

Uniform Community Property Disposition at Death Act Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

LONG TITLE**General Description:**

This bill enacts the Uniform Community Property Disposition at Death Act.

Highlighted Provisions:

This bill:

- defines terms;
- specifies which personal and real property is treated as community property at death based on the domicile of the spouses and the law of the jurisdiction where the property was acquired;
- excludes property that spouses partition, reclassify, or waive by agreement;
- establishes requirements for how community-property spouses may partition, reclassify, or waive rights to community property;
- creates a presumption that property acquired while domiciled in a community-property jurisdiction is community property unless rebutted by a preponderance of the evidence;
- provides that one-half of community property belongs to the surviving community-property spouse and one-half belongs to the decedent and is subject to disposition at death;
- clarifies that a decedent's share of community property is not subject to the elective-share right of the surviving community-property spouse;
- authorizes a court to apply equitable principles and consider the law of other jurisdictions when resolving community-property claims at death;
- establishes time limits and procedures for claims brought by a surviving community-property spouse, an heir, a devisee, and a nonprobate transferee;
- protects third parties who transact in good faith and for value with a community-property spouse or estate representative;
- directs the court to construe the chapter to promote uniformity with other states that enact the uniform act;
- includes saving, transitional, and severability provisions; and

▸ repeals the existing Utah Code provisions governing community-property disposition at death and replaces the provisions with the new uniform chapter.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**ENACTS:**

75-2c-101, Utah Code Annotated 1953

75-2c-102, Utah Code Annotated 1953

75-2c-103, Utah Code Annotated 1953

75-2c-104, Utah Code Annotated 1953

75-2c-105, Utah Code Annotated 1953

75-2c-106, Utah Code Annotated 1953

75-2c-107, Utah Code Annotated 1953

75-2c-108, Utah Code Annotated 1953

75-2c-109, Utah Code Annotated 1953

75-2c-110, Utah Code Annotated 1953

75-2c-111, Utah Code Annotated 1953

75-2c-112, Utah Code Annotated 1953

75-2c-113, Utah Code Annotated 1953

75-2c-114, Utah Code Annotated 1953

REPEALS:

75-2b-102, as enacted by Laws of Utah 2012, Chapter 132

75-2b-103, as enacted by Laws of Utah 2012, Chapter 132

75-2b-104, as enacted by Laws of Utah 2012, Chapter 132

75-2b-105, as enacted by Laws of Utah 2012, Chapter 132

75-2b-106, as enacted by Laws of Utah 2012, Chapter 132

75-2b-107, as enacted by Laws of Utah 2012, Chapter 132

75-2b-108, as enacted by Laws of Utah 2012, Chapter 132

75-2b-109, as enacted by Laws of Utah 2012, Chapter 132

75-2b-110, as enacted by Laws of Utah 2012, Chapter 132

75-2b-111, as enacted by Laws of Utah 2012, Chapter 132

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

Section 1. Section **75-2c-101** is enacted to read:

75-2c-101 . Definitions.

In this chapter:

- (1) "Community-property spouse" means an individual in a marriage or other relationship:
 - (a) under which community property could be acquired during the existence of the relationship; and
 - (b) that remains in existence at the time of death of either party to the relationship.
- (2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (3) "Jurisdiction" means the United States, a state, a foreign country, or a political subdivision of a foreign country.
- (4) "Partition" means to voluntarily divide property to which this chapter otherwise would apply.
- (5) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.
- (6) "Personal representative" includes an executor, administrator, successor personal representative, special administrator, and other person that performs substantially the same function.
- (7) "Property" means anything that may be the subject of ownership, whether real or personal, tangible or intangible, legal or equitable, or any interest therein.
- (8) "Reclassify" means change the characterization or treatment of community property to property owned separately by community-property spouses.
- (9) "Record" means information:
 - (a) inscribed on a tangible medium; or
 - (b) stored in an electronic or other medium and retrievable in perceivable form.
- (10) "Sign" means, with present intent to authenticate or adopt a record:
 - (a) execute or adopt a tangible symbol; or
 - (b) attach to or logically associate with the record an electronic symbol, sound, or process.
- (11)(a) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States.

(b) "State" includes a federally recognized Indian tribe.

Section 2. Section **75-2c-102** is enacted to read:

75-2c-102 . Included and excluded property.

