



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB5888**

Introduced 2/10/2010, by Rep. Elaine Nekritz

#### SYNOPSIS AS INTRODUCED:

710 ILCS 5/8

from Ch. 10, par. 108

Amends the Uniform Arbitration Act. Provides that rules applicable to the dispute include deciding the dispute in accordance with rules of law chosen by the parties, but if none is chosen, the arbitrators shall apply the law under conflict of law rules considered applicable by the arbitrators. Provides that the decision shall be made according to the strict rules of law, unless another standard is authorized by the parties. Provides that the decision shall be based upon the contract and shall take into account usages of the trade applicable to the transaction.

LRB096 18807 AJO 35755 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Uniform Arbitration Act is amended by  
5 changing Section 8 as follows:

6 (710 ILCS 5/8) (from Ch. 10, par. 108)

7 Sec. 8. Award.

8 (a) The award shall be in writing and signed by the  
9 arbitrators joining in the award. The arbitrators shall deliver  
10 a copy to each party personally or by registered mail, or as  
11 provided in the agreement.

12 (b) An award shall be made within the time fixed therefor  
13 by the agreement or, if not so fixed, within such time as the  
14 court orders on application of a party. The parties may extend  
15 the time in writing either before or after the expiration  
16 thereof. A party waives the objection that an award was not  
17 made within the time required unless he notifies the  
18 arbitrators of his objection prior to the delivery of the award  
19 to him.

20 (c) Rules applicable to substance of dispute.

21 (i) The arbitrators shall decide the dispute in  
22 accordance with any rules of law that are chosen by the  
23 parties as applicable to the substance of the dispute. Any

1 designation of the law or legal system of a given  
2 jurisdiction shall be construed, unless otherwise  
3 expressed, as directly referring to the substantive law of  
4 that jurisdiction and not to its conflict of law rules.

5 (ii) If the parties do not make a designation described  
6 in subsection (i) of this Section, the arbitrators shall  
7 apply the law as determined by the conflict of laws rules  
8 that they consider applicable.

9 (iii) The arbitrators shall decide according to the  
10 strict rules of law unless the parties have expressly  
11 authorized some other standard.

12 (iv) In all cases, the arbitrators shall decide in  
13 accordance with the terms of the contract and shall take  
14 into account the usages of the trade applicable to the  
15 transaction.

16 (Source: Laws 1961, p. 3844.)