

(1) A PETITION TO STAY ARBITRATION SHALL BE FILED WITH THE COURT WHERE A PETITION TO ORDER ARBITRATION HAS BEEN FILED.

(2) IF A PETITION FOR ORDER TO ARBITRATE HAS NOT BEEN FILED, THE PETITION TO STAY ARBITRATION MAY BE FILED IN ANY COURT SUBJECT TO VENUE PROVISIONS OF TITLE 6 OF THIS ARTICLE.

(C) DETERMINATION OF EXISTENCE OF ARBITRATION AGREEMENT.

IF THE COURT DETERMINES THAT EXISTENCE OF THE ARBITRATION AGREEMENT IS IN SUBSTANTIAL AND BONA FIDE DISPUTE, IT SHALL TRY THIS ISSUE PROMPTLY AND ORDER A STAY IF IT FINDS FOR THE PETITIONER. IF THE COURT FINDS FOR THE ADVERSE PARTY, IT SHALL ORDER THE PARTIES TO PROCEED WITH ARBITRATION.

REVISOR'S NOTE: This section is new language derived from Art. 7, §2(b) and (c). The term "petition" is substituted for "application" in accordance with Art. 7, §15. The reorganization of provisions has been made to emphasize diversity.

SEC. 3-209. STAY OF PROCEEDINGS.

(A) CONDITIONS FOR STAY.

A COURT SHALL STAY ANY ACTION OR PROCEEDING INVOLVING AN ISSUE SUBJECT TO ARBITRATION IF:

(1) A PETITION FOR ORDER TO ARBITRATE HAS BEEN FILED; OR

(2) AN ORDER FOR ARBITRATION HAS BEEN MADE.

(B) SEVERABILITY OF ISSUE.

IF THE ISSUE SUBJECT TO ARBITRATION IS SEVERABLE, THE COURT MAY ORDER THE STAY WITH RESPECT TO THIS ISSUE ONLY.

(C) ORDER TO INCLUDE STAY.

IF A PETITION TO STAY HAS BEEN FILED WITH A COURT WHERE ANY ACTION OR PROCEEDING CONCERNING ARBITRATION IS PENDING, THE COURT'S ORDER TO ARBITRATE SHALL INCLUDE THE STAY.