

Gay Lynn Bennion proposes the following substitute bill:

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 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.