



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 160 (as reported without amendment)
Sponsor: Senator Sue Shink
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

The bill would enact the "Uniform Premarital and Marital Agreement Act" to do the following:

- Prescribe the enforceability of premarital and marital agreements and specify that agreements would have to be signed on record by both parties.
- Specify that an agreement would be unenforceable if it were signed under duress or provided that each party did not have appropriate informed consent.
- Require that a party have access to independent legal representation, a notice of a waiver of rights, and adequate financial disclosure in an agreement.
- Prohibit an agreement from being enforceable if it adversely affected custodial rights or penalized a party for seeking divorce.
- Specify that premarital or marital agreements signed after the Act's effective date would generally be determined by the law of the jurisdiction designated in the agreement.
- Specify that it would not apply to modifications to agreements needing court approval.

The bill would take effect six months after its enactment.

BRIEF RATIONALE

The Uniform Premarital and Marital Agreement Act (UPMAA) was initially created in 1983 and updated in 2012 by the Uniform Law Commission under the National Conference of Commissioners on Uniform State Laws. A version of the Act has been adopted by 29 states.¹ According to testimony, couples entering into agreements that make financial decisions or asset divisions should have confidence that the agreement will be upheld in the case of a divorce. Accordingly, it has been suggested to enact a State version of the UPMAA to provide transparency to couples entering premarital or marital agreements.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is a reintroduction of Senate Bill 809 of the 2023-2024 Legislative Session. Senate Bill 809 passed the Senate but received no further action.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 4-22-25

Fiscal Analyst: Joe Carrasco, Jr.

¹ "Premarital and Marital Agreements Act", Uniform Law Commission.
<https://www.uniformlaws.org/committees/community-home?CommunityKey=2e456584-938e-4008-ba0c-bb6a1a544400> Retrieved 10-22-24.