



BUSINESS ARBITRATION PROGRAM FOR CONTRACTORS

As a subscriber to Business Consumer Alliance's Business Arbitration program, you may ask BCA to arbitrate disputes that may arise between you and your customers. To *require* your customer to arbitrate, you must include in your agreement with your customer a provision, signed by the customer, for arbitration of business disputes.

If you enter a contract for work on residential property with four or fewer units and want to include an arbitration provision, the law requires a specified title for the arbitration clause. It also requires inclusion of a specific notice and a specified size and color of type for both the clause and the notice. The suggested clause and required notice, shown below, embody the wording and placement requirements.

ARBITRATION OF DISPUTES

Any controversy or claim arising out of or relating to this contract or the breach thereof shall be settled by arbitration in accordance with the Uniform Rules for Binding Arbitration of the Business Consumer Alliance (published online at checkbca.org) in effect at the time of initiation of arbitration, and the judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

“NOTICE: BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS INCLUDED IN THE ‘ARBITRATION OF DISPUTES’ PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR JURY TRIAL.

“BY INITIALING IN THE SPACE BELOW YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THE ‘ARBITRATION OF DISPUTES’ PROVISION. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE BUSINESS AND PROFESSIONS CODE OR OTHER APPLICABLE LAWS. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY.

“WE HAVE READ AND UNDERSTAND THE FOREGOING AND AGREE TO SUBMIT DISPUTES ARISING OUT OF THE MATTERS INCLUDED IN THE ‘ARBITRATION OF DISPUTES’ PROVISION TO NEUTRAL ARBITRATION.”

(A space for the parties to indicate their assent or nonassent to the arbitration provision must follow this notice.)

The type size or color requirements vary depending upon whether your contract is printed or typed. If it is printed, the arbitration provision must be in at least 10-point roman **boldface** type, or in contrasting red print in at least 8-point roman **boldface** type.

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Business Consumer Alliance

315 North La Cadena Drive
Colton, CA 92324
(909) 825-0490
Fax (909) 825-6246
Administration: (800) 834-1119

3363 Linden Avenue, Suite A
Long Beach, CA 90807
(562) 216-9240
Fax (562) 216-9241