

1 **COMMON LAW MARRIAGE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jordan D. Teuscher**

5 Senate Sponsor: Todd D. Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions regarding an unsolemnized marriage.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends provisions regarding the requirements for validating an unsolemnized
- 13 marriage; and
- 14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **30-1-4.5**, as last amended by Laws of Utah 2011, Chapter 297

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

24 Section 1. Section **30-1-4.5** is amended to read:

25 **30-1-4.5. Validity of marriage not solemnized.**

26 (1) A marriage which is not solemnized according to this chapter shall be legal and

27 valid if a court or administrative order establishes that [it] the marriage arises out of a contract

28 between a man and a woman who:

- 29 (a) are of legal age and capable of giving consent;

30 (b) are legally capable of entering a solemnized marriage under the provisions of this
31 chapter;

32 (c) have cohabited;

33 (d) mutually assume marital rights, duties, and obligations; and

34 (e) who hold themselves out as and have acquired a uniform and general reputation as
35 husband and wife.

36 (2) (a) [~~The determination or establishment of a marriage under this section shall~~
37 ~~occur~~] A petition for an unsolemnized marriage shall be filed during the relationship described
38 in Subsection (1), or within one year following the termination of that relationship.

39 (b) Evidence of a marriage recognizable under this section may be manifested in any
40 form, and may be proved under the same general rules of evidence as facts in other cases.