

REFERENCE TITLE: premarital and postmarital agreements; registry

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1621

Introduced by
Senators McCune Davis: Johnson

AN ACT

AMENDING TITLE 25, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-216; AMENDING SECTION 33-413, ARIZONA REVISED STATUTES; RELATING TO MARITAL PROPERTY AND CONTRACT RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 25, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 25-216, to read:

4 25-216. Premarital and postmarital agreements registry:
5 requirements; effect; fees; fund

6 A. ON OR BEFORE JANUARY 1, 2008, THE SECRETARY OF STATE SHALL
7 ESTABLISH AND MAINTAIN A PREMARITAL AND POSTMARITAL AGREEMENTS REGISTRY FOR
8 THE FILING OF THE FOLLOWING:

- 9 1. PREMARITAL AGREEMENTS.
10 2. POSTMARITAL AGREEMENTS.
11 3. AMENDMENTS TO A PREMARITAL OR POSTMARITAL AGREEMENT.
12 4. EXCERPTS OF A PREMARITAL OR POSTMARITAL AGREEMENT.

13 B. THE SECRETARY OF STATE SHALL MAKE THE REGISTRY ACCESSIBLE THROUGH A
14 WEBSITE MAINTAINED BY THE SECRETARY OF STATE.

15 C. THE SECRETARY OF STATE MAY CHARGE A FEE FOR EACH REGISTRATION. THE
16 SECRETARY OF STATE MAY ACCEPT GIFTS, GRANTS, DONATIONS, BEQUESTS AND OTHER
17 FORMS OF VOLUNTARY CONTRIBUTIONS TO SUPPORT, PROMOTE AND MAINTAIN THE
18 REGISTRY.

19 D. THE PERSON WHO SUBMITS A DOCUMENT FOR REGISTRATION PURSUANT TO THIS
20 SECTION MUST PROVIDE A RETURN ADDRESS.

21 E. REGISTRATION OF AN AGREEMENT PURSUANT TO THIS SECTION OR AN
22 AMENDMENT TO AN AGREEMENT REGISTERED PURSUANT TO THIS SECTION CONSTITUTES
23 NOTICE TO CREDITORS AND THIRD PARTIES OF THE AGREEMENT OR AMENDMENT.
24 REGISTRATION OF AN EXCERPT OF AN AGREEMENT CONSTITUTES NOTICE TO CREDITORS
25 AND THIRD PARTIES ONLY OF THOSE TERMS CONTAINED IN THE EXCERPTED AGREEMENT.

26 F. ON RECEIPT OF A COMPLETED REGISTRATION FORM, THE SECRETARY OF STATE
27 SHALL CREATE A DIGITAL REPRODUCTION OF THE FORM, ENTER THE REPRODUCED FORM
28 INTO THE REGISTRY DATABASE AND ASSIGN IT A FILE NUMBER.

29 G. THE SECRETARY OF STATE IS NOT REQUIRED TO REVIEW A DOCUMENT TO
30 ENSURE THAT IT COMPLIES WITH THE PARTICULAR STATUTORY REQUIREMENTS APPLICABLE
31 TO THE DOCUMENT.

32 H. THE PERSON WHO SUBMITTED THE DOCUMENT SHALL REVIEW THE PRINTED
33 RECORD. IF THE INFORMATION IS ACCURATE, THE PERSON SHALL CHECK THE BOX
34 MARKED "NO CORRECTIONS REQUIRED" AND SIGN AND RETURN THE PRINTED RECORD TO
35 THE SECRETARY OF STATE'S OFFICE.

36 I. IF THE PERSON WHO SUBMITTED THE DOCUMENT DETERMINES THAT THE
37 PRINTED RECORD IS INACCURATE, THE PERSON SHALL CORRECT THE INFORMATION AND
38 SIGN AND RETURN THE CORRECTED PRINTED RECORD TO THE SECRETARY OF STATE. ON
39 RECEIPT OF A CORRECTED PRINTED RECORD, THE SECRETARY OF STATE SHALL MAKE THE
40 PROPER CORRECTIONS AND SEND A CORRECTED PRINTED RECORD TO THE PERSON WHO
41 SUBMITTED THE DOCUMENT. IF THE INFORMATION IS ACCURATE, THE PERSON SHALL
42 CHECK THE BOX MARKED "NO CORRECTIONS REQUIRED" AND SIGN AND RETURN THE
43 PRINTED RECORD TO THE SECRETARY OF STATE'S OFFICE.

1 J. THE SECRETARY OF STATE SHALL ACTIVATE THE ENTRY INTO THE REGISTRY
2 DATABASE ONLY AFTER RECEIVING A PRINTED RECORD MARKED "NO CORRECTIONS
3 REQUIRED".

4 K. THE ENTRY OF A DOCUMENT PURSUANT TO THIS SECTION DOES NOT:

5 1. AFFECT THE VALIDITY OF THE DOCUMENT.

6 2. RELATE TO THE ACCURACY OF INFORMATION CONTAINED IN THE DOCUMENT.

7 3. CREATE A PRESUMPTION REGARDING THE VALIDITY OF THE DOCUMENT OR THE
8 ACCURACY OF INFORMATION CONTAINED IN THE DOCUMENT.

9 L. THE SECRETARY OF STATE SHALL USE INFORMATION CONTAINED IN THE
10 REGISTRY ONLY FOR PURPOSES PRESCRIBED IN THIS SECTION.

11 M. AT THE REQUEST OF THE PERSON WHO SUBMITTED THE DOCUMENT, THE
12 SECRETARY OF STATE MAY TRANSMIT THE INFORMATION RECEIVED REGARDING THE
13 DOCUMENT TO THE REGISTRY SYSTEM OF ANOTHER JURISDICTION AS IDENTIFIED BY THE
14 PERSON.

15 N. THE PREMARITAL AGREEMENT AND POSTMARITAL AGREEMENT REGISTRY FUND IS
16 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION. THE
17 SECRETARY OF STATE SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
18 CONTINUOUSLY APPROPRIATED. ON NOTICE FROM THE SECRETARY OF STATE, THE STATE
19 TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION
20 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND. THE
21 SECRETARY OF STATE SHALL USE FUND MONIES TO SUPPORT, PROMOTE AND MAINTAIN THE
22 REGISTRY.

23 Sec. 2. Section 33-413, Arizona Revised Statutes, is amended to read:

24 33-413. Invalidity of unrecorded marriage contract as to bona
25 fide purchaser or creditor

26 ~~No~~ A covenant or agreement made in consideration of marriage ~~shall be~~
27 IS NOT valid against a purchaser for valuable consideration, ~~or~~ or a creditor
28 ~~not having~~ THAT DOES NOT HAVE notice ~~thereof~~, OF THE COVENANT OR AGREEMENT
29 unless the covenant or agreement is duly acknowledged and recorded in the
30 manner and form required for deeds and other conveyances OR IS REGISTERED
31 WITH THE SECRETARY OF STATE PURSUANT TO SECTION 25-216.