

JAN 26 2011

A BILL FOR AN ACT

RELATING TO EXPENSES OF ARBITRATION PROCEEDINGS.

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

1 SECTION 1. Section 658A-21, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [†] §658A-21 [†] Remedies; fees, costs, and expenses of
4 arbitration proceeding. (a) An arbitrator may award punitive
5 damages or other exemplary relief if such an award is authorized
6 by law in a civil action involving the same claim and the
7 evidence produced at the hearing justifies the award under the
8 legal standards otherwise applicable to the claim.

9 (b) An arbitrator may award reasonable attorney's fees,
10 costs, and other reasonable expenses of arbitration if such an
11 award is authorized by law in a civil action involving [~~the~~
12 ~~same~~] a comparable claim or by the agreement of the parties to
13 the arbitration proceeding.

14 (c) As to all remedies other than those authorized by
15 subsections (a) and (b), an arbitrator may order such remedies
16 as the arbitrator considers just and appropriate under the
17 circumstances of the arbitration proceeding. The fact that such
18 a remedy could not or would not be granted by the court is not a



1 ground for refusing to confirm an award under section 658A-22 or
2 for vacating an award under section 658A-23.

3 (d) An arbitrator's expenses and fees, together with other
4 expenses, shall be paid as provided in the award.

5 (e) If an arbitrator awards punitive damages or other
6 exemplary relief under subsection (a), the arbitrator shall
7 specify in the award the basis in fact justifying and the basis
8 in law authorizing the award and state separately the amount of
9 the punitive damages or other exemplary relief."

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 Statutory material to be repealed is bracketed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 upon its approval,
16 and shall apply to any arbitration claim commenced after the
17 effective date of this Act.

18

INTRODUCED BY: _____



By Request



Report Title:

Arbitration Proceedings; Expenses

Description:

Authorizes an arbitrator to award reasonable attorney's costs, in addition to fees and other expenses of arbitration.

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

