

Todd Weiler proposes the following substitute bill:

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Marriage Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Todd Weiler
House Sponsor:

LONG TITLE

General Description:

This bill modifies provisions relating to the validity of a marriage.

Highlighted Provisions:

This bill:

▸ provides that a marriage that is not properly solemnized is valid only if an individual files a petition for a court to legally recognize the marriage before May 5, 2027.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

81-2-408, as renumbered and amended by Laws of Utah 2024, Chapter 366

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

Section 1. Section **81-2-408** is amended to read:

81-2-408 . Validity of marriage not solemnized or solemnized before an unauthorized individual.

~~[(1) A marriage that is not solemnized according to this chapter is legal and valid if a court or administrative order establishes that the marriage arises out of a contract between two individuals who:]~~

~~[(a) are of legal age and capable of giving consent;]~~

~~[(b) are legally capable of entering a solemnized marriage under the provisions of this chapter;]~~

~~[(c) have cohabited;]~~

~~[(d) mutually assume marital rights, duties, and obligations; and]~~

30 ~~[(e) who hold themselves out as and have acquired a uniform and general reputation as~~
 31 ~~spouses.]~~

32 (1) Before May 5, 2027, an individual may file a petition with a court to validate and make
 33 legal a marriage that is not solemnized in accordance with this chapter.

34 (2) On a filing of a petition described in Subsection (1), the court may enter an order
 35 validating and making legal a marriage that is not solemnized in accordance with this
 36 chapter if the court establishes that the marriage arises out of a contract between two
 37 individuals:

38 (a) of legal age and capable of giving consent;

39 (b) legally capable of entering a solemnized marriage under the provisions of this
 40 chapter;

41 (c) who have cohabited;

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

43 (e) who hold themselves out as and have acquired a uniform and general reputation as
 44 spouses.

45 ~~[(2)]~~ (3)(a) [A petition for an unsolemnized marriage shall be filed-] An individual may
 46 only file the petition described in Subsection (1) during the relationship described in
 47 Subsection ~~[(1)]~~ (2), or within one year following the termination of that relationship.

48 (b) Evidence of a marriage recognizable under this section may be:

49 (i) manifested in any form; and

50 (ii) proved under the same general rules of evidence as facts in other cases.

51 (4) On and after May 5, 2027, an individual may not file a petition described in Subsection
 52 (1).

53 ~~[(3)]~~ (5)(a) A marriage solemnized before an individual professing to have authority to
 54 perform marriages may not be invalidated for lack of authority if consummated in the
 55 belief of the parties or either party that the person had authority and that the parties
 56 have been lawfully married.

57 (b) Except as otherwise explicitly provided by law, Subsection ~~[(3)(a)]~~ (5)(a) may not be
 58 construed to validate a marriage that:

59 (i) is prohibited or void under Section 81-2-403; or

60 (ii) fails to meet the requirements of Section 81-2-302, as validated by a court with
 61 jurisdiction.

62 **Section 2. Effective Date.**

63 This bill takes effect on May 6, 2026.