

## **BILL ANALYSIS**

Senate Research Center  
78R837 AJA-D

S.B. 998  
By: West, Royce  
Jurisprudence  
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As Filed

### **DIGEST AND PURPOSE**

Currently, courts have no means of identifying or tracking individuals or entities providing arbitration services in Texas, which the courts sanction through its actions. As proposed, S.B. 998 requires persons providing arbitration or arbitration services to register annually with the secretary of state; requires the secretary of state to maintain an updated list of all arbitrators; and provides that persons not on the list are ineligible to conduct or administer a court-ordered arbitration.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 7, Civil Practice and Remedies Code, by adding Chapter 180, as follows:

#### **CHAPTER 180. REGISTRATION OF ARBITRATORS AND ARBITRATION SERVICES PROVIDERS**

##### **SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 180.001. DEFINITIONS. Defines “arbitration services provider” and “arbitrator.”

Sec. 180.002. APPLICABILITY. Provides that the requirements of this chapter supplement, in any arbitration held in this state, the arbitration law of this state and any other state and the Federal Arbitration Act (9 U.S.C. Sections 1-16) and apply to any arbitration subject to those laws.

[Reserves Sections 180.003-180.050 for expansion.]

##### **SUBCHAPTER B. REGISTRATION WITH SECRETARY OF STATE**

Sec. 180.051. REGISTRATION REQUIREMENTS; PUBLIC INFORMATION. (a) Requires each arbitrator or arbitration services provider to register annually with the office of the secretary of state in the format required by the secretary of state, providing the arbitrator or arbitration services provider’s name, mailing address, and phone number. Requires the arbitrator or arbitration services provider to submit a \$10 fee with the initial registration submitted under this subsection.

(b) Requires the secretary of state to maintain an updated list of arbitrators and arbitration services providers and make the list available to the public.

Sec. 180.052. INELIGIBILITY TO CONDUCT OR ADMINISTER ARBITRATION. Provides that an arbitrator or arbitration services provider who is not registered with the office of the secretary of state as required by Section 180.051 is ineligible to conduct or administer a court-ordered arbitration.

SECTION 2. (a) Provides that for the purposes of this section, the date an arbitration is commenced is the date an arbitrator, as defined by Section 180.001, Civil Practice and Remedies Code, as added by this Act, is selected or appointed.

(b) Effective date: September 1, 2003. Makes application of this Act to an arbitration prospective to January 1, 2004.