

**FAMILY EXPENSES**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike K. McKell**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill amends provisions related to family expenses between a husband and a wife.

**Highlighted Provisions:**

This bill:

describes conditions of contracts or agreements between a husband and a wife related to family expenses.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**30-2-9**, as last amended by Laws of Utah 2011, Chapter 109

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **30-2-9** is amended to read:

**30-2-9. Business and consumer regulation amendment.**

(1) The expenses of the family and the education of the children are chargeable upon the property of both husband and wife or of either of them, and in relation thereto they may be sued jointly or separately.



28           ~~[(2) In an action by a creditor against either husband or wife for the payment of a~~  
29 ~~family expense, the creditor or debtor as the prevailing party shall be entitled to recover~~  
30 ~~reasonable collection costs, interest, and attorney fees as provided in a contract between the~~  
31 ~~creditor and debtor.]~~

32           (2) For the expenses described in Subsection (1), where there is a written agreement  
33 signed by either spouse which allows for the recovery of agreed upon amounts, a creditor or an  
34 assignee or successor in interest of the creditor is entitled to recover the contractually allowed  
35 amounts against both husband and wife, jointly and severally.

36           (3) Subsection (2) applies to all contracts and agreements under this section entered  
37 into by either spouse during the time the parties are married and living together as husband and  
38 wife.

39           (4) For the purposes of this section, family expenses are considered expenses incurred  
40 that benefit and promote the family unit. Items purchased pursuant to a written contract or  
41 agreement during the marriage that do not relate to family expenses are not covered by this  
42 section.

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**Legislative Review Note**  
as of 3-4-14 11:26 AM

**Office of Legislative Research and General Counsel**