(1) Subject to Subsection (2), this chapter applies to the following property of a community-property spouse, without regard to how the property is titled or held:

(a) if a decedent was domiciled in this state at the time of death:

(i) all or a proportionate part of each item of personal property, wherever located, that was community property under the law of the jurisdiction where the decedent or the surviving community-property spouse was domiciled when the property:

(A) was acquired; or

(B) after acquisition, became community property;

(ii) income, rent, profit, appreciation, or other increase derived from or traceable to property described in Section (1)(a)(i); and

(iii) personal property traceable to property described in Subsection (1)(a)(i) or (a)(ii); and

(b) regardless whether a decedent was domiciled in this state at the time of death:

(i) all or a proportionate part of each item of real property located in this state traceable to community property or acquired with community property under the law of the jurisdiction where the decedent or the surviving community-property spouse was domiciled when the property:

(A) was acquired; or

(B) after acquisition, became community property; and

(ii) income, rent, profit, appreciation, or other increase, derived from or traceable to property described in Subsection (1)(b)(i).

(2) If community-property spouses acquired community property by complying with the law of a jurisdiction that allows for creation of community property by transfer of property to a trust, this chapter applies to the property only to the extent the property is held in the trust or characterized as community property by the terms of the trust or the law of the jurisdiction under which the trust was created.

(3) This chapter does not apply to property that:

(a) community-property spouses have partitioned or reclassified; or

(b) is the subject of a waiver of rights granted by this chapter.

Section 3. Section **75-2c-103** is enacted to read:

75-2c-103 . Form of partition, reclassification, or waiver.

(1)(a) Community-property spouses domiciled in this state may partition or reclassify property to which this chapter otherwise would apply.

(b) The partition or reclassification must be in a record signed by both community-property spouses.

(2) A community-property spouse domiciled in this state may waive a right granted by this chapter only by complying with the law of this state, including this state's choice-of-law rules, applicable to waiver of a spousal property right.

Section 4. Section **75-2c-104** is enacted to read:

75-2c-104 . Community property presumption.

All property acquired by a community-property spouse when domiciled in a jurisdiction where community property then could be acquired by the community-property spouse by operation of law is presumed to be community property. This presumption may be rebutted by a preponderance of the evidence.

Section 5. Section **75-2c-105** is enacted to read:

75-2c-105 . Disposition of property at death.

(1) One-half of the property to which this chapter applies belongs to the surviving community-property spouse of a decedent and is not subject to disposition by the decedent at death.

(2) One-half of the property to which this chapter applies belongs to the decedent and is subject to disposition by the decedent at death.

(3) The property that belongs to the decedent under Subsection (2) is not subject to the elective-share right of the surviving community-property spouse.

(4) This section does not apply to property transferred by right of survivorship or under a revocable trust or other nonprobate transfer.

(5) This section does not limit the right of a surviving community-property spouse to Section 75-2-207.

(6) If at death a decedent purports to transfer to a third person property that, under this section, belongs to the surviving community-property spouse and transfers other property to the surviving community-property spouse, this section does not limit the authority of the court under other law of this state to require that the community-property spouse elect between retaining the property transferred to the community-property spouse or asserting rights under this chapter.

Section 6. Section **75-2c-106** is enacted to read:

75-2c-106 . Other remedies available at death.

- (1) At the death of a community-property spouse, the surviving community-property spouse or a personal representative, heir, or nonprobate transferee of the decedent may assert a right based on an act of:
- (a) the surviving community-property spouse or decedent during the marriage or other relationship under which community property then could be acquired; or
 - (b) the decedent that takes effect at the death of the decedent.
- (2) In determining a right under Subsection (1) and corresponding remedy, the court:
- (a) shall apply equitable principles; and
 - (b) may consider the community property law of the jurisdiction where the decedent or surviving community-property spouse was domiciled when property was acquired or enhanced.

Section 7. Section **75-2c-107** is enacted to read:

75-2c-107 . Right of surviving community-property spouse.

