SENATE BILL NO. 2669

AN ACT TO AMEND SECTION 11-15-1, MISSISSIPPI CODE OF 1972, TO SPECIFY THE VALIDITY OF AN ARBITRATION AGREEMENT AND TO SPECIFY EXCEPTIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 11-15-1, Mississippi Code of 1972, is amended as follows:

11-15-1. (1) All persons, except infants and persons of unsound mind, may, by instrument of writing, submit to the decision of one or more arbitrators any controversy which may be existing between them, which might be the subject of an action, and may, in such submission, agree that the court having jurisdiction of the subject matter shall render judgment on the award made pursuant to such submission. In such case, however, should the parties agree upon a court without jurisdiction of the subject matters of the award, the judgment shall be rendered by the court having jurisdiction in the county of the residence of the party, or some one of them, against whom the award shall be made.

(2) (a) A written agreement to submit any existing controversy to arbitration or a provision in a written contract to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract. Notice that a contract is subject to arbitration pursuant to this chapter shall be typed in underlined capital letters, or rubber-stamped prominently, on the first page of the
contract and unless such notice is displayed thereon the contract
shall not be subject to arbitration.

(b) This chapter however shall not apply to:

(i) Any agreement or provision to arbitrate in
which it is stipulated that this chapter shall not apply or to any
arbitration or award thereunder;

(ii) Arbitration agreements between employers and
employees or between their respective representatives unless the
agreement provides that this chapter shall apply; provided,
however, that notwithstanding any other provision of law,
employers and employees or their respective representatives may
not agree that worker's compensation claims, unemployment
compensation claims and collective bargaining disputes shall be
subject to the provisions of this chapter and any such provision
so agreed upon shall be null and void. An agreement to apply this
chapter shall not be made a condition of employment.

(iii) A pre-agreement entered into when the
relationship of the contracting parties is such as that of
lawyer-client or doctor-patient, and the term "doctor" shall
include all those persons licensed to practice pursuant to
Chapters 6 (Chiropractors), 9 (Dentists), 19 (Optometry and
Optometrists), 25 (Physicians), 27 (Podiatrists), 31
(Psychologists), 38 (Speech Pathologists and Audiologists) and 39
(Veterinarians) of Title 73, Mississippi Code of 1972.

(iv) Any claim arising out of personal injury,
based on contract or tort, or to any insured or beneficiary under
any insurance policy or annuity contract.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2002.