapplicability of Uniform Arbitration Act and
24 Health Care Arbitration Act. Claims to which this Act
25 applies are not subject to the Uniform Arbitration Act or the
26 Uniform Arbitration Act (2000), as applicable, or the Health
27 Care Arbitration Act.

28 (Source: P.A. 87-186.)

29 Section 935. The Code of Civil Procedure is amended by

1 changing Section 2-1006A as follows:

2 (735 ILCS 5/2-1006A) (from Ch. 110, par. 2-1006A)

3 Sec. 2-1006A. Uniform Arbitration Act. The provisions of
4 the Uniform Arbitration Act or the Uniform Arbitration Act
5 (2000), as applicable, shall not be applicable to the
6 proceedings under this Part 10A of Article II.

7 (Source: P.A. 84-1308.)

8 Section 940. The Condominium Property Act is amended by
9 changing Section 32 as follows:

10 (765 ILCS 605/32)

11 Sec. 32. Alternate dispute resolution; mediation;
12 arbitration.

13 (a) The declaration or bylaws of a condominium
14 association may require mediation or arbitration of disputes
15 in which the matter in controversy has either no specific
16 monetary value or a value of \$10,000 or less, other than the
17 levying and collection of assessments, or that arises out of
18 violations of the declaration, bylaws, or rules and
19 regulations of the condominium association. A dispute not
20 required to be mediated or arbitrated by an association
21 pursuant to its powers under this Section, that is submitted
22 to mediation or arbitration by the agreement of the
23 disputants, is also subject to this Section.

24 (b) The ~~Illinois~~ Uniform Arbitration Act or the Uniform
25 Arbitration Act (2000), as applicable, shall govern all
26 arbitrations proceeding under this Section.

27 (c) The association may require the disputants to bear
28 the costs of mediation or arbitration.

29 (Source: P.A. 89-41, eff. 6-23-95.)

30 Section 945. The Motor Vehicle Franchise Act is amended

1 by changing Section 12 as follows:

2 (815 ILCS 710/12) (from Ch. 121 1/2, par. 762)

3 Sec. 12. Arbitration; administrative proceedings; civil
4 actions; determining good cause.

5 (a) The franchiser and franchisee may agree to submit a
6 dispute involving Section 4, 5, 6, 7, 9, 10.1, or 11 to
7 arbitration. Any such proceeding shall be conducted under the
8 provisions of the Uniform Arbitration Act or the Uniform
9 Arbitration Act (2000), as applicable, by a 3 member panel
10 composed of one member appointed by the franchisee and one
11 member appointed by the franchiser who together shall choose
12 the third member.

13 An arbitration proceeding hereunder for a remedy under
14 paragraph (6) of subsection (d) or paragraph (6), (8), (10)
15 or (11) of subsection (e) of Section 4 of this Act shall be
16 commenced by written notice to the franchiser by the
17 objecting franchisee within 30 days from the date the dealer
18 received notice to cancel, terminate, modify or not extend or
19 renew an existing franchise or selling agreement or refusal
20 to honor succession to ownership or refusal to honor a sale
21 or transfer or to grant or enter into the additional
22 franchise or selling agreement, or to relocate an existing
23 motor vehicle dealer; or within 60 days of the date the
24 franchisee received notice in writing by the franchiser of
25 its determination under any provision of Section 4 (other
26 than paragraph (6) of subsection (d) or paragraph (6), (8),
27 (10) or (11) of subsection (e) of Section 4), 5, 6, 7, 9,
28 10.1, or 11 of this Act; however, if notice of the provision
29 under which the determination has been made is not given by
30 the franchiser, then the proceeding shall be commenced as
31 provided by Section 14 of this Act.

32 The franchiser and the franchisee shall appoint their
33 respective arbitrators and they shall select the third

1 arbitrator within 14 days of receipt of such notice by the
2 franchiser. The arbitrators shall commence hearings within
3 60 days after all the arbitrators have been appointed and a
4 decision shall be rendered within 30 days after completion of
5 the hearing.

6 During the pendency of the arbitration, any party may
7 apply to a court of competent jurisdiction which shall have
8 power to modify or stay the effective date of a proposed
9 additional franchise or selling agreement, or the effective
10 date of a proposed motor vehicle dealership relocation or the
11 effective date of a cancellation, termination or modification
12 or refusal to honor succession or refusal to allow a sale or
13 transfer or extend the expiration date of a franchise or
14 selling agreement pending a final determination of the issues
15 raised in the arbitration hearing upon such terms as the
16 court may determine. Any such modification or stay shall not
17 be effective for more than 60 days unless extended by the
18 court for good cause or unless the arbitration hearing is
19 then in progress.

