



28 the property of both spouses or of either of them separately, for which expenses they may be  
29 sued jointly or separately.]

30 (1) As used in this section:

31 (a) "Family expense" means an expense that benefits and promotes the family unit.

32 (b) "Family expense" does not include a medical expense, as defined in Section  
33 78B-12-102, arising from a deceased spouse's health care treatment.

34 (2) (a) A family expense or a child education expense is chargeable upon the property  
35 of:

36 (i) both spouses; or

37 (ii) either of the spouses separately.

38 (b) A spouse may be sued jointly or separately for an expense described in Subsection  
39 (2)(a).

40 [(2)] (3) For [the expenses] an expense described in Subsection [(1)] (2)(a), where  
41 there is a written agreement signed by either spouse that allows for the recovery of agreed upon  
42 amounts, a creditor or an assignee or successor in interest of the creditor is entitled to recover  
43 the contractually allowed amounts against both spouses, jointly and severally.

44 [(3)] (4) Subsection [(2)] (3) applies to all contracts and agreements under this section  
45 entered into by either spouse during the time the parties are married and living together.

46 [(4)] (5) [For the purposes of this section, family expenses are considered expenses  
47 incurred that benefit and promote the family unit.] Items purchased pursuant to a written  
48 contract or agreement during the marriage that do not relate to family expenses are not covered  
49 by this section.

50 [(5)] (6) The provisions of Subsections [(2)] (3) and [(3)] (4) do not create a right to  
51 attorney's fees or collection fees as to the nonsigning spouse for purchases of:

52 (a) food or clothing; or

53 (b) home improvements or repairs over \$5,000.