

1 **Uniform Community Property Disposition at Death Act Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill enacts the Uniform Community Property Disposition at Death Act.

5 **Highlighted Provisions:**

6 This bill:

- 7
 - 8 ▶ defines terms;
 - 9 ▶ specifies which personal and real property is treated as community property at death
- 10 based on the domicile of the spouses and the law of the jurisdiction where the property
- 11 was acquired;
 - 12 ▶ excludes property that spouses partition, reclassify, or waive by agreement;
 - 13 ▶ establishes requirements for how community-property spouses may partition, reclassify,
 - 14 or waive rights to community property;
 - 15 ▶ creates a presumption that property acquired while domiciled in a community-property
 - 16 jurisdiction is community property unless rebutted by a preponderance of the evidence;
 - 17 ▶ provides that one-half of community property belongs to the surviving
 - 18 community-property spouse and one-half belongs to the decedent and is subject to
 - 19 disposition at death;
 - 20 ▶ clarifies that a decedent's share of community property is not subject to the elective-share
 - 21 right of the surviving community-property spouse;
 - 22 ▶ authorizes a court to apply equitable principles and consider the law of other jurisdictions
 - 23 when resolving community-property claims at death;
 - 24 ▶ establishes time limits and procedures for claims brought by a surviving
 - 25 community-property spouse, an heir, a devisee, and a nonprobate transferee;
 - 26 ▶ protects third parties who transact in good faith and for value with a community-property
 - 27 spouse or estate representative;
 - 28 ▶ directs the court to construe the chapter to promote uniformity with other states that enact
 - 29 the uniform act;
 - 30 ▶ includes saving, transitional, and severability provisions; and

31 ▸ repeals the existing Utah Code provisions governing community-property disposition at
32 death and replaces the provisions with the new uniform chapter.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 ENACTS:

39 **75-2c-101**, Utah Code Annotated 1953

40 **75-2c-102**, Utah Code Annotated 1953

41 **75-2c-103**, Utah Code Annotated 1953

42 **75-2c-104**, Utah Code Annotated 1953

43 **75-2c-105**, Utah Code Annotated 1953

44 **75-2c-106**, Utah Code Annotated 1953

45 **75-2c-107**, Utah Code Annotated 1953

46 **75-2c-108**, Utah Code Annotated 1953

47 **75-2c-109**, Utah Code Annotated 1953

48 **75-2c-110**, Utah Code Annotated 1953

49 **75-2c-111**, Utah Code Annotated 1953

50 **75-2c-112**, Utah Code Annotated 1953

51 **75-2c-113**, Utah Code Annotated 1953

52 **75-2c-114**, Utah Code Annotated 1953

53 REPEALS:

54 **75-2b-102**, as enacted by Laws of Utah 2012, Chapter 132

55 **75-2b-103**, as enacted by Laws of Utah 2012, Chapter 132

56 **75-2b-104**, as enacted by Laws of Utah 2012, Chapter 132

57 **75-2b-105**, as enacted by Laws of Utah 2012, Chapter 132

58 **75-2b-106**, as enacted by Laws of Utah 2012, Chapter 132

59 **75-2b-107**, as enacted by Laws of Utah 2012, Chapter 132

60 **75-2b-108**, as enacted by Laws of Utah 2012, Chapter 132

61 **75-2b-109**, as enacted by Laws of Utah 2012, Chapter 132

62 **75-2b-110**, as enacted by Laws of Utah 2012, Chapter 132

63 **75-2b-111**, as enacted by Laws of Utah 2012, Chapter 132

64

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

66 Section 1. Section **75-2c-101** is enacted to read:

67 **75-2c-101 . Definitions.**

68 In this chapter:

69 (1) "Community-property spouse" means an individual in a marriage or other relationship:

70 (a) under which community property could be acquired during the existence of the
71 relationship; and

72 (b) that remains in existence at the time of death of either party to the relationship.

73 (2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless,
74 optical, electromagnetic, or similar capabilities.

75 (3) "Jurisdiction" means the United States, a state, a foreign country, or a political
76 subdivision of a foreign country.

77 (4) "Partition" means to voluntarily divide property to which this chapter otherwise would
78 apply.

79 (5) "Person" means an individual, estate, business or nonprofit entity, public corporation,
80 government or governmental subdivision, agency, or instrumentality, or other legal
81 entity.

82 (6) "Personal representative" includes an executor, administrator, successor personal
83 representative, special administrator, and other person that performs substantially the
84 same function.

85 (7) "Property" means anything that may be the subject of ownership, whether real or
86 personal, tangible or intangible, legal or equitable, or any interest therein.

87 (8) "Reclassify" means change the characterization or treatment of community property to
88 property owned separately by community-property spouses.

89 (9) "Record" means information:

90 (a) inscribed on a tangible medium; or

91 (b) stored in an electronic or other medium and retrievable in perceivable form.

92 (10) "Sign" means, with present intent to authenticate or adopt a record:

93 (a) execute or adopt a tangible symbol; or

94 (b) attach to or logically associate with the record an electronic symbol, sound, or
95 process.

