

FAMILY EXPENSES AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends provisions related to family expenses.

Highlighted Provisions:

This bill:

describes conditions of contracts or agreements between spouses 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. 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 [~~husband and wife~~] spouses or of either of them[~~, and in relation thereto~~] separately, for which expenses 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 that 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 spouses, 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.

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

41a **Ŝ→ (5) The provisions of Subsections (2) and (3) do not create a right to attorney's fees or**
41b **collection fees as to the nonsigning spouse for purchases of;**

41c **(a) food or clothing; or**

41d **(b) home improvements or repairs over \$5,000. ←Ŝ**

Legislative Review Note
as of 2-24-15 7:22 PM

Office of Legislative Research and General Counsel