

## LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 34

Sponsor:

Printer's No. 1201

1 Amend Bill, page 15, by inserting between lines 19 and 20

2 "Consumer." An individual who incurs an obligation in an  
3 agreement with a merchant for personal, family or household  
4 purposes.

5 "Consumer transaction." A transaction between a consumer  
6 domiciled in this Commonwealth and a merchant, including all  
7 personal injury claims arising out of such a transaction.

8 Amend Bill, page 15, by inserting between lines 22 and 23

9 "Merchant." A person who in the ordinary course of business  
10 offers or sells goods or services to consumers or holds itself  
11 out as having knowledge or skill peculiar to such transactions,  
12 including a manufacturer, supplier or distributor of goods, or a  
13 supplier of personal or professional services.

14 Amend Bill, page 17, line 4, by striking out "2017" and  
15 inserting

16 2018

17 Amend Bill, page 20, by inserting between lines 18 and 19

18 (e) Grounds for validity and enforceability.--In determining  
19 the validity and enforceability of an agreement to arbitrate, a  
20 court may consider any grounds that exist at law or in equity  
21 for the revocation of a contract, regardless of whether arising  
22 out of Federal or State law or as a matter of public policy,  
23 that are applicable to other contracts, including fraud, duress,  
24 coercion, unconscionability or the imposition by a contract of  
25 adhesion of any requirement that unreasonably favors the party  
26 that imposed the provision, provided that doing so is not  
27 prohibited by the Federal Arbitration Act (9 U.S.C. § 1 et  
28 seq.), or other Federal law.

29 Amend Bill, page 21, line 3, by striking out "proceed  
30 summarily to decide the issue." and inserting

31 decide the issue if there is an express and unequivocal  
32 agreement to arbitrate. If there is doubt whether an agreement

1 to arbitrate exists, upon proper and timely demand, the question  
2 shall be submitted to a jury.

3 Amend Bill, page 21, line 3, by inserting after "court"  
4 or jury

5 Amend Bill, page 21, line 4, by striking out "it" and  
6 inserting

7 the court

8 Amend Bill, page 24, lines 11 through 14, by striking out  
9 "who has a known, direct" in line 11, all of lines 12 and 13 and  
10 "with a party" in line 14

11 Amend Bill, page 24, line 15, by striking out the period  
12 after "neutral" and inserting

13 pursuant to the standards under which a judge would be  
14 required to disqualify himself or herself from participation in  
15 a proceeding under 207 Pa. Code Rule 2.11 (relating to  
16 disqualification).

17 Amend Bill, page 27, line 6, by striking out "decides that"  
18 and inserting

19 upon deciding whether

20 Amend Bill, page 27, line 8, by striking out "that" and  
21 inserting

22 whether

23 Amend Bill, page 27, line 9, by striking out "not"

24 Amend Bill, page 27, line 10, by striking out "shall" and  
25 inserting

26 may

27 Amend Bill, page 27, line 10, by inserting after "the" where  
28 it occurs the second time

29 prevailing party, including the

30 Amend Bill, page 27, line 11, by inserting a comma after  
31 "representative"

1 Amend Bill, page 27, line 15, by striking out "as the  
2 arbitrator considers"

3 Amend Bill, page 28, by inserting between lines 24 and 25  
4 (f) Location for arbitration hearing for consumer  
5 transactions.--A hearing conducted pursuant to an arbitration  
6 agreement applicable to a consumer transaction shall be held at  
7 a location reasonably convenient to the consumer.

8 Amend Bill, page 32, line 29, by striking out "or" and  
9 inserting a comma

10 Amend Bill, page 32, line 30, by inserting after "proceeding"  
11 or by the terms of an agreement subject to arbitration

12 Amend Bill, page 34, line 13, by striking out "substantially"

13 Amend Bill, page 36, line 27, by striking out the period  
14 after "award" and inserting

15 if attorney fees and other expenses are authorized by law to  
16 be added to an award in a civil action involving the same claim  
17 as the arbitration award.

18 Amend Bill, page 37, line 9, by inserting after "arbitrate"  
19 or section 7321.16(f) (relating to arbitration process)

20 Amend Bill, page 37, lines 12 through 14, by striking out "  
21 the court of any county in which an adverse party" in line 12,  
22 all of line 13 and "residence or place of business in this  
23 Commonwealth, in" in line 14

24 Amend Bill, page 37, line 15, by striking out "any" and  
25 inserting

26 the

27 Amend Bill, page 37, line 15, by inserting after

28 "Commonwealth"

29 as provided by the Pennsylvania Rules of Civil Procedure

30 Amend Bill, page 38, line 3, by inserting before "In"

31 (a) General rule.--

1 Amend Bill, page 38, by inserting between lines 5 and 6

2 (b) Right to trial by jury.--Except as provided by an  
3 agreement to arbitrate, nothing in this act is intended to  
4 require a party to waive the right to trial by jury to the  
5 extent provided by the United States Constitution and the  
6 Constitution of Pennsylvania.

7 (c) Severability.--If any provision of this chapter or the  
8 application thereof to any person or circumstance is held  
9 invalid, the remainder of this chapter and the application of  
10 such provisions to other persons or circumstances shall not be  
11 affected.

12 Amend Bill, page 40, line 10, by striking out "2016" and  
13 inserting

14 2017