

Chapter 8

Uniform Premarital Agreement Act

30-8-1 Title.

This act shall be known as the "Uniform Premarital Agreement Act."

Enacted by Chapter 105, 1994 General Session

30-8-2 Definitions.

As used in this chapter:

- (1) "Premarital agreement" means an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage.
- (2) "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings.

Enacted by Chapter 105, 1994 General Session

30-8-3 Writing -- Signature required.

A premarital agreement shall be in writing and signed by both parties. It is enforceable without consideration.

Amended by Chapter 297, 2011 General Session

30-8-4 Content.

- (1) Parties to a premarital agreement may contract with respect to:
 - (a) the rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;
 - (b) the right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property;
 - (c) the disposition of property upon separation, marital dissolution, death, or the occurrence or nonoccurrence of any other event;
 - (d) the modification or elimination of spousal support;
 - (e) the ownership rights in and disposition of the death benefit from a life insurance policy;
 - (f) the choice of law governing the construction of the agreement, except that a court of competent jurisdiction may apply the law of the legal domicile of either party, if it is fair and equitable; and
 - (g) any other matter, including their personal rights and obligations, not in violation of public policy or a statute imposing a criminal penalty.
- (2) The right of a child to support, health and medical provider expenses, medical insurance, and child care coverage may not be affected by a premarital agreement.

Enacted by Chapter 105, 1994 General Session

30-8-5 Effect of marriage -- Amendment -- Revocation.

- (1) A premarital agreement becomes effective upon marriage.

- (2) After marriage, a premarital agreement may be amended or revoked only by a written agreement signed by the parties. The amended agreement or the revocation is enforceable without consideration.

Enacted by Chapter 105, 1994 General Session

30-8-6 Enforcement.

- (1) A premarital agreement is not enforceable if the party against whom enforcement is sought proves that:
 - (a) that party did not execute the agreement voluntarily; or
 - (b) the agreement was fraudulent when it was executed and, before execution of the agreement, that party:
 - (i) was not provided a reasonable disclosure of the property or financial obligations of the other party insofar as was possible;
 - (ii) did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided; and
 - (iii) did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party.
- (2) If a provision of a premarital agreement modifies or eliminates spousal support and that modification or elimination causes one party to the agreement to be eligible for support under a program of public assistance at the time of separation or marital dissolution, a court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility.
- (3) An issue of fraud of a premarital agreement shall be decided by the court as a matter of law.

Enacted by Chapter 105, 1994 General Session

30-8-7 Enforcement -- Void marriage.

If a marriage is determined to be void, an agreement that would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

Enacted by Chapter 105, 1994 General Session

30-8-8 Limitations of actions.

Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage of the parties to the agreement.

Enacted by Chapter 105, 1994 General Session

30-8-9 Application and construction.

This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

Enacted by Chapter 105, 1994 General Session