Effective 9/1/2024

81-3-109 Family expenses -- Joint and several liability.

(1) As used in this section:

(a) "Family expenses" means expenses incurred that benefit and promote the family unit.

(b) "Family expenses" do not include items purchased in accordance with a written contract or agreement during the marriage that do not relate to the expenses described in Subsection (1)(a).

(2)

(a) A married individual, and the married individual's property, is chargeable for family expenses and expenses for the education of a minor child.

(b) A married individual may be sued separately or jointly with the individual's spouse for the expenses described in Subsection (2)(a).

(3) For the expenses described in Subsection (2), where there is a written agreement signed by a spouse that allows for the recovery of agreed upon amounts, a creditor or an assignee or successor in interest of the creditor is entitled to recover the contractually allowed amounts against both spouses, jointly and severally.

(4) Subsection (3) applies to all contracts and agreements under this section entered into by a spouse during the time the parties are married and living together.

(5) The provisions of Subsections (3) and (4) do not create a right to attorney's fees or collection fees as to the nonsigning spouse for purchases of:

(a) food or clothing; or

(b) home improvements or repairs over $5,000.

Renumbered and Amended by Chapter 366, 2024 General Session