96 (11)(a) "State" means a state of the United States, the District of Columbia, Puerto Rico,
97 the United States Virgin Islands, or any other territory or possession subject to the
98 jurisdiction of the United States.

99 (b) "State" includes a federally recognized Indian tribe.

100 Section 2. Section **75-2c-102** is enacted to read:

101 **75-2c-102 . Included and excluded property.**

102 (1) Subject to Subsection (2), this chapter applies to the following property of a
103 community-property spouse, without regard to how the property is titled or held:

104 (a) if a decedent was domiciled in this state at the time of death:

105 (i) all or a proportionate part of each item of personal property, wherever located, that
106 was community property under the law of the jurisdiction where the decedent or
107 the surviving community-property spouse was domiciled when the property:

108 (A) was acquired; or

109 (B) after acquisition, became community property;

110 (ii) income, rent, profit, appreciation, or other increase derived from or traceable to
111 property described in Section (1)(a)(i); and

112 (iii) personal property traceable to property described in Subsection (1)(a)(i) or (a)(ii);
113 and

114 (b) regardless whether a decedent was domiciled in this state at the time of death:

115 (i) all or a proportionate part of each item of real property located in this state
116 traceable to community property or acquired with community property under the
117 law of the jurisdiction where the decedent or the surviving community-property
118 spouse was domiciled when the property:

119 (A) was acquired; or

120 (B) after acquisition, became community property; and

121 (ii) income, rent, profit, appreciation, or other increase, derived from or traceable to
122 property described in Subsection (1)(b)(i).

123 (2) If community-property spouses acquired community property by complying with the
124 law of a jurisdiction that allows for creation of community property by transfer of
125 property to a trust, this chapter applies to the property only to the extent the property is
126 held in the trust or characterized as community property by the terms of the trust or the
127 law of the jurisdiction under which the trust was created.

128 (3) This chapter does not apply to property that:

129 (a) community-property spouses have partitioned or reclassified; or

130 (b) is the subject of a waiver of rights granted by this chapter.

131 Section 3. Section **75-2c-103** is enacted to read:

132 **75-2c-103 . Form of partition, reclassification, or waiver.**

- 133 (1)(a) Community-property spouses domiciled in this state may partition or reclassify
 134 property to which this chapter otherwise would apply.
 135 (b) The partition or reclassification must be in a record signed by both
 136 community-property spouses.
 137 (2) A community-property spouse domiciled in this state may waive a right granted by this
 138 chapter only by complying with the law of this state, including this state's choice-of-law
 139 rules, applicable to waiver of a spousal property right.

140 Section 4. Section **75-2c-104** is enacted to read:

141 **75-2c-104 . Community property presumption.**

142 All property acquired by a community-property spouse when domiciled in a jurisdiction
 143 where community property then could be acquired by the community-property spouse by
 144 operation of law is presumed to be community property. This presumption may be rebutted by
 145 a preponderance of the evidence.

146 Section 5. Section **75-2c-105** is enacted to read:

147 **75-2c-105 . Disposition of property at death.**

- 148 (1) One-half of the property to which this chapter applies belongs to the surviving
 149 community-property spouse of a decedent and is not subject to disposition by the
 150 decedent at death.
 151 (2) One-half of the property to which this chapter applies belongs to the decedent and is
 152 subject to disposition by the decedent at death.
 153 (3) The property that belongs to the decedent under Subsection (2) is not subject to the
 154 elective-share right of the surviving community-property spouse.
 155 (4) This section does not apply to property transferred by right of survivorship or under a
 156 revocable trust or other nonprobate transfer.
 157 (5) This section does not limit the right of a surviving community-property spouse ~~§~~ → [to] ← ~~§~~
 158 ~~§~~ → [Section 75-2-207] under Sections 75-2-402, 75-2-403, and 75-2-405 ← ~~§~~ .
 159 (6) If at death a decedent purports to transfer to a third person property that, under this
 160 section, belongs to the surviving community-property spouse and transfers other
 161 property to the surviving community-property spouse, this section does not limit the
 162 authority of the court under other law of this state to require that the
 163 community-property spouse elect between retaining the property transferred to the
 164 community-property spouse or asserting rights under this chapter.

165 Section 6. Section **75-2c-106** is enacted to read:

166 **75-2c-106 . Other remedies available at death.**

167 (1) At the death of a community-property spouse, the surviving community-property spouse
168 or a personal representative, heir, or nonprobate transferee of the decedent may assert a
169 right based on an act of:

170 (a) the surviving community-property spouse or decedent during the marriage or other
171 relationship under which community property then could be acquired; or

172 (b) the decedent that takes effect at the death of the decedent.

173 (2) In determining a right under Subsection (1) and corresponding remedy, the court:

174 (a) shall apply equitable principles; and

175 (b) may consider the community property law of the jurisdiction where the decedent or
176 surviving community-property spouse was domiciled when property was acquired or
177 enhanced.

