
HOUSE BILL 1088

State of Washington

68th Legislature

2023 Regular Session

By Representatives Walen and Reeves; by request of Uniform Law Commission

Prefiled 12/27/22. Read first time 01/09/23. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to the uniform family law arbitration act; adding
2 a new chapter to Title 26 RCW; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and
5 cited as the uniform family law arbitration act.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
7 section apply throughout this chapter unless the context clearly
8 requires otherwise.

9 (1) "Arbitration agreement" means an agreement that subjects a
10 family law dispute to arbitration.

11 (2) "Arbitration organization" means an association, agency,
12 board, commission, or other entity that is neutral and initiates,
13 sponsors, or administers an arbitration or is involved in the
14 selection of an arbitrator.

15 (3) "Arbitrator" means an individual selected, alone or with
16 others, to make an award in a family law dispute that is subject to
17 an arbitration agreement.

18 (4) "Child-related dispute" means a family law dispute regarding
19 legal custody, physical custody, custodial responsibility, parental

1 responsibility or authority, parenting time, right to access,
2 visitation, or financial support regarding a child.

3 (5) "Court" means the family court.

4 (6) "Family law dispute" means a contested issue arising under
5 the domestic relations law of this state.

6 (7) "Party" means an individual who signs an arbitration
7 agreement and whose rights will be determined by an award.

8 (8) "Person" means an individual, estate, business or nonprofit
9 entity, public corporation, government or governmental subdivision,
10 agency, or instrumentality, or any other legal entity.

11 (9) "Record," used as a noun, means information that is inscribed
12 on a tangible medium or that is stored in an electronic or other
13 medium and is retrievable in perceivable form.

14 (10) "Sign" means, with present intent to authenticate or adopt a
15 record:

16 (a) To execute or adopt a tangible symbol; or

17 (b) To attach to or logically associate with the record an
18 electronic symbol, sound, or process.

19 (11) "State" means a state of the United States, the District of
20 Columbia, Puerto Rico, the United States Virgin Islands, or any
21 territory or insular possession subject to the jurisdiction of the
22 United States. The term includes a federally recognized Indian tribe.

23 NEW SECTION. **Sec. 3.** SCOPE. (1) This chapter governs
24 arbitration of a family law dispute.

25 (2) This chapter does not authorize an arbitrator to make an
26 award that:

27 (a) Grants a legal separation or dissolution of marriage or
28 domestic partnership, or annulment;

29 (b) Terminates parental rights;

30 (c) Grants an adoption or a guardianship of a child or
31 incapacitated individual; or

32 (d) Determines the status of dependency.

33 (3) This chapter does not apply to:

34 (a) Any arbitration governed by chapter 7.06 RCW;

35 (b) Jurisdictional determinations under chapter 26.27 RCW;

36 (c) Proceedings under RCW 26.26A.465;

37 (d) Writs of habeas corpus;

38 (e) Disputes as to personal or subject matter jurisdiction;

39 (f) Determination of venue;

1 (g) Issuance, modification, or termination of protection orders
2 under chapter 7.105 RCW; and

3 (h) Delegation of parenting plan modifications.

4 NEW SECTION. **Sec. 4.** APPLICABLE LAW. (1) Except as otherwise
5 provided in this chapter, the law applicable to arbitration is
6 chapter 7.04A RCW.

7 (2) In determining the merits of a family law dispute, an
8 arbitrator shall apply the law of this state, including its choice of
9 law rules.

10 NEW SECTION. **Sec. 5.** ARBITRATION AGREEMENT. (1) An arbitration
11 agreement must:

12 (a) Be in a record signed by the parties;

13 (b) Identify the arbitrator, an arbitration organization, or a
14 method of selecting an arbitrator; and

15 (c) Identify the family law dispute the parties intend to
16 arbitrate.

17 (2) Except as otherwise provided in subsection (3) of this
18 section, an agreement in a record to arbitrate a family law dispute
19 that arises between the parties before, at the time, or after the
20 agreement is made is valid and enforceable as any other contract and
21 irrevocable except on a ground that exists at law or in equity for
22 the revocation of a contract.

