

FIRST REGULAR SESSION

SENATE BILL NO. 494

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Read 1st time February 12, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1863S.011

AN ACT

To amend chapter 452, RSMo, by adding thereto twelve new sections relating to the uniform premarital agreement act.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 452, RSMo, is amended by adding thereto twelve new sections, to be known as sections 452.615, 452.620, 452.625, 452.630, 452.635, 452.640, 452.645, 452.650, 452.655, 452.660, 452.665, and 452.670, to read as follows:

452.615. Sections 452.615 to 452.670 shall be known and may be cited as the "Uniform Premarital Agreement Act".

452.620. As used in sections 452.615 to 452.670:

(1) "Premarital agreement" means an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage;

(2) "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings.

452.625. A premarital agreement must be in writing and signed by both parties. It is enforceable without consideration.

452.630. 1. Parties to a premarital agreement may contract with respect to:

(1) The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;

(2) The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property;

9 (3) The disposition of property upon separation, marital
10 dissolution, death, or the occurrence or nonoccurrence of any other
11 event;

12 (4) The modification or elimination of spousal support;

13 (5) The making of a will, trust, or other arrangement to carry out
14 the provisions of the agreement;

15 (6) The ownership rights in and disposition of the death benefit
16 from a life insurance policy;

17 (7) The choice of law governing the construction of the
18 agreement; and

19 (8) Any other matter, including their personal rights and
20 obligations, not in violation of public policy or a statute imposing a
21 criminal penalty.

22 2. The right of a child to support may not be adversely affected
23 by a premarital agreement.

 452.635. A premarital agreement becomes effective upon
marriage.

 452.640. After a marriage, a premarital agreement may be
2 amended or revoked only by a written agreement signed by the
3 parties. The amended agreement or the revocation is enforceable
4 without consideration.

 452.645. 1. A premarital agreement is not enforceable if the
2 party against whom enforcement is sought proves that:

3 (1) That party did not execute the agreement voluntarily; or

4 (2) The agreement was unconscionable when it was executed
5 and, before execution of the agreement, that party:

6 (a) Was not provided a fair and reasonable disclosure of the
7 property or financial obligations of the other party;

8 (b) Did not voluntarily and expressly waive, in writing, any right
9 to disclosure of the property or financial obligations of the other party.

10 2. If a provision of the premarital agreement modifies or
11 eliminates spousal support and that modification or elimination causes
12 one party to the agreement to be eligible for support under a program
13 of public assistance at the time of separation or marital dissolution, a
14 court, notwithstanding the terms of the agreement, may require the
15 other party to provide support to the extent necessary to avoid that
16 eligibility.

17 **3. An issue of unconscionability of a premarital agreement shall**
18 **be decided by the court as a matter of law.**

452.650. If a marriage is determined to be void, an agreement
2 **that would otherwise have been a premarital agreement is enforceable**
3 **only to the extent necessary to avoid an inequitable result.**

452.655. Any statute of limitations applicable to an action
2 **asserting a claim for relief under a premarital agreement is tolled**
3 **during the marriage of the parties to the agreement. However,**
4 **equitable defenses limiting the time for enforcement, including laches**
5 **and estoppel, are available to either party.**

452.660. Sections 452.615 to 452.670 shall be applied and
2 **construed to effectuate its general purpose to make uniform the law**
3 **with respect to the subject of sections 452.615 to 452.670 among states**
4 **enacting it.**

452.665. If any provision of sections 452.615 to 452.670 or its
2 **application to any person or circumstance is held invalid, the invalidity**
3 **does not affect other provisions or applications of sections 452.615 to**
4 **452.670 which can be given effect without the invalid provision or**
5 **application, and to this end, the provisions of sections 452.615 to**
6 **452.670 are severable.**

452.670. Sections 452.615 to 452.670 applies to any premarital
2 **agreement executed on or after the effective date of sections 452.615 to**
3 **452.670.**

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