

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2669

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

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

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

7 11-15-1. (1) All persons, except infants and persons of
8 unsound mind, may, by instrument of writing, submit to the
9 decision of one or more arbitrators any controversy which may be
10 existing between them, which might be the subject of an action,
11 and may, in such submission, agree that the court having
12 jurisdiction of the subject matter shall render judgment on the
13 award made pursuant to such submission. In such case, however,
14 should the parties agree upon a court without jurisdiction of the
15 subject matters of the award, the judgment shall be rendered by
16 the court having jurisdiction in the county of the residence of
17 the party, or some one of them, against whom the award shall be
18 made.

19 (2) (a) A written agreement to submit any existing
20 controversy to arbitration or a provision in a written contract to
21 submit to arbitration any controversy thereafter arising between
22 the parties is valid, enforceable and irrevocable, save upon such
23 grounds as exist at law or in equity for the revocation of any
24 contract. Notice that a contract is subject to arbitration
25 pursuant to this chapter shall be typed in underlined capital
26 letters, or rubber-stamped prominently, on the first page of the



27 contract and unless such notice is displayed thereon the contract
28 shall not be subject to arbitration.

29 (b) This chapter however shall not apply to:

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

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

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

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

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

