

Water Transfer Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gay Lynn Bennion

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill modifies provisions related to probate transfer of personal property by affidavit.

Highlighted Provisions:

This bill:

- prohibits the transfer of water shares via small estate probate procedures involving an affidavit; and
- makes technical and grammatical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

75-3-1201, as last amended by Laws of Utah 2007, Chapter 316

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

Section 1. Section **75-3-1201** is amended to read:

75-3-1201 . Collection of personal property by affidavit -- Vehicles -- Water shares excluded.

- (1) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property~~[-or]~~ , including an instrument evidencing a debt, obligation, stock, or chose in action, belonging to the decedent shall pay the indebtedness or deliver the tangible personal property, or ~~[an]~~ instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent, upon being presented with an affidavit made by or on behalf of the successor

29 stating that:

30 (a) the value of the entire estate subject to administration, wherever located, less liens
31 and encumbrances, does not exceed \$100,000;

32 (b) 30 days have elapsed since the death of the decedent;

33 (c) no application or petition for the appointment of a personal representative is pending
34 or has been granted in any jurisdiction; and

35 (d) the claiming successor is entitled to payment or delivery of the property.

36 (2) [A] Consistent with the requirements of this section, a transfer agent of any security shall
37 change the registered ownership on the books of a corporation from the decedent to the
38 successor or successors upon the presentation of an affidavit and the security as
39 provided in Subsection (1).

40 (3) The Motor Vehicle Division of the State Tax Commission shall transfer title of not more
41 than four boats, motor vehicles, trailers, or semitrailers, registered under Title 41, Motor
42 Vehicles, [~~or Title 73, Water and Irrigation,~~] or Title 73, Chapter 18, State Boating Act,
43 from the decedent to the successor or successors upon presentation of an affidavit as
44 provided in Subsection (1) and upon payment of the necessary fees, except that in lieu of
45 that language in Subsection (1)(a), the affidavit shall state that the value of the entire
46 estate subject to administration, wherever located, other than those motor vehicles,
47 trailers, or semitrailers, less liens and encumbrances, does not exceed \$100,000.

48 (4) Shares of stock in a water company that are transferred under Section 73-1-10 or Title
49 70A, Chapter 8, Uniform Commercial Code - Investment Securities, are not eligible for
50 transfer under this part.

51 Section 2. **Effective Date.**

52 This bill takes effect on May 7, 2025.