

HOUSE AMENDMENTS TO HOUSE BILL 2903

By COMMITTEE ON BUSINESS AND LABOR

April 15

1 On page 1 of the printed bill, line 2, delete “and 653.295”.

2 Delete lines 4 through 30 and delete pages 2 and 3 and insert:

3 “**SECTION 1.** ORS 36.620 is amended to read:

4 “36.620. (1) An agreement contained in a record to submit to arbitration any existing or subse-
5 quent controversy arising between the parties to the agreement is valid, enforceable and irrevocable
6 except upon a ground that exists at law or in equity for the revocation of a contract.

7 “(2) Subject to ORS 36.625 (8), the court shall decide whether an agreement to arbitrate exists
8 or a controversy is subject to an agreement to arbitrate.

9 “(3) An arbitrator shall decide whether a condition precedent to arbitrability has been fulfilled.

10 “(4) If a party to a judicial proceeding challenges the existence of, or claims that a controversy
11 is not subject to, an agreement to arbitrate, the arbitration proceeding may continue pending final
12 resolution of the issue by the court, unless the court otherwise orders.

13 “(5) A written arbitration agreement entered into between an employer and employee and oth-
14 erwise valid under subsection (1) of this section is voidable and may not be enforced by a court
15 unless:

16 “(a) The employer informs the employee in a written employment offer received by the employee
17 at least [*two weeks*] **72 hours** before the first day of the employee’s employment that an arbitration
18 agreement is required as a condition of employment; or

19 “(b) The arbitration agreement is entered into upon a subsequent bona fide advancement of the
20 employee by the employer.

21 “**SECTION 2. The amendments to ORS 36.620 by section 1 of this 2009 Act apply to arbi-**
22 **tration agreements entered into on or after the effective date of this 2009 Act.”.**

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