23 (3) An agreement to arbitrate a child-related dispute that arises
24 between the parties after the agreement is made is unenforceable
25 unless:

26 (a) The parties affirm the agreement in a record after the
27 dispute arises; or

28 (b) The agreement was entered during a family law proceeding and
29 the court approved or incorporated the agreement in an order issued
30 in the proceeding.

31 (4) If a party objects to arbitration on the ground the
32 arbitration agreement is unenforceable or the agreement does not
33 include a family law dispute, the court shall decide whether the
34 agreement is enforceable or includes the family law dispute.

35 NEW SECTION. **Sec. 6.** NOTICE OF ARBITRATION. A party may
36 initiate arbitration by giving notice to arbitrate to the other party
37 in the manner specified in the arbitration agreement or, in the

1 absence of a specified manner, under the law and procedural rules of
2 this state other than this chapter governing contractual arbitration.

3 NEW SECTION. **Sec. 7.** MOTION FOR JUDICIAL RELIEF. (1) A motion
4 for judicial relief under this chapter must be made to the court in
5 which a proceeding is pending involving a family law dispute subject
6 to arbitration or, if no proceeding is pending, a court with
7 jurisdiction over the parties and the subject matter.

8 (2) On motion of a party, the court may compel arbitration if the
9 parties have entered into an arbitration agreement that complies with
10 section 5 of this act unless the court determines under section 12 of
11 this act that the arbitration should not proceed.

12 (3) On motion of a party, the court shall terminate arbitration
13 if it determines that:

14 (a) The agreement to arbitrate is unenforceable;

15 (b) The family law dispute is not subject to arbitration; or

16 (c) Under section 12 of this act, the arbitration should not
17 proceed.

18 (4) Unless prohibited by an arbitration agreement, on motion of a
19 party, the court may order consolidation of separate arbitrations
20 involving the same parties and a common issue of law or fact if
21 necessary for the fair and expeditious resolution of the family law
22 dispute.

23 NEW SECTION. **Sec. 8.** QUALIFICATION AND SELECTION OF ARBITRATOR.

24 (1) Except as otherwise provided in subsection (2) of this section,
25 unless waived in a record by the parties, an arbitrator must be:

26 (a) An attorney in good standing admitted to practice or on
27 inactive status or a former judicial officer; and

28 (b) Trained in identifying domestic violence and child abuse.
29 This training must consist of at least three hours every two years.
30 Former judicial officers are not required to receive additional
31 training for eight years following the end of their judicial service.

32 (2) The identification of an arbitrator, arbitration
33 organization, or method of selection of the arbitrator in the
34 arbitration agreement controls.

35 (3) If an arbitrator is unable or unwilling to act or if the
36 agreed-on method of selecting an arbitrator fails, on motion of a
37 party, the court shall select an arbitrator.

1 NEW SECTION.

Sec. 9.

 DISCLOSURE BY ARBITRATOR;

2 DISQUALIFICATION. (1) Before agreeing to serve as an arbitrator, an
3 individual, after making reasonable inquiry, shall disclose to all
4 parties any known fact a reasonable person would believe is likely to
5 affect:

6 (a) The impartiality of the arbitrator in the arbitration,
7 including bias, a financial or personal interest in the outcome of
8 the arbitration, or an existing or past relationship with a party,
9 attorney representing a party, or witness; or

10 (b) The arbitrator's ability to make a timely award.

11 (2) An arbitrator, the parties, and the attorneys representing
12 the parties have a continuing obligation to disclose to all parties
13 any known fact a reasonable person would believe is likely to affect
14 the impartiality of the arbitrator or the arbitrator's ability to
15 make a timely award.

16 (3) An objection to the selection or continued service of an
17 arbitrator and a motion for a stay of arbitration and
18 disqualification of the arbitrator must be made under the law and
19 procedural rules of this state other than this chapter governing
20 arbitrator disqualification.

21 (4) If a disclosure required by subsection (1)(a) or (2) of this
22 section is not made, the court may:

23 (a) On motion of a party not later than thirty days after the
24 failure to disclose is known or by the exercise of reasonable care
25 should have been known to the party, suspend the arbitration;

26 (b) On timely motion of a party, vacate an award under section
27 19(1)(b) of this act; or

28 (c) If an award has been confirmed, grant other appropriate
29 relief under law of this state other than this chapter.

