

REVISOR'S NOTE: This section is new language derived from Art. 7, §2(d).

SEC. 3-210. WHEN ORDER NOT TO BE REFUSED.

AN ORDER FOR ARBITRATION SHALL NOT BE REFUSED OR AN ARBITRATION PROCEEDING STAYED:

(1) ON THE GROUND THAT THE CLAIM IN ISSUE LACKS MERIT OR BONA FIDES; OR

(2) BECAUSE A VALID BASIS FOR THE CLAIM SOUGHT TO BE ARBITRATED HAS NOT BEEN SHOWN.

REVISOR'S NOTE: This section is new language derived from Art. 7, §2(e).

SEC. 3-211. APPOINTMENT OF ARBITRATORS.

(A) APPOINTMENT BY AGREEMENT.

IF THE ARBITRATION AGREEMENT PROVIDES A METHOD OF APPOINTMENT OF ARBITRATORS, THIS METHOD SHALL BE FOLLOWED.

(B) PETITION TO APPOINT ARBITRATORS.

IN THE ABSENCE OF A PROVISION IN THE AGREEMENT, A PARTY MAY FILE A PETITION WITH A COURT TO APPOINT ONE OR MORE ARBITRATORS.

(C) APPOINTMENT BY COURT.

A COURT SHALL APPOINT ONE OR MORE ARBITRATORS IF:

(1) THE ARBITRATION AGREEMENT DOES NOT PROVIDE A METHOD OF APPOINTMENT;

(2) THE AGREED METHOD FAILS OR FOR ANY REASON CANNOT BE FOLLOWED; OR

(3) AN APPOINTED ARBITRATOR FAILS OR IS UNABLE TO ACT AND HIS SUCCESSOR HAS NOT BEEN APPOINTED.

(D) POWERS OF A COURT APPOINTED ARBITRATOR.

A COURT APPOINTED ARBITRATOR HAS ALL THE POWERS OF AN ARBITRATOR SPECIFICALLY NAMED IN THE AGREEMENT.

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