

H.B. 153
HOMESTEAD EXEMPTION AMENDMENTS

Senator _____ proposes the following amendments:

1. Page 1, Line 1:

1 {~~HOMESTEAD~~} EXEMPTION AMENDMENTS

2. Page 1, Lines 7 through 13:

7 LONG TITLE

8 General Description:

9 This bill modifies provisions related to {~~homestead~~} exemptions.

10 Highlighted Provisions:

11 This bill:

12 ▶ addresses the value of a homestead exemption; {~~and~~}

▶ **includes certain savings plans; and**

13 ▶ makes technical changes.

3. Page 1, Line 20:

20 78B-5-503, as last amended by Laws of Utah 2013, Chapter 192

78B-5-505, as last amended by Laws of Utah 2016, Chapter 262

4. Page 3, Line 82:

82 be a property right.

= **Section 2. Section 78B-5-505 is amended to read:**

= **78B-5-505. Property exempt from execution.**

(1) (a) An individual is entitled to exemption of the following property:

- (i) a burial plot for the individual and the individual's family;
- (ii) health aids reasonably necessary to enable the individual or a dependent to work or sustain health;
- (iii) benefits the individual or the individual's dependent have received or are entitled to receive from

any source because of:

- (A) disability;
- (B) illness; or
- (C) unemployment;
- (iv) benefits paid or payable for medical, surgical, or hospital care to the extent they are used by an individual or the individual's dependent to pay for that care;
- (v) veterans benefits;

(vi) money or property received, and rights to receive money or property for child support;
(vii) money or property received, and rights to receive money or property for alimony or separate maintenance, to the extent reasonably necessary for the support of the individual and the individual's dependents;

(viii) (A) one:

(I) clothes washer and dryer;

(II) refrigerator;

(III) freezer;

(IV) stove;

(V) microwave oven; and

(VI) sewing machine;

(B) all carpets in use;

(C) provisions sufficient for 12 months actually provided for individual or family use;

(D) all wearing apparel of every individual and dependent, not including jewelry or furs; and

(E) all beds and bedding for every individual or dependent;

(ix) except for works of art held by the debtor as part of a trade or business, works of art:

(A) depicting the debtor or the debtor and his resident family; or

(B) produced by the debtor or the debtor and his resident family;

(x) proceeds of insurance, a judgment, or a settlement, or other rights accruing as a result of bodily injury of the individual or of the wrongful death or bodily injury of another individual of whom the individual was or is a dependent to the extent that those proceeds are compensatory;

(xi) the proceeds or benefits of any life insurance contracts or policies paid or payable to the debtor or any trust of which the debtor is a beneficiary upon the death of the spouse or children of the debtor, provided that the contract or policy has been owned by the debtor for a continuous unexpired period of one year;

(xii) the proceeds or benefits of any life insurance contracts or policies paid or payable to the spouse or children of the debtor or any trust of which the spouse or children are beneficiaries upon the death of the debtor, provided that the contract or policy has been in existence for a continuous unexpired period of one year;

(xiii) proceeds and avails of any unmatured life insurance contracts owned by the debtor or any revocable grantor trust created by the debtor, excluding any payments made on the contract during the one year immediately preceding a creditor's levy or execution;

(xiv) except as provided in Subsection (1)(b), any money or other assets held for or payable to the individual as a participant or beneficiary from or an interest of the individual as a participant or beneficiary in a retirement plan or arrangement that is described in Section 401(a), 401(h), 401(k), 403(a), 403(b), 408, 408A, 409, 414(d), 414(e), or 457, Internal Revenue Code;

(xv) the interest of or any money or other assets payable to an alternate payee under a qualified domestic relations order as those terms are defined in Section 414(p), Internal Revenue Code;

(xvi) unpaid earnings of the household of the filing individual due as of the date of the filing of a bankruptcy petition in the amount of 1/24 of the Utah State annual median family income for the household size of the filing individual as determined by the Utah State Annual Median Family Income reported by the

United States Census Bureau and as adjusted based upon the Consumer Price Index for All Urban Consumers for an individual whose unpaid earnings are paid more often than once a month or, if unpaid earnings are not paid more often than once a month, then in the amount of 1/12 of the Utah State annual median family income for the household size of the individual as determined by the Utah State Annual Median Family Income reported by the United States Census Bureau and as adjusted based upon the Consumer Price Index for All Urban Consumers; ~~{and}~~

- (xvii) except for curio or relic firearms, as defined in Section 76-10-501, any three of the following:
 - (A) one handgun and ammunition for the handgun not exceeding 1,000 rounds;
 - (B) one shotgun and ammunition for the shotgun not exceeding 1,000 rounds; and
 - (C) one shoulder arm and ammunition for the shoulder arm not exceeding 1,000 rounds ~~{.~~ ;

and

(xviii) a tax-advantaged method of saving for higher education costs on behalf of a particular individual that meets the requirements of Section 529, Internal Revenue Code.

(b) The exemption granted by Subsection (1)(a)(xiv) does not apply to:

- (i) an alternate payee under a qualified domestic relations order, as those terms are defined in Section 414(p), Internal Revenue Code; or
- (ii) amounts contributed or benefits accrued by or on behalf of a debtor within one year before the debtor files for bankruptcy. This may not include amounts directly rolled over from other funds which are exempt from attachment under this section.

(2) The exemptions in Subsections (1)(a)(xi), (xii), and (xiii) do not apply to proceeds and avails of any matured or unmatured life insurance contract assigned or pledged as collateral for repayment of a loan or other legal obligation.

(3) Disability benefits, as described in Subsection (1)(a)(iii)(A), and veterans benefits, as described in Subsection (1)(a)(v), may be garnished on behalf of a child victim if the person receiving the benefits has been convicted of a felony sex offense against a child and ordered by the convicting court to pay restitution to the victim. The exemption from execution under this section shall be reinstated upon payment of the restitution in full.

(4) Exemptions under this section do not limit items that may be claimed as exempt under Section 78B-5-506.