

110TH CONGRESS
2D SESSION

H. R. 5312

To amend chapter 1 of title 9 of the United States Code with respect
to arbitration of certain controversies.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2008

Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Mr. COHEN, Mr. WATT, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Georgia, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. DELAHUNT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 1 of title 9 of the United States Code
with respect to arbitration of certain controversies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Automobile Arbitration
5 Fairness Act of 2008”.

6 **SEC. 2. AMENDMENTS.**

7 (a) REQUIREMENTS FOR ARBITRATION OF CERTAIN
8 CONTROVERSIES.—Chapter 1 of title 9, United States
9 Code, is amended by adding at the end the following:

1 **“§ 17. Requirements applicable to certain controver-**
2 **sies**

3 “(a) DEFINITIONS.—For purposes of this section—

4 “(1) the term ‘motor vehicle’ has the meaning
5 given such term in section 30102 of title 49; and

6 “(2) the term ‘motor vehicle consumer sales or
7 lease contract’ means a contract under which a per-
8 son regularly engaged in the business of selling
9 motor vehicles sells or leases a motor vehicle to an
10 individual.

11 “(b) REQUIREMENTS.—

12 “(1) REQUIRED CONSENT.—Notwithstanding
13 any other provision of this chapter or of any other
14 law (excluding chapters 2 and 3 of this title), a con-
15 troversy described in subsection (c) may not be set-
16 tled by arbitration unless, after such controversy
17 arises, all the parties to such controversy agree in
18 writing to settle such controversy by arbitration.

19 “(2) REQUIRED EXPLANATION OF ARBITRATION
20 AWARD.—Notwithstanding any other provision of
21 this chapter or of any other law (excluding chapters
22 2 and 3 of this title), at the request of any of such
23 parties made after such controversy arises and be-
24 fore an award is made in an arbitration agreed to
25 in accordance with paragraph (1), such award shall
26 include a brief, informal discussion of the factual

1 and legal basis for the award, but formal findings of
2 fact or conclusions of law shall not be required.

3 “(c) CONTROVERSY DESCRIBED.—Subsection (b)
4 shall apply with respect to a controversy arising out of
5 a motor vehicle consumer sales or lease contract as en-
6 tered into, amended, altered, modified, renewed, or ex-
7 tended on or after the date of the enactment of the Auto-
8 mobile Arbitration Fairness Act of 2008, or out of a re-
9 fusals to perform the whole or any part of such contract.”.

10 (b) CONFORMING AMENDMENT.—The table of sec-
11 tions in chapter 1 of title 9, United States Code, is amend-
12 ed by adding at the end the following:

“17. Requirements applicable to certain controversies.”.

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