

§ 1-569.21. Remedies; fees and expenses of arbitration proceeding.

- (a) An arbitrator may award punitive damages or other exemplary relief if:
 - (1) The arbitration agreement provides for an award of punitive damages or exemplary relief;
 - (2) An award for punitive damages or other exemplary relief is authorized by law in a civil action involving the same claim; and
 - (3) The evidence produced at the hearing justifies the award under the legal standards otherwise applicable to the claim.
- (b) An arbitrator may award reasonable expenses of arbitration if an award of expenses is authorized by law in a civil action involving the same claim or by the agreement of the parties to the arbitration proceeding. An arbitrator may award reasonable attorneys' fees if:
 - (1) The arbitration agreement provides for an award of attorneys' fees; and
 - (2) An award of attorneys' fees is authorized by law in a civil action involving the same claim.
- (c) As to all remedies other than those authorized by subsections (a) and (b) of this section, an arbitrator may order any remedies the arbitrator considers just and appropriate under the circumstances of the arbitration proceeding. The fact that a remedy could not or would not be granted by the court is not a ground for refusing to confirm an award under G.S. 1-569.22 or for vacating an award under G.S. 1-569.23.
- (d) An arbitrator's expenses and fees, together with other expenses, shall be paid as provided in the award.
- (e) If an arbitrator awards punitive damages or other exemplary relief under subsection (a) of this section, the arbitrator shall specify in the award the basis in fact justifying and the basis in law authorizing the award and state separately the amount of the punitive damages or other exemplary relief. (1973, c. 676, s. 1; 2003-345, s. 2.)