

1 **Water Transfer Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gay Lynn Bennion

2
3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▶ prohibits the transfer of water shares via small estate probate procedures involving an
9 affidavit; and

10 ▶ makes technical and grammatical changes.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **75-3-1201**, as last amended by Laws of Utah 2007, Chapter 316

18
19 *Be it enacted by the Legislature of the state of Utah:*

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

21 **75-3-1201 . Collection of personal property by affidavit -- Vehicles -- Water**
22 **shares excluded.**

23 (1) Thirty days after the death of a decedent, any person indebted to the decedent or having
24 possession of tangible personal property~~[-or]~~ , including an instrument evidencing a debt,
25 obligation, stock, or chose in action, belonging to the decedent shall pay the
26 indebtedness or deliver the tangible personal property, or ~~[an]~~ instrument evidencing a
27 debt, obligation, stock, or chose in action to a person claiming to be the successor of the
28 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,~~] from the decedent to the successor or
- 43 successors upon presentation of an affidavit as provided in Subsection (1) and upon
- 44 payment of the necessary fees, except that in lieu of that language in Subsection (1)(a),
- 45 the affidavit shall state that the value of the entire estate subject to administration,
- 46 wherever located, other than those motor vehicles, trailers, or semitrailers, less liens and
- 47 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 1. **Effective Date.**

52 This bill takes effect on May 7, 2025.