

SENATE BILL NO. 457

BY SENATOR APPEL

1 AN ACT

2 To amend and reenact R.S. 9:4203 and 4206, relative to the Louisiana Binding Arbitration  
3 Law; to provide certain procedures, requirements, and conditions regarding  
4 evidence; to provide relative to payment of deposits, fees, or expenses; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:4203 and 4206 are hereby amended and reenacted to read as  
8 follows:

9 §4203. Remedy in case of default; petition and notice; hearing and proceedings

10 **A.** The party aggrieved by the alleged failure or refusal of another to perform  
11 under a written agreement for arbitration, may petition any court of record having  
12 jurisdiction of the parties, or of the property, for an order directing that the  
13 arbitration proceed in the manner provided for in the agreement. Five days' written  
14 notice of the application shall be served upon the party in default. Service shall be  
15 made in the manner provided by law for the service of a summons.

16 **B.** The court shall hear the parties, and upon being satisfied that the making  
17 of the agreement for arbitration or the failure to comply therewith is not an issue, the  
18 court shall issue an order directing the parties to proceed to arbitration in accordance  
19 with the terms of the agreement. If the making of the arbitration agreement or the  
20 failure or refusal to perform is an issue, the court shall proceed summarily to the trial  
21 thereof.

22 **C.** If no jury trial is demanded, the court shall hear and determine the issue.  
23 Where such an issue is raised, either party may, on or before the return day of the  
24 notice of application, demand a jury trial of the issue, and upon such demand the  
25 court shall issue an order referring the issue or issues to a jury called and empanelled  
26 in the manner provided by law.



1 the attendance of witnesses or their punishment for neglect or refusal to attend in the  
2 courts of this state.

3 C.(1) The parties to the arbitration may offer evidence as is relevant and  
4 material to the dispute and shall produce evidence as the arbitrator may deem  
5 necessary to an understanding and determination of the dispute. Strict  
6 conformity to the Code of Evidence shall not be required, except for laws  
7 pertaining to testimonial privileges.

8 (2) The arbitrator shall determine the admissibility, relevance, and  
9 materiality of the evidence offered, including the admissibility of expert  
10 evidence, and may exclude evidence deemed by the arbitrator to be cumulative  
11 or irrelevant.

12 Section 2. The provisions of this Act shall not apply to any cause of action or claim  
13 in existence on or prior to the effective date of this Act.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_