

# HOUSE BILL 1330

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By: **Delegate Rosenberg**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Courts – Confirmation of Arbitration Awards**

3 FOR the purpose of specifying a certain fee for filing a petition in a circuit court for an  
4 order confirming an arbitration award; providing for certain procedures  
5 concerning a petition for an order confirming an arbitration award; making  
6 stylistic and corrective changes; providing for the application of this Act; and  
7 generally relating to confirmation of an arbitration award in a circuit court.

8 BY repealing and reenacting, with amendments,  
9 Article – Courts and Judicial Proceedings  
10 Section 3–227  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2007 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 3–227.

17 (a) [A] **AFTER A PARTY TO AN ARBITRATION PROCEEDING RECEIVES**  
18 **NOTICE OF AN AWARD, THE** party may **FILE A** petition **IN** the court [to confirm] **FOR**  
19 **AN ORDER CONFIRMING** the award.

20 (b) **A PARTY WHO FILES A PETITION UNDER THIS SECTION SHALL PAY A**  
21 **FEE OF \$25 TO THE CLERK OF THE COURT.**

22 (c) **AT THE TIME A PETITION IS FILED UNDER THIS SECTION, THE**  
23 **PETITIONER SHALL FILE WITH THE CLERK OF THE COURT AN AFFIDAVIT**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SHOWING THE NAME AND LAST KNOWN ADDRESS OF EACH PARTY IN THE**  
2 **ARBITRATION PROCEEDING.**

3 **(D) (1) THE CLERK OF THE COURT PROMPTLY SHALL MAIL NOTICE**  
4 **OF THE PETITION TO EACH PARTY, OTHER THAN THE PETITIONER, IN THE**  
5 **ARBITRATION PROCEEDING AT THE ADDRESS STATED IN THE AFFIDAVIT AND**  
6 **SHALL RECORD THE MAILING.**

7 **(2) THE NOTICE SHALL INCLUDE THE NAME AND ADDRESS OF**  
8 **THE PETITIONER.**

9 **(3) THE PETITIONER MAY MAIL A NOTICE OF THE PETITION TO**  
10 **ANOTHER PARTY AND MAY FILE PROOF OF MAILING WITH THE CLERK OF THE**  
11 **COURT.**

12 **(4) IF THE PETITIONER FILES PROOF OF MAILING DESCRIBED**  
13 **UNDER PARAGRAPH (3) OF THIS SUBSECTION, FAILURE OF THE CLERK OF THE**  
14 **COURT TO MAIL NOTICE OF THE PETITION DOES NOT AFFECT THE AUTHORITY**  
15 **OF A COURT TO ISSUE AN ORDER CONFIRMING THE AWARD.**

16 **[(b)] (E) The court shall [confirm the] ISSUE AN ORDER CONFIRMING THE**  
17 **award, unless [the other] A party:**

18 **(1) APPLIES TO THE ARBITRATOR TO MODIFY OR CORRECT THE**  
19 **AWARD IN ACCORDANCE WITH § 3-222 OF THIS SUBTITLE;**

20 **(2) FILES A PETITION IN THE COURT TO [has filed an application to**  
21 **vacate, modify,] MODIFY or correct the award [within the time provided in §§ 3-222**  
22 **and 3-223] IN ACCORDANCE WITH § 3-223 of this subtitle; OR**

23 **(3) FILES A PETITION TO VACATE THE AWARD IN ACCORDANCE**  
24 **WITH § 3-224 OF THIS SUBTITLE.**

25 **[(c) If an application to vacate, modify, or correct the award has been filed,**  
26 **the court shall proceed as provided in §§ 3-223 and 3-224 of this subtitle]**

27 **(F) IF A PETITION TO MODIFY OR CORRECT THE AWARD IS FILED IN**  
28 **ACCORDANCE WITH § 3-223 OF THIS SUBTITLE OR A PETITION TO VACATE THE**  
29 **AWARD IS FILED IN ACCORDANCE WITH § 3-224 OF THIS SUBTITLE, THE COURT**  
30 **SHALL PROCEED AS PROVIDED IN § 3-223 OR § 3-224 OF THIS SUBTITLE.**

31 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be**  
32 **construed to apply only prospectively and may not be applied or interpreted to have**

1 any effect on or application to any petition to confirm an arbitration award filed  
2 before the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2008.