

§1393. Consumer arbitration agreements

1. Limitation on agreements. A consumer arbitration agreement not allowed under federal law is void and unenforceable.

[PL 2009, c. 572, §6 (NEW).]

2. Costs and fees. In a provider's initial notice or communication to a consumer, the provider must clearly and conspicuously disclose the estimated expenses of any arbitration, including:

- A. The filing fee; [PL 2009, c. 572, §6 (NEW).]
- B. The average daily cost for an arbitrator and hearing room; [PL 2009, c. 572, §6 (NEW).]
- C. Any other charge that an arbitrator or provider may assess; and [PL 2009, c. 572, §6 (NEW).]
- D. The proportion of expenses listed under this subsection borne by each party if the consumer prevails and if the consumer does not prevail. [PL 2009, c. 572, §6 (NEW).]

An expense required to be disclosed under this subsection does not include attorney's fees. A person required to disclose an expense under this subsection does not violate this subsection when an actual expense exceeds an estimate if the estimate was reasonable and made in good faith.

[PL 2009, c. 572, §6 (NEW).]

3. Violation. A violation of subsection 2 does not render the consumer arbitration agreement unenforceable but may be considered by a court in a determination of whether the agreement is unconscionable or otherwise unenforceable under another law. If a provider violates subsection 2, a person or the Attorney General may request a court of competent jurisdiction to enjoin the provider in violation from violating subsection 2 in a subsequent consumer arbitration. A provider found to be in violation of this section or that conforms to this section after an action is commenced is liable for the court costs and reasonable attorney's fees of the party bringing the action.

[PL 2009, c. 572, §6 (NEW).]

SECTION HISTORY

PL 2009, c. 572, §6 (NEW).

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