30 (5) If the parties agree to discharge an arbitrator or the
31 arbitrator is disqualified, the parties by agreement may select a new
32 arbitrator or request the court to select another arbitrator as
33 provided in section 8 of this act.

34 NEW SECTION.

Sec. 10.

 PARTY PARTICIPATION. (1) A party may:

35 (a) Be represented in an arbitration by an attorney;

36 (b) Be accompanied by an individual who will not be called as a
37 witness or act as an advocate; and

1 (c) Participate in the arbitration to the full extent permitted
2 under the law and procedural rules of this state other than this
3 chapter governing a party's participation in contractual arbitration.

4 (2) A party or representative of a party may not communicate ex
5 parte with the arbitrator except to the extent allowed in a family
6 law proceeding for communication with a judge.

7 NEW SECTION. **Sec. 11.** TEMPORARY ORDER OR AWARD. (1) Before an
8 arbitrator is selected and able to act, on motion of a party, the
9 court may enter a temporary order granting any of the relief provided
10 in RCW 26.09.060.

11 (2) After an arbitrator is selected:

12 (a) The arbitrator may make a temporary award granting any of the
13 relief provided in RCW 26.09.060, except for relief pertaining to a
14 protection order as defined in section 12 of this act, in which case
15 the procedures under section 12 of this act apply; and

16 (b) If the matter is urgent and the arbitrator is not able to act
17 in a timely manner or provide an adequate remedy, on motion of a
18 party, the court may enter a temporary order.

19 (3) On motion of a party, before the court confirms a final
20 award, the court under section 16, 18, or 19 of this act may confirm,
21 correct, vacate, or amend a temporary award made under subsection
22 (2)(a) of this section.

23 (4) On motion of a party, the court may enforce a subpoena or
24 interim award issued by an arbitrator for the fair and expeditious
25 disposition of the arbitration.

26 NEW SECTION. **Sec. 12.** PROTECTION OF PARTY OR CHILD. (1) For the
27 purposes of this section, "protection order" means an injunction or
28 other order, issued under the domestic violence, family violence, or
29 stalking laws of the issuing jurisdiction, to prevent an individual
30 from engaging in a violent or threatening act against, harassment of,
31 contact or communication with, or being in physical proximity to
32 another individual who is a party or a child under the custodial
33 responsibility of a party.

34 (2) If a party is subject to a protection order or an arbitrator
35 determines there is a reasonable basis to believe a party's safety or
36 ability to participate effectively in arbitration is at risk, the
37 arbitrator shall stay the arbitration and refer the parties to court.

1 The arbitration may not proceed unless the party at risk affirms the
2 arbitration agreement in a record and the court determines:

3 (a) The affirmation is informed and voluntary;

4 (b) Arbitration is not inconsistent with the protection order;
5 and

6 (c) Reasonable procedures are in place to protect the party from
7 risk of harm, harassment, or intimidation.

8 (3) An arbitrator may make a temporary award to protect a party
9 or child from harm, harassment, or intimidation.

10 (4) On motion of a party, the court may stay arbitration and
11 review a determination or temporary award under this section.

12 (5) This section supplements remedies available under law of this
13 state other than this chapter for the protection of victims of
14 domestic violence, family violence, stalking, harassment, or similar
15 abuse.

16 NEW SECTION. **Sec. 13.** POWERS AND DUTIES OF ARBITRATOR. (1) An
17 arbitrator shall conduct an arbitration in a manner the arbitrator
18 considers appropriate for a fair and expeditious disposition of the
19 dispute.

20 (2) An arbitrator shall provide each party a right to be heard,
21 to present evidence material to the family law dispute, and to cross-
22 examine witnesses.

23 (3) Unless the parties otherwise agree in a record, an
24 arbitrator's powers include the power to:

25 (a) Select the rules for conducting the arbitration;

26 (b) Hold conferences with the parties before a hearing;

27 (c) Determine the date, time, and place of a hearing;

28 (d) Require a party to provide:

29 (i) A copy of a relevant court order;

30 (ii) Information required to be disclosed in a family law
31 proceeding under law of this state other than this chapter; and

32 (iii) A proposed award that addresses each issue in arbitration;

33 (e) Appoint a private expert at the expense of the parties;

34 (f) Administer an oath or affirmation and issue a subpoena for
35 the attendance of a witness or the production of documents and other
36 evidence at a hearing;