- (1) The surviving community-property spouse of the decedent may assert a claim for relief with respect to a right under this chapter in accordance with the following rules:
- (a) In an action asserting a right in or to property, the surviving community-property spouse must:
 - (i) not later than three years after the death of the decedent, commence an action against an heir, devisee, or nonprobate transferee of the decedent that is in possession of the property; or
 - (ii) not later than six months after appointment of the personal representative of the decedent, send a demand in a record to the personal representative.
 - (b) In an action other than an action under Subsection (1)(a), the surviving community-property spouse must
 - (i) not later than six months after appointment of the personal representative of the decedent, send a demand in a record to the personal representative; or
 - (ii) if a personal representative is not appointed, commence the action not later than three years after the death of the decedent.
- (2) Unless a timely demand is made under Subsection (1)(a)(ii) or (1)(b)(i), the personal representative may distribute the assets of the decedent's estate without personal liability for a community-property spouse's claim under this chapter.

Section 8. Section **75-2c-108** is enacted to read:

75-2c-108 . Right of heir, devisee, or nonprobate transferee.

An heir, devisee, or nonprobate transferee of a deceased community-property spouse

may assert a claim for relief with respect to a right under this chapter in accordance with the following rules:

- (1) In an action asserting a right in or to property, the heir, devisee, or nonprobate transferee must:
 - (a) not later than three years after the death of the decedent, commence an action against the surviving community-property spouse of the decedent who is in possession of the property; or
 - (b) not later than six months after appointment of the personal representative of the decedent, send a demand in a record to the personal representative.
- (2) In an action other than an action under Subsection (1), the heir, devisee, or nonprobate transferee must:
 - (a) not later than six months after the appointment of the personal representative of the decedent, send a demand in a record to the personal representative; or
 - (b) if a personal representative is not appointed, commence the action not later than three years after the death of the decedent.

Section 9. Section **75-2c-109** is enacted to read:

75-2c-109 . Protection of third person.

- (1) With respect to property to which this chapter applies, a person is not liable under this chapter to the extent the person:
 - (a) transacts in good faith and for value:
 - (i) with a community-property spouse; or
 - (ii) after the death of the decedent, with a surviving community-property spouse, personal representative, heir, devisee, or nonprobate transferee of the decedent;
 - and
 - (b) does not know or have reason to know that the other party to the transaction is exceeding or improperly exercising the party's authority.
- (2) Good faith under Subsection (1)(a) does not require the person to inquire into the extent or propriety of the exercise of authority by the other party to the transaction.

Section 10. Section **75-2c-110** is enacted to read:

75-2c-110 . Principles of law and equity.

The principles of law and equity supplement this chapter except to the extent inconsistent with this chapter.

Section 11. Section **75-2c-111** is enacted to read:

75-2c-111 . Uniformity of application and construction.

235 In applying and construing this uniform act, a court shall consider the promotion of
236 uniformity of the law among jurisdictions that enact it.

237 Section 12. Section **75-2c-112** is enacted to read:

238 **75-2c-112 . Saving provision.**

239 If a right with respect to property to which this chapter applies is acquired, extinguished,
240 or barred on the expiration of a limitation period that began to run under another statute before
241 May 6, 2026, that statute continues to apply to the right even if the statute has been repealed or
242 superseded by this chapter.

243 Section 13. Section **75-2c-113** is enacted to read:

244 **75-2c-113 . Transitional provision.**

245 Except as provided in Section 75-2c-112, this chapter applies to a judicial proceeding
246 with respect to property to which this chapter applies commenced on or after May 6, 2026,
247 regardless of the date of death of the decedent.

248 Section 14. Section **75-2c-114** is enacted to read:

249 **75-2c-114 . Severability.**

250 If a provision of this chapter or this chapter's application to a person or circumstance is
251 held invalid, the invalidity does not affect another provision or application that can be given
252 effect without the invalid provision.

253 Section 15. **Repealer.**

254 This bill repeals:

255 Section **75-2b-102, Application.**

256 Section **75-2b-103, Rebuttable presumptions.**

257 Section **75-2b-104, Disposition upon death.**

258 Section **75-2b-105, Perfection of title of surviving spouse.**

259 Section **75-2b-106, Perfection of title of personal representative, heir or devisee.**

260 Section **75-2b-107, Purchaser for value or lender.**

261 Section **75-2b-108, Creditor's rights.**

262 Section **75-2b-109, Acts of married persons.**

263 Section **75-2b-110, Limitations on testamentary disposition.**

264 Section **75-2b-111, Uniformity of application and construction.**

265 Section 16. **Effective Date.**

266 This bill takes effect on May 6, 2026.