

Effective 5/12/2015

30-2-9 Family expenses -- Joint and several liability.

- (1) The expenses of the family and the education of the children are chargeable upon the property of both spouses or of either of them separately, for which expenses they may be sued jointly or separately.
- (2) For the expenses described in Subsection (1), where there is a written agreement signed by either spouse that allows for the recovery of agreed upon amounts, a creditor or an assignee or successor in interest of the creditor is entitled to recover the contractually allowed amounts against both spouses, jointly and severally.
- (3) Subsection (2) applies to all contracts and agreements under this section entered into by either spouse during the time the parties are married and living together.
- (4) For the purposes of this section, family expenses are considered expenses incurred that benefit and promote the family unit. Items purchased pursuant to a written contract or agreement during the marriage that do not relate to family expenses are not covered by this section.
- (5) The provisions of Subsections (2) and (3) do not create a right to attorney's fees or collection fees as to the nonsigning spouse for purchases of:
 - (a) food or clothing; or
 - (b) home improvements or repairs over \$5,000.

Amended by Chapter 457, 2015 General Session