

Todd Weiler proposes the following substitute bill:

Marriage Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Karianne Lisonbee

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides that a marriage that is not properly solemnized is valid only if an individual files a petition for a court to legally recognize the marriage before May 5, 2027.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

[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:]

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

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

[(c) have cohabited:]

[(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~~
31 ~~spouses.]~~

32 (1) Before May 5, 2027, an individual may file a petition with a court to validate and make
33 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
35 validating and making legal a marriage that is not solemnized in accordance with this
36 chapter if the court establishes that the marriage arises out of a contract between two
37 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
40 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
44 spouses.

45 [~~(2)~~] (3)(a) [~~A petition for an unsolemnized marriage shall be filed~~] An individual may
46 only file the petition described in Subsection (1) during the relationship described in
47 Subsection [~~(1)~~] (2), or within one year following the termination of that relationship.

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

49 (i) manifested in any form; and

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

51 (4) On and after May 5, 2027, an individual may not file a petition described in Subsection
52 (1).

53 [~~(3)~~] (5)(a) A marriage solemnized before an individual professing to have authority to
54 perform marriages may not be invalidated for lack of authority if consummated in the
55 belief of the parties or either party that the person had authority and that the parties
56 have been lawfully married.

57 (b) Except as otherwise explicitly provided by law, Subsection [~~(3)(a)~~] (5)(a) may not be
58 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
61 jurisdiction.

62 **Section 2. Effective Date.**

63 This bill takes effect on May 6, 2026.