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# A BILL FOR AN ACT

RELATING TO ARBITRATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 658A-15, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " ~~{}~~ §658A-15 ~~{}~~ Arbitration process. (a) An arbitrator  
4 may conduct an arbitration in such manner as the arbitrator  
5 considers appropriate for a fair and expeditious disposition of  
6 the proceeding. The authority conferred upon the arbitrator  
7 includes the power to hold conferences with the parties to the  
8 arbitration proceeding before the hearing and, among other  
9 matters, determine the admissibility, relevance, materiality,  
10 and weight of any evidence.

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

13           (1) If all interested parties agree; or

14           (2) Upon request of one party to the arbitration  
15 proceeding if that party gives notice to all other  
16 parties to the proceeding, and the other parties have  
17 a reasonable opportunity to respond.



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

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



1 (e) If an arbitrator ceases or is unable to act during the  
2 arbitration proceeding, a replacement arbitrator shall be  
3 appointed in accordance with section 658A-11 to continue the  
4 proceeding and to resolve the controversy.

5 (f) If all parties in an arbitration are commercial  
6 entities and any of the parties fails to pay the arbitration  
7 fees or costs directed by an arbitrator or arbitration  
8 organization, an arbitrator may enter a default ruling against  
9 that party."

10 SECTION 2. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect January 7, 2059.



**Report Title:**

Arbitration; Fees or Costs; Default

**Description:**

Authorizes a default ruling, in arbitration cases only where all parties are commercial entities, against any party that fails to pay the arbitration fees or costs directed by an arbitrator or arbitration organization. Effective January 7, 2059. (HB1140 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

