

WRITTEN AGREEMENT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses issues related to contracts or agreements.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ addresses modification of written agreements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

15-11-101, Utah Code Annotated 1953

15-11-102, Utah Code Annotated 1953

15-11-201, Utah Code Annotated 1953

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

Section 1. Section **15-11-101** is enacted to read:

CHAPTER 11. WRITTEN AGREEMENT MODIFICATION ACT

Part 1. General Provisions



28 15-11-101. Title.

29 This chapter is known as "Written Agreement Modification Act."

30 Section 2. Section 15-11-102 is enacted to read:

31 15-11-102. Definitions.

32 As used in this chapter:

33 (1) "Agreement" includes a contract, promise, or undertaking.

34 (2) "Written agreement" means an agreement entered into in writing or another written
35 instrument related to a written agreement.

36 Section 3. Section 15-11-201 is enacted to read:

37 **Part 2. Oral Modifications**

38 15-11-201. Written agreements and oral modifications.

39 The following applies to a written agreement entered into on or after May 5, 2021.

40 (1) A signed, written agreement that prohibits modification or rescission except by a
41 signed writing may not be modified or rescinded by a means other than a signed writing.

42 (2) The requirements of Title 25, Chapter 5, Statute of Frauds, must be satisfied if the
43 written agreement as modified is within the provisions of Title 25, Chapter 5, Statute of
44 Frauds.

45 (3) Although an attempt to modify or rescind a written agreement described in
46 Subsection (1) does not satisfy the requirements of Subsection (1) or (2), the attempt to modify
47 or rescind may operate as a waiver.

48 (4) This section does not apply to an agreement governed by Title 70A, Uniform
49 Commercial Code.