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HOUSE BILL NO. 1820

Offered January 9, 2019

Prefiled January 1, 2019

A BILL to amend and reenact § 8.01-577 of the Code of Virginia, relating to arbitration agreements; unconscionable and unenforceable provisions; sexual harassment and sexual assault.

Patrons—Delaney, Leftwich, Brewer, Byron, Campbell, J.L., Helsel, Hodges, Hugo, Krizek, LaRock, McNamara, Miyares, Murphy, Peace, Robinson, Simon, Thomas, Ware and Webert

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-577 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-577. Submission of controversy; agreement to arbitrate; condition precedent to action; unconscionable and unenforceable provisions.**

A. Persons desiring to end any controversy, whether there is a suit pending therefor or not, may submit the same to arbitration, and agree that such submission may be entered of record in any circuit court or entered by order of any general district court. Upon proof of such agreement out of court, or by consent of the parties given in court in person or by counsel, it shall be entered in the proceedings of such court. Thereupon a rule shall be made that the parties shall submit to the award which shall be made in accordance with such agreement and the provisions of this chapter.

B. Neither party shall have the right to revoke an agreement to arbitrate except on a ground which would be good for revoking or annulling other agreements. Submission of any claim or controversy to arbitration pursuant to such agreement shall be a condition precedent to institution of suit or action thereon, and the agreement to arbitrate shall be enforceable, unless the agreement also provides that submission to arbitration shall not be a condition precedent to suit or action.

C. Any provision of any such agreement that has the purpose or effect of concealing the details relating to a claim of sexual harassment or of sexual assault pursuant to § 18.2-61, 18.2-67.1, 18.2-67.3, or 18.2-67.4, shall be unconscionable and unenforceable, unless such provision is proposed by the victim of such sexual harassment or sexual assault. This subsection shall in no way limit any other grounds that exist at law or in equity for the unenforceability of any such agreement or any provision of any such agreement.

INTRODUCED

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