20 (b) If the franchiser and the franchisee have not agreed
21 to submit a dispute involving Section 4, 5, 6, 7, 9, 10.1, or
22 11 of this Act to arbitration under subsection (a), then a
23 proceeding before the Motor Vehicle Review Board as
24 prescribed by subsection (c) or (d) of Section 12 and Section
25 29 of this Act for a remedy other than damages under
26 paragraph (6) of subsection (d) or paragraph (6), (8), (10),
27 or (11) of subsection (e) of Section 4 of this Act shall be
28 commenced upon receipt by the Motor Vehicle Review Board of a
29 timely notice of protest or within 60 days of the date the
30 franchisee received notice in writing by the franchiser of
31 its determination under any provision of those Sections other
32 than paragraph (6) of subsection (d) or paragraph (6), (8),
33 (10), or (11) of subsection (e) of Section 4 of this Act;
34 however, if notice of the provision under which the

1 determination has been made is not given by the franchiser,
2 then the proceeding shall be commenced as provided by Section
3 14 of this Act.

4 During the pendency of a proceeding under this Section, a
5 party may apply to a court of competent jurisdiction that
6 shall have power to modify or stay the effective date of a
7 proposed additional franchise or selling agreement, or the
8 effective date of a proposed motor vehicle dealership
9 relocation, or the effective date of a cancellation,
10 termination, or modification, or extend the expiration date
11 of a franchise or selling agreement or refusal to honor
12 succession to ownership or refusal to approve a sale or
13 transfer pending a final determination of the issues raised
14 in the hearing upon such terms as the court may determine.
15 Any modification or stay shall not be effective for more than
16 60 days unless extended by the court for good cause or unless
17 the hearing is then in progress.

18 (c) In proceedings under (a) or (b), when determining
19 whether good cause has been established for granting such
20 proposed additional franchise or selling agreement, or for
21 relocating an existing motor vehicle dealership, the
22 arbitrators or Board shall consider all relevant
23 circumstances in accordance with subsection (v) of Section 2
24 of this Act, including but not limited to:

25 (1) whether the establishment of such additional
26 franchise or the relocation of such motor vehicle
27 dealership is warranted by economic and marketing
28 conditions including anticipated future changes;

29 (2) the retail sales and service business
30 transacted by the objecting motor vehicle dealer or
31 dealers and other motor vehicle dealers of the same line
32 make with a place of business in the relevant market area
33 to be served by the additional franchise or the relocated
34 motor vehicle dealership during the 5 year period

1 immediately preceding such notice as compared to the
2 business available to them;

3 (3) the investment necessarily made and obligations
4 incurred by the objecting motor vehicle dealer or dealers
5 and other motor vehicle dealers of the same line make
6 with a place of business in the relevant market area to
7 be served by the additional franchise or the relocated
8 motor vehicle dealership to perform their obligations
9 under existing franchises or selling agreements; and, the
10 manufacturer shall give reasonable credit for sales of
11 factory repurchase vehicles purchased by the objecting
12 motor vehicle dealer or dealers and other motor vehicle
13 dealers of the same line make with the place of business
14 in the relevant market area to be served by the
15 additional franchise or the relocated motor vehicle
16 dealership, or the additional motor vehicle dealership or
17 other facility limited to the sale of factory repurchase
18 or late model vehicles, at manufacturer authorized or
19 sponsored auctions in determining performance of
20 obligations under existing franchises or selling
21 agreements relating to total new vehicle sales;

22 (4) the permanency of the investment of the
23 objecting motor vehicle dealer or dealers and other motor
24 vehicle dealers of the same line make with a place of
25 business in the relevant market area to be served by the
26 additional franchise or the relocated motor vehicle
27 dealership;

28 (5) whether it is beneficial or injurious to the
29 public welfare for an additional franchise or relocated
30 motor vehicle dealership to be established;

31 (6) whether the objecting motor vehicle dealer or
32 dealers and other motor vehicle dealers of the same line
33 make with a place of business in the relevant market area
34 to be served by the additional franchisee or relocated

1 motor vehicle dealership are providing adequate
2 competition and convenient consumer care for the motor
3 vehicles of the same line make owned or operated in the
4 area to be served by the additional franchise or
5 relocated motor vehicle dealership;