37 (g) Compel discovery concerning the family law dispute and
38 determine the date, time, and place of discovery;

39 (h) Determine the admissibility and weight of evidence;

- 1 (i) Permit deposition of a witness for use as evidence at a
2 hearing;
- 3 (j) For good cause, prohibit a party from disclosing information;
- 4 (k) Appoint an attorney, guardian ad litem, or other
5 representative for a child at the expense of the parties;
- 6 (l) Impose a procedure to protect a party or child from risk of
7 harm, harassment, or intimidation;
- 8 (m) Allocate arbitration fees, attorneys' fees, expert witness
9 fees, and other costs to the parties; and
- 10 (n) Impose a sanction on a party for bad faith or misconduct
11 during the arbitration according to standards governing imposition of
12 a sanction for litigant misconduct in a family law proceeding.
- 13 (4) An arbitrator may not allow ex parte communication except to
14 the extent allowed in a family law proceeding for communication with
15 a judge.

16 NEW SECTION. **Sec. 14.** RECORDING OF HEARING. (1) Except as
17 otherwise provided in subsection (2) of this section or required by
18 law of this state other than this chapter, an arbitration hearing
19 need not be recorded unless required by the arbitrator, provided by
20 the arbitration agreement, or requested by a party.

21 (2) An arbitrator may cause a verbatim recording be made of any
22 part of an arbitration hearing concerning a child-related dispute.

23 NEW SECTION. **Sec. 15.** AWARD. (1) An arbitrator shall make an
24 award in a record, dated and signed by the arbitrator. The arbitrator
25 shall give notice of the award to each party by a method agreed on by
26 the parties or, if the parties have not agreed on a method, under the
27 law and procedural rules of this state other than this chapter
28 governing notice in contractual arbitration.

29 (2) Except as otherwise provided in subsection (3) of this
30 section, the award under this chapter must state the reasons on which
31 it is based unless otherwise agreed by the parties.

32 (3) An award determining a child-related dispute must state the
33 reasons on which it is based as required by law of this state other
34 than this chapter for a court order in a family law proceeding.

35 (4) An award under this chapter is not enforceable as a judgment
36 until confirmed under section 16 of this act.

1 NEW SECTION. **Sec. 16.** CONFIRMATION OF AWARD. (1) After an
2 arbitrator gives notice under section 15(1) of this act of an award,
3 including an award corrected under section 17 of this act, a party
4 may move the court for an order confirming the award.

5 (2) Except as otherwise provided in subsection (3) of this
6 section, the court shall confirm an award under this chapter if:

7 (a) The parties agree in a record to confirmation; or

8 (b) The time has expired for making a motion, and no motion is
9 pending, under section 18 or 19 of this act.

10 (3) If an award determines a child-related dispute, the court
11 shall confirm the award under subsection (2) of this section if the
12 court finds, after a review of the record if necessary, that the
13 award on its face:

14 (a) Complies with section 15 of this act and law of this state
15 other than this chapter governing a child-related dispute; and

16 (b) Is in the best interests of the child.

17 (4) On confirmation, an award under this chapter is enforceable
18 as a judgment.

19 NEW SECTION. **Sec. 17.** CORRECTION BY ARBITRATOR OF UNCONFIRMED
20 AWARD. On motion of a party made not later than thirty days after an
21 arbitrator gives notice under section 15(1) of this act of an award,
22 the arbitrator may correct the award:

23 (1) If the award has an evident mathematical miscalculation or an
24 evident mistake in the description of a person, thing, or property;

25 (2) If the award is imperfect in a matter of form not affecting
26 the merits on the issues submitted; or

27 (3) To clarify the award.

28 NEW SECTION. **Sec. 18.** CORRECTION BY COURT OF UNCONFIRMED AWARD.

29 (1) On motion of a party made not later than ninety days after an
30 arbitrator gives notice under section 15(1) of this act of an award,
31 including an award corrected under section 17 of this act, the court
32 shall correct the award if:

33 (a) The award has an evident mathematical miscalculation or an
34 evident mistake in the description of a person, thing, or property;

35 (b) The award is imperfect in a matter of form not affecting the
36 merits of the issues submitted; or

1 (c) The arbitrator made an award on a dispute not submitted to
2 the arbitrator and the award may be corrected without affecting the
3 merits of the issues submitted.

