

SB0110S02 compared with SB0110

{Omitted text} shows text that was in SB0110 but was omitted in SB0110S02
inserted text shows text that was not in SB0110 but was inserted into SB0110S02

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1

Marriage Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

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LONG TITLE

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General Description:

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This bill modifies provisions relating to the validity of a marriage.

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Highlighted Provisions:

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This bill:

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► provides that a marriage that is not properly solemnized is {invalid unless } valid only if an individual files a petition for a court {or administrative order legally recognized} to legally recognize the marriage before May {6, 2026} 5, 2027.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

81-2-408 , as renumbered and amended by Laws of Utah 2024, Chapter 366

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REPEALS AND REENACTS:

SB0110

SB0110 compared with SB0110S02

16 {81-2-408, as renumbered and amended by Laws of Utah 2024, Chapter 366}

17

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

19 Section 1. Section 81-2-408 is amended to read:

20 **81-2-408. Validity of marriage not solemnized or solemnized before an unauthorized individual.**

22 [(1) A marriage that is not solemnized according to this chapter is legal and valid if a court or administrative order establishes that the marriage arises out of a contract between two individuals who:]

25 [(a) are of legal age and capable of giving consent;]

26 [(b) are legally capable of entering a solemnized marriage under the provisions of this chapter;]

28 [(e) have cohabited;]

29 [(d) mutually assume marital rights, duties, and obligations; and]

30 [(e) who hold themselves out as and have acquired a uniform and general reputation as spouses.]

32 (1) Before May 5, 2027, an individual may file a petition with a court to validate and make legal a marriage that is not solemnized in accordance with this chapter.

34 (2) On a filing of a petition described in Subsection (1), the court may enter an order validating and making legal a marriage that is not solemnized in accordance with this chapter if the court establishes that the marriage arises out of a contract between two individuals:

38 (a) of legal age and capable of giving consent;

39 (b) legally capable of entering a solemnized marriage under the provisions of this chapter;

41 (c) who have cohabited;

42 (d) who mutually assume marital rights, duties, and obligations; and

43 (e) who hold themselves out as and have acquired a uniform and general reputation as spouses.

45 [(2)] (3)

48 (a) [A petition for an unsolemnized marriage shall be filed.] An individual may only file the petition described in Subsection (1) during the relationship described in Subsection [(1)] (2), or within one year following the termination of that relationship.

49 (b) Evidence of a marriage recognizable under this section may be:

50 (i) manifested in any form; and

50 (ii) proved under the same general rules of evidence as facts in other cases.

SB0110 compared with SB0110S02

51 (4) On and after May 5, 2027, an individual may not file a petition described in Subsection (1).

53 [~~(3)~~] (5)

(a) A marriage solemnized before an individual professing to have authority to perform marriages may not be invalidated for lack of authority if consummated in the belief of the parties or either party that the person had authority and that the parties have been lawfully married.

57 (b) Except as otherwise explicitly provided by law, Subsection [~~(3)(a)~~] (5)(a) may not be construed to validate a marriage that:

59 (i) is prohibited or void under Section 81-2-403; or

60 (ii) fails to meet the requirements of Section 81-2-302, as validated by a court with jurisdiction.

19 Section 1. Section **81-2-408** is repealed and reenacted to read:

20 **81-2-408. Validity of marriage not solemnized or solemnized before an unauthorized individual.**

A marriage that is not solemnized in accordance with this chapter is invalid unless a court or administrative order legally recognized the marriage before May 6, 2026.

62 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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