

HB0089S01 compared with HB0089

{Omitted text} shows text that was in HB0089 but was omitted in HB0089S01

inserted text shows text that was not in HB0089 but was inserted into HB0089S01

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Water Transfer Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gay Lynn Bennion

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

None

AMENDS:

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

HB0089 compared with HB0089S01

- 21 **75-3-1201. Collection of personal property by affidavit -- Vehicles -- Water shares excluded.**
- 23 (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
chase 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 stating that:
- 30 (a) the value of the entire estate subject to administration, wherever located, less liens 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 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 change the
registered ownership on the books of a corporation from the decedent to the successor or successors
upon the presentation of an affidavit and the security as provided in Subsection (1).
- 40 (3) The Motor Vehicle Division of the State Tax Commission shall transfer title of not more than four
boats, motor vehicles, trailers, or semitrailers, registered under Title 41, Motor Vehicles~~{[E,]}~~ or
~~Title 73, Water and Irrigation,]~~ or Title 73, Chapter 18, State Boating Act, from the decedent to
the successor or successors upon presentation of an affidavit as provided in Subsection (1) and
upon payment of the necessary fees, except that in lieu of that language in Subsection (1)(a), the
affidavit shall state that the value of the entire estate subject to administration, wherever located,
other than those motor vehicles, 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 70A, Chapter
8, Uniform Commercial Code - Investment Securities are not eligible for transfer under this part.

51 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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