

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 3812**

(SENATE AUTHORS: JASINSKI, Limmer and Sparks)

DATE	D-PG	OFFICIAL STATUS
03/02/2020	5114	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
03/09/2020	5357	Author added Sparks

1.1 A bill for an act

1.2 relating to civil actions; expanding arbitration immunity provisions to include

1.3 arbitration organizations; amending Minnesota Statutes 2018, section 572B.14.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 572B.14, is amended to read:

1.6 **572B.14 IMMUNITY OF ARBITRATOR; COMPETENCY TO TESTIFY;**

1.7 **ATTORNEY FEES AND COSTS.**

1.8 (a) An arbitrator or an arbitration organization acting in that capacity is immune from

1.9 civil liability to the same extent as a judge of a court in this state acting in a judicial capacity.

1.10 (b) The immunity afforded by this section supplements any other immunity.

1.11 (c) If an arbitrator does not make a disclosure required by section 572B.12, the

1.12 nondisclosure does not cause a loss of immunity under this section.

1.13 (d) In any judicial, administrative, or similar proceeding, an arbitrator or representative

1.14 of an arbitration organization is not competent to testify ~~or~~ and must not be required to

1.15 produce records as to any statement, conduct, decision, or ruling occurring during the

1.16 arbitration proceeding to the same extent as a judge of a court of this state acting in a judicial

1.17 capacity. This ~~subsection~~ paragraph does not apply:

1.18 (1) to the extent necessary to determine the claim of an arbitrator, arbitration organization,

1.19 or representative of an arbitration organization against a party to the arbitration proceeding;

1.20 or

2.1 (2) if a party to the arbitration proceeding files a motion to vacate an award under section  
2.2 572B.23, ~~subsection~~ paragraph (a), clause (1) or (2), and establishes prima facie that a  
2.3 ground for vacating the award exists.

2.4 (e) If a person commences a civil action against an arbitrator, arbitration organization,  
2.5 or representative of an arbitration organization arising from the services of the arbitrator,  
2.6 organization, or representative, or if a person seeks to compel an arbitrator or representative  
2.7 of an arbitration organization to testify or produce records in violation of ~~subsection~~  
2.8 paragraph (d), and the court decides that the arbitrator, arbitration organization, or  
2.9 representative of the arbitration organization is immune from civil liability or that the  
2.10 arbitrator or representative of the arbitration organization is incompetent to testify, the court  
2.11 shall award to the arbitrator, organization, or representative reasonable attorney fees and  
2.12 other reasonable expenses of litigation.