4 (2) A motion under this section to correct an award may be joined
5 with a motion to vacate or amend the award under section 19 of this
6 act.

7 (3) Unless a motion under section 19 of this act is pending, the
8 court may confirm a corrected award under section 16 of this act.

9 NEW SECTION. **Sec. 19.** VACATION OR AMENDMENT BY COURT OF
10 UNCONFIRMED AWARD. (1) On motion of a party, the court shall vacate
11 an unconfirmed award if the moving party establishes that:

12 (a) The award was procured by corruption, fraud, or other undue
13 means;

14 (b) There was:

15 (i) Evident partiality by the arbitrator;

16 (ii) Corruption by the arbitrator; or

17 (iii) Misconduct by the arbitrator substantially prejudicing the
18 rights of a party;

19 (c) The arbitrator refused to postpone a hearing on showing of
20 sufficient cause for postponement, refused to consider evidence
21 material to the controversy, or otherwise conducted the hearing
22 contrary to section 13 of this act, so as to prejudice substantially
23 the rights of a party;

24 (d) The arbitrator exceeded the arbitrator's powers;

25 (e) No arbitration agreement exists, unless the moving party
26 participated in the arbitration without making a motion under section
27 7 of this act not later than the beginning of the first arbitration
28 hearing; or

29 (f) The arbitration was conducted without proper notice under
30 section 6 of this act of the initiation of arbitration, so as to
31 prejudice substantially the rights of a party.

32 (2) Except as otherwise provided in subsection (3) of this
33 section, on motion of a party, the court shall vacate an unconfirmed
34 award that determines a child-related dispute if the moving party
35 establishes that:

36 (a) The award does not comply with section 15 of this act or law
37 of this state other than this chapter governing a child-related
38 dispute or is contrary to the best interests of the child;

1 (b) The record of the hearing or the statement of reasons in the
2 award is inadequate for the court to review the award; or

3 (c) A ground for vacating the award under subsection (1) of this
4 section exists.

5 (3) If an award is subject to vacation under subsection (2)(a) of
6 this section, on motion of a party, the court may amend the award if
7 amending rather than vacating is in the best interests of the child.

8 (4) The court may determine a motion under subsection (2) or (3)
9 of this section based on the record of the arbitration hearing and
10 facts occurring after the hearing or may exercise de novo review.

11 (5) A motion under this section to vacate or amend an award must
12 be filed not later than ninety days:

13 (a) After an arbitrator gives the party filing the motion notice
14 of the award or a corrected award; or

15 (b) For a motion under subsection (1)(a) of this section, after
16 the ground of corruption, fraud, or other undue means is known or by
17 the exercise of reasonable care should have been known to the party
18 filing the motion.

19 (6) If the court under this section vacates an award for a reason
20 other than the absence of an enforceable arbitration agreement, the
21 court may order a rehearing before an arbitrator. If the reason for
22 vacating the award is that the award was procured by corruption,
23 fraud, or other undue means or there was evident partiality,
24 corruption, or misconduct by the arbitrator, the rehearing must be
25 before another arbitrator.

26 (7) If the court under this section denies a motion to vacate or
27 amend an award, the court may confirm the award under section 16 of
28 this act unless a motion is pending under section 18 of this act.

29 NEW SECTION. **Sec. 20.** CLARIFICATION OF CONFIRMED AWARD. If the
30 meaning or effect of an award confirmed under section 16 of this act
31 is in dispute, the parties may:

32 (1) Agree to arbitrate the dispute before the original arbitrator
33 or another arbitrator; or

34 (2) Proceed in court under law of this state other than this
35 chapter governing clarification of a judgment in a family law
36 proceeding.

37 NEW SECTION. **Sec. 21.** JUDGMENT ON AWARD. (1) On granting an
38 order confirming, vacating without directing a rehearing, or amending

1 an award under this chapter, the court shall enter judgment in
2 conformity with the order.

3 (2) On motion of a party, the court may order that a document or
4 part of the arbitration record be sealed or redacted to prevent
5 public disclosure of all or part of the record or award to the extent
6 permitted under law of this state other than this chapter.

