

2023 Kansas Statutes

5-426. Effect of agreement to arbitrate; nonwaivable provisions. (a) Except as otherwise provided in subsections (b) and (c), a party to an agreement to arbitrate or to an arbitration proceeding may waive or the parties may vary the effect of, the requirements of K.S.A. 5-423 through 5-453, and amendments thereto, to the extent permitted by law.

(b) Before a controversy arises that is subject to an agreement to arbitrate, a party to the agreement may not:

(1) Waive or agree to vary the effect of the requirements of K.S.A. 5-427(a), 5-428(a), 5-430, 5-439(a) or (b), 5-448 or 5-450, and amendments thereto;

(2) agree to unreasonably restrict the right under K.S.A. 5-431, and amendments thereto, to notice of the initiation of an arbitration proceeding;

(3) agree to unreasonably restrict the right under K.S.A. 5-434, and amendments thereto, to disclosure of any facts by a neutral arbitrator; or

(4) waive the right under K.S.A. 5-438, and amendments thereto, of a party to an agreement to arbitrate to be represented by a lawyer at any proceeding or hearing under K.S.A. 5-423 through 5-453, and amendments thereto, but an employer and a labor organization may waive the right to representation by a lawyer in a labor arbitration.

(c) A party to an agreement to arbitrate or arbitration proceeding may not waive, or the parties may not vary the effect of, the requirements of this section or K.S.A. 5-425, 5-429, 5-436, 5-440, 5-442(d) or (e), 5-444, 5-445, 5-446, 5-447(a) or (b), 5-451, 5-452 or 5-453, and amendments thereto.

History: L. 2018, ch. 90, § 4; July 1.