

Representative Stephen E. Sandstrom proposes the following substitute bill:

FAMILY EXPENSES AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill allows for a creditor to collect from either a husband or wife or both for debts incurred during the marriage.

Highlighted Provisions:

This bill:

► provides that a creditor may collect a debt from either spouse when the debt was incurred during the marriage.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

REPEALS AND REENACTS:

30-2-9, as last amended by Laws of Utah 2011, Chapter 109

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

Section 1. Section **30-2-9** is repealed and reenacted to read:

30-2-9. Family expenses -- Joint and several liability.



- 26 (1) A husband and wife may be ~~Ĥ→~~ ~~[sued]~~ ~~←Ĥ~~ jointly or individually
- 26a ~~Ĥ→~~ ~~←Ĥ~~ responsible ~~←Ĥ~~ for expenses of the family ~~Ĥ→~~ members for reasonable and necessary
- 26b medical and dental expenses, and other necessities, including
- 27 ~~[and]~~ ~~←Ĥ~~ education of the ~~Ĥ→~~ minor ~~←Ĥ~~ children.
- 28 (2) In addition to the expenses ~~Ĥ→~~ ~~[of the family and education of the children]~~ described
- 28a in Subsection (1) ~~←Ĥ~~ , a creditor
- 29 shall be entitled to recover from the husband and wife, jointly and severally, the following
- 30 additional amounts if the amounts are provided for in a written contract signed by either the
- 31 husband or wife:
- 32 (a) a collection fee ~~Ĥ→~~ ~~[as provided in Section 12-1-11]~~ ~~←Ĥ~~ ;
- 33 (b) interest at the rate specified in the contract;
- 34 (c) court costs;
- 35 (d) reasonable attorney fees; and
- 36 (e) any other amounts provided for in the contract.
- 37 (3) ~~Ĥ→~~ ~~[This section]~~ Unless the court determines that it would work an injustice,
- 37a Subsection (2) ~~←Ĥ~~ applies to all contracts ~~Ĥ→~~ under this section ~~←Ĥ~~ entered into by either
- 37b spouse any time the
- 38 parties ~~Ĥ→~~ ~~[lived]~~ are married and living ~~←Ĥ~~ together as husband and wife.