7 NEW SECTION. **Sec. 22.** MODIFICATION OF CONFIRMED AWARD OR
8 JUDGMENT. If a party requests under law of this state other than this
9 chapter a modification of an award confirmed under section 16 of this
10 act or judgment on the award based on a fact occurring after
11 confirmation:

12 (1) The parties shall proceed under the dispute resolution method
13 specified in the award or judgment; or

14 (2) If the award or judgment does not specify a dispute
15 resolution method, the parties may:

16 (a) Agree to arbitrate the modification before the original
17 arbitrator or another arbitrator; or

18 (b) Absent agreement, proceed under law of this state other than
19 this chapter governing modification of a judgment in a family law
20 proceeding.

21 NEW SECTION. **Sec. 23.** ENFORCEMENT OF CONFIRMED AWARD. (1) The
22 court shall enforce an award confirmed under section 16 of this act,
23 including a temporary award, in the manner and to the same extent as
24 any other order or judgment of a court.

25 (2) The court shall enforce an arbitration award in a family law
26 dispute confirmed by a court in another state in the manner and to
27 the same extent as any other order or judgment from another state.

28 NEW SECTION. **Sec. 24.** APPEAL. (1) An appeal may be taken under
29 this chapter from:

30 (a) An order denying a motion to compel arbitration;

31 (b) An order granting a motion to stay arbitration;

32 (c) An order confirming or denying confirmation of an award;

33 (d) An order correcting an award;

34 (e) An order vacating an award without directing a rehearing; or

35 (f) A final judgment.

36 (2) An appeal under this section may be taken as from an order or
37 a judgment in a civil action.

1 NEW SECTION. **Sec. 25.** IMMUNITY OF ARBITRATOR. (1) An arbitrator
2 or arbitration organization acting in that capacity in a family law
3 dispute is immune from civil liability to the same extent as a judge
4 of a court of this state acting in a judicial capacity.

5 (2) The immunity provided by this section supplements any
6 immunity under law of this state other than this chapter.

7 (3) An arbitrator's failure to make a disclosure required by
8 section 9 of this act does not cause the arbitrator to lose immunity
9 under this section.

10 (4) An arbitrator is not competent to testify, and may not be
11 required to produce records, in a judicial, administrative, or
12 similar proceeding about a statement, conduct, decision, or ruling
13 occurring during an arbitration, to the same extent as a judge of a
14 court of this state acting in a judicial capacity. This subsection
15 does not apply:

16 (a) To the extent disclosure is necessary to determine a claim by
17 the arbitrator or arbitration organization against a party to the
18 arbitration; or

19 (b) To a hearing on a motion under section 19(1)(a) or (b) to
20 vacate an award, if there is prima facie evidence that a ground for
21 vacating the award exists.

22 (5) If a person commences a civil action against an arbitrator
23 arising from the services of the arbitrator or seeks to compel the
24 arbitrator to testify or produce records in violation of subsection
25 (4) of this section and the court determines that the arbitrator is
26 immune from civil liability or is not competent to testify or
27 required to produce the records, the court shall award the arbitrator
28 reasonable attorneys' fees, costs, and reasonable expenses of
29 litigation.

30 NEW SECTION. **Sec. 26.** UNIFORMITY OF APPLICATION AND
31 CONSTRUCTION. In applying and construing this uniform act,
32 consideration must be given to the need to promote uniformity of the
33 law with respect to its subject matter among states that enact it.

34 NEW SECTION. **Sec. 27.** RELATION TO ELECTRONIC SIGNATURES IN
35 GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, or
36 supersedes the electronic signatures in global and national commerce
37 act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or
38 supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or

1 authorize electronic delivery of any of the notices described in
2 section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

3 NEW SECTION. **Sec. 28.** TRANSITIONAL PROVISION. This chapter
4 applies to arbitration of a family law dispute under an arbitration
5 agreement made on or after the effective date of this section. If an
6 arbitration agreement was made before the effective date of this
7 section, the parties may agree in a record that this chapter applies
8 to the arbitration.

9 NEW SECTION. **Sec. 29.** EFFECTIVE DATE. This act takes effect
10 January 1, 2024.

11 NEW SECTION. **Sec. 30.** Sections 1 through 29 of this act
12 constitute a new chapter in Title 26 RCW.

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