6 (7) whether the objecting motor vehicle dealer or
7 dealers and other motor vehicle dealers of the same line
8 make with a place of business in the relevant market area
9 to be served by the additional franchisee or the
10 relocated motor vehicle dealership have adequate motor
11 vehicle sales and service facilities, equipment, vehicle
12 parts and qualified personnel to reasonably provide for
13 the needs of the customer; provided, however, that good
14 cause shall not be shown solely by a desire for further
15 market penetration;

16 (8) whether the establishment of an additional
17 franchise or the relocation of a motor vehicle dealership
18 would be in the public interest;

19 (9) whether there has been a material breach by a
20 motor vehicle dealer of the existing franchise agreement
21 which creates a substantially detrimental effect upon the
22 distribution of the franchiser's motor vehicles in the
23 affected motor vehicle dealer's relevant market area or
24 fraudulent claims for warranty work, insolvency or
25 inability to pay debts as they mature;

26 (10) the effect of an additional franchise or
27 relocated motor vehicle dealership upon the existing
28 motor vehicle dealers of the same line make in the
29 relevant market area to be served by the additional
30 franchisee or relocated motor vehicle dealership; and

31 (11) whether the manufacturer has given reasonable
32 credit to the objecting motor vehicle dealer or dealers
33 and other motor vehicle dealers of the same line make
34 with a place of business in the relevant market area to

1 be served by the additional franchise or relocated motor
2 vehicle dealership or additional motor vehicle dealership
3 or other facility limited to the sale of factory
4 repurchase or late model vehicles, for retail sales of
5 factory repurchase vehicles purchased by the motor
6 vehicle dealer or dealers at manufacturer authorized or
7 sponsored auctions.

8 (d) In proceedings under subsection (a) or (b), when
9 determining whether good cause has been established for
10 cancelling, terminating, refusing to extend or renew, or
11 changing or modifying the obligations of the motor vehicle
12 dealer as a condition to offering a renewal, replacement, or
13 succeeding franchise or selling agreement, the arbitrators or
14 Board shall consider all relevant circumstances in accordance
15 with subsection (v) of Section 2 of this Act, including but
16 not limited to:

17 (1) The amount of retail sales transacted by the
18 franchisee during a 5-year period immediately before the
19 date of the notice of proposed action as compared to the
20 business available to the franchisee.

21 (2) The investment necessarily made and obligations
22 incurred by the franchisee to perform its part of the
23 franchise.

24 (3) The permanency of the franchisee's investment.

25 (4) Whether it is injurious to the public interest
26 for the franchise to be cancelled or terminated or not
27 extended or modified, or the business of the franchise
28 disrupted.

29 (5) Whether the franchisee has adequate motor
30 vehicle sales and service facilities, equipment, vehicle
31 parts, and service personnel to reasonably provide for
32 the need of the customers for the same line make of motor
33 vehicles handled by the franchisee.

34 (6) Whether the franchisee fails to fulfill the

1 warranty obligations of the manufacturer required to be
2 performed by the franchisee.

3 (7) The extent and materiality of the franchisee's
4 failure to comply with the terms of the franchise and the
5 reasonableness and fairness of those terms.

6 (8) Whether the owners of the franchise had actual
7 knowledge of the facts and circumstances upon which
8 cancellation or termination, failure to extend or renew,
9 or changing or modification of the obligations of the
10 franchisee as a condition to offering a renewal,
11 replacement, or succeeding franchise or selling
12 agreement.

13 (e) If the franchiser and the franchisee have not agreed
14 to submit a dispute to arbitration, and the dispute did not
15 arise under paragraph (6) of subsection (d) or paragraph (6),
16 (8), (10), or (11) of subsection (e) of Section 4 of this
17 Act, then a proceeding for a remedy other than damages may be
18 commenced by the objecting franchisee in the circuit court
19 of the county in which the objecting franchisee has its
20 principal place of business, within 60 days of the date the
21 franchisee received notice in writing by the franchiser of
22 its determination under any provision of this Act other than
23 paragraph (6) of subsection (d) or paragraph (6), (8), (10),
24 or (11) of subsection (e) of Section 4 of this Act; however,
25 if notice of the provision under which the determination has
26 been made is not given by the franchiser, then the proceeding
27 shall be commenced as provided by Section 14 of this Act.

28 (f) The changes to this Section made by this amendatory
29 Act of the 92nd General Assembly (i) apply only to causes of
30 action accruing on or after its effective date and (ii) are
31 intended to provide only an additional venue for dispute
32 resolution without changing any substantive rights under this
33 Act.

34 (Source: P.A. 92-272, eff. 1-1-02.)

1 Section 999. Effective date. This Act takes effect on
2 January 1, 2004.