



CHAPTER 1

ARTICLE 45C - REVISED UNIFORM ARBITRATION ACT

N.C.G.S. § 1-569.23.

Vacating award.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2003-345, s. 2 — third act in the lineage	21 September 2026, 04:49 UTC	cd985736064aaa16173e843a - 338b4e80a8cf5785dea8bf70 - 72781edb3a0c2db4

§ 1-569.23(a)

Upon motion to the court by a party to an arbitration proceeding, the court shall vacate an award made in the arbitration proceeding if:

- (1) The award was procured by corruption, fraud, or other undue means;
- (2) There was:
 - a.Evident partiality by an arbitrator appointed as a neutral arbitrator;
 - b.Corruption by an arbitrator; or
 - c.Misconduct by an arbitrator prejudicing the rights of a party to the arbitration proceeding;
- (3) An arbitrator refused to postpone the hearing upon a showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to G.S. 1-569.15 so as to prejudice substantially the rights of a party to the arbitration proceeding;
- (4) An arbitrator exceeded the arbitrator's powers;
- (5) There was no agreement to arbitrate, unless the person participated in the arbitration proceeding without raising the objection under G.S. 1-569.15(c) no later than the beginning of the arbitration hearing; or
- (6) The arbitration was conducted without proper notice of the initiation of an arbitration as required in G.S. 1-569.9 so as to prejudice substantially the rights of a party to the arbitration proceeding.

§ 1-569.23(b)

A motion under this section shall be filed within 90 days after the moving party receives notice of the award pursuant to G.S. 1-569.19 or within 90 days after the moving party receives notice of a modified or corrected award pursuant to G.S. 1-569.20, unless the moving party alleges that the award was procured by corruption, fraud, or other undue means, in which case the motion shall be made within 90 days after the ground is known, or by the exercise of reasonable care would have been known, by the moving party.

- § 1-569.23(c)

If the court vacates an award on a ground other than that set forth in subdivision (a)(5) of this section, it may order a rehearing. If the award is vacated on a ground stated in subdivision (1) or (2) of subsection (a) of this section, the rehearing shall be before a new arbitrator. If the award is vacated on a ground stated in subdivision (3), (4), or (6) of subsection (a) of this section, the rehearing may be held before the arbitrator who made the award or the arbitrator's successor. The arbitrator shall render the decision in the rehearing within the same time as the time provided in G.S. 1-569.19(b) for an award.
- § 1-569.23(d)

If the court denies a motion to vacate an award, it shall confirm the award unless a motion to modify or correct the award pursuant to G.S. 1-569.24 is pending.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
3 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1927		1965		2003
	TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT				
Nº	YEAR	ACT	CHARACTER		
01	1927	c. 94, s. 16	ENACTED		
02	1973	c. 676, s. 1	AMENDED		
03	2003	S.L. 2003-345, s. 2	AMENDED		

APPARATUS II
7 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 1-569.15	(a)(3)	<i>"otherwise conducted the hearing contrary to"</i>
G.S. 1-569.15(c)	(a)(5)	<i>"proceeding without raising the objection under"</i>
G.S. 1-569.9	(a)(6)	<i>"of an arbitration as required in"</i>
G.S. 1-569.19	(b)	<i>"notice of the award pursuant to"</i>
G.S. 1-569.20	(b)	<i>"modified or corrected award pursuant to"</i>
G.S. 1-569.19(b)	(c)	<i>"time as the time provided in"</i>
G.S. 1-569.24	(d)	<i>"or correct the award pursuant to"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-569.23 (2003).

PINPOINT

N.C. Gen. Stat. § 1-569.23(a) (2003).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1927, c. 94, s. 16; 1973, c. 676, s. 1; 2003-345, s. 2.)

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