178 Section 7. Section **75-2c-107** is enacted to read:

179 **75-2c-107 . Right of surviving community-property spouse.**

180 (1) The surviving community-property spouse of the decedent may assert a claim for relief
181 with respect to a right under this chapter in accordance with the following rules:

182 (a) In an action asserting a right in or to property, the surviving community-property
183 spouse must:

184 (i) not later than three years after the death of the decedent, commence an action
185 against an heir, devisee, or nonprobate transferee of the decedent that is in
186 possession of the property; or

187 (ii) not later than six months after appointment of the personal representative of the
188 decedent, send a demand in a record to the personal representative.

189 (b) In an action other than an action under Subsection (1)(a), the surviving
190 community-property spouse must

191 (i) not later than six months after appointment of the personal representative of the
192 decedent, send a demand in a record to the personal representative; or

193 (ii) if a personal representative is not appointed, commence the action not later than
194 three years after the death of the decedent.

195 (2) Unless a timely demand is made under Subsection (1)(a)(ii) or (1)(b)(i), the personal
196 representative may distribute the assets of the decedent's estate without personal liability
197 for a community-property spouse's claim under this chapter.

198 Section 8. Section **75-2c-108** is enacted to read:

199 **75-2c-108 . Right of heir, devisee, or nonprobate transferee.**

200 An heir, devisee, or nonprobate transferee of a deceased community-property spouse

201 may assert a claim for relief with respect to a right under this chapter in accordance with the
 202 following rules:

- 203 (1) In an action asserting a right in or to property, the heir, devisee, or nonprobate transferee
 204 must:
- 205 (a) not later than three years after the death of the decedent, commence an action against
 206 the surviving community-property spouse of the decedent who is in possession of the
 207 property; or
 - 208 (b) not later than six months after appointment of the personal representative of the
 209 decedent, send a demand in a record to the personal representative.

- 210 (2) In an action other than an action under Subsection (1), the heir, devisee, or nonprobate
 211 transferee must:
- 212 (a) not later than six months after the appointment of the personal representative of the
 213 decedent, send a demand in a record to the personal representative; or
 - 214 (b) if a personal representative is not appointed, commence the action not later than
 215 three years after the death of the decedent.

216 Section 9. Section **75-2c-109** is enacted to read:

217 **75-2c-109 . Protection of third person.**

- 218 (1) With respect to property to which this chapter applies, a person is not liable under this
 219 chapter to the extent the person:
- 220 (a) transacts in good faith and for value:
 - 221 (i) with a community-property spouse; or
 - 222 (ii) after the death of the decedent, with a surviving community-property spouse,
 223 personal representative, heir, devisee, or nonprobate transferee of the decedent;
 224 and
 - 225 (b) does not know or have reason to know that the other party to the transaction is
 226 exceeding or improperly exercising the party's authority.
- 227 (2) Good faith under Subsection (1)(a) does not require the person to inquire into the extent
 228 or propriety of the exercise of authority by the other party to the transaction.

229 Section 10. Section **75-2c-110** is enacted to read:

230 **75-2c-110 . Principles of law and equity.**

231 The principles of law and equity supplement this chapter except to the extent
 232 inconsistent with this chapter.

233 Section 11. Section **75-2c-111** is enacted to read:

234 **75-2c-111 . Uniformity of application and construction.**

235 In applying and construing this uniform act, a court shall consider the promotion of
236 uniformity of the law among jurisdictions that enact it.

237 Section 12. Section **75-2c-112** is enacted to read:

238 **75-2c-112 . Saving provision.**

239 If a right with respect to property to which this chapter applies is acquired, extinguished,
240 or barred on the expiration of a limitation period that began to run under another statute before
241 May 6, 2026, that statute continues to apply to the right even if the statute has been repealed or
242 superseded by this chapter.

243 Section 13. Section **75-2c-113** is enacted to read:

244 **75-2c-113 . Transitional provision.**

245 Except as provided in Section 75-2c-112, this chapter applies to a judicial proceeding
246 with respect to property to which this chapter applies commenced on or after May 6, 2026,
247 regardless of the date of death of the decedent.

248 Section 14. Section **75-2c-114** is enacted to read:

249 **75-2c-114 . Severability.**

250 If a provision of this chapter or this chapter's application to a person or circumstance is
251 held invalid, the invalidity does not affect another provision or application that can be given
252 effect without the invalid provision.

253 Section 15. **Repealer.**

254 This bill repeals:

255 Section **75-2b-102, Application.**

256 Section **75-2b-103, Rebuttable presumptions.**

257 Section **75-2b-104, Disposition upon death.**

258 Section **75-2b-105, Perfection of title of surviving spouse.**

259 Section **75-2b-106, Perfection of title of personal representative, heir or devisee.**

260 Section **75-2b-107, Purchaser for value or lender.**

261 Section **75-2b-108, Creditor's rights.**

262 Section **75-2b-109, Acts of married persons.**

263 Section **75-2b-110, Limitations on testamentary disposition.**

264 Section **75-2b-111, Uniformity of application and construction.**

265 Section 16. **Effective Date.**

266 This bill takes effect on May 6, 2026.