

HOUSE BILL NO. 4812

June 15, 2023, Introduced by Rep. Morgan and referred to the Committee on Government Operations.

A bill to amend 1981 PA 216, entitled

"An act to provide for the rights and liabilities of married women with respect to certain real and personal property; to abrogate the common law disabilities of married women with respect to certain contracts; to prescribe the payment and satisfaction of judgments rendered upon certain written contracts; and to repeal certain acts and parts of acts,"

by amending sections 1, 4, 5, and 6 (MCL 557.21, 557.24, 557.25, and 557.26).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) If a woman acquires real or personal property

1 before marriage or becomes entitled to or acquires, after marriage,
 2 real or personal property through gift, grant, inheritance, devise,
 3 or other manner, that property is and ~~shall remain~~ **remains** the
 4 property of the woman and ~~be~~ a part of the woman's estate. She may
 5 contract with respect to the property ~~, and~~ sell, transfer,
 6 mortgage, convey, devise, or bequeath the property in the same
 7 manner and with the same effect as if she were unmarried. The
 8 property ~~shall is~~ not ~~be~~ liable for the debts, obligations, or
 9 engagements of any other person, including the woman's ~~husband,~~
 10 **spouse**, except as provided in this act.

11 (2) A married woman has the absolute right to have, hold, own,
 12 retain, and enjoy earnings acquired by the married woman as the
 13 result of her personal efforts and those earnings ~~shall be~~ **are**
 14 considered the property of the married woman as described in
 15 subsection (1).

16 Sec. 4. (1) A married woman may enter into a contract with
 17 respect to her separate property as described in section 1. She may
 18 bring an action to enforce the contract, recover damages for breach
 19 of the contract, or seek other remedy with respect to the contract
 20 as provided by law. The married woman ~~shall be~~ **is** personally liable
 21 ~~upon~~ **on** the contract and a judgment entered against the woman may
 22 be satisfied out of the separate property as described in section
 23 1.

24 (2) The ~~husband~~ **spouse** of a married woman ~~shall is~~ not ~~be~~
 25 liable for breach of a contract ~~which~~ **that** was entered into by the
 26 married woman and ~~which~~ **that** relates to the separate property of
 27 the married woman as provided in subsection (1) unless the ~~husband~~
 28 **spouse** acted as a surety, co-signor, or guarantor on the contract.

29 Sec. 5. A married woman may act as a surety for the debt or

1 obligation of another person, including the debt of her ~~husband,~~
2 **spouse**, by signing a written instrument providing for the
3 suretyship. A judgment entered against the married woman as a
4 surety may be satisfied out of her separate property as described
5 in section 1, whether or not the contract of suretyship benefits or
6 concerns that separate property.

7 Sec. 6. (1) A married woman may enter into a written contract
8 pledging or assigning her interest in her separate property, as
9 described in section 1, as security for the debt of another person,
10 including the debt of her ~~husband.~~ **spouse**. If a married woman signs
11 a written contract pledging or assigning an interest in her
12 separate property as security for the debt of another person or her
13 ~~husband,~~ **spouse**, a judgment rendered for payment of the debt may be
14 satisfied out of that separate property whether or not the separate
15 property derives a benefit from the pledge or assignment.

16 (2) A married woman may enter into a written contract giving a
17 general guarantee obligating her personally for the debt of another
18 person, including the debt of her ~~husband.~~ **spouse**. If the married
19 woman signs such a written contract, a judgment rendered for
20 payment of the debt may be satisfied out of any of the separate
21 property of the married woman described in section 1, whether or
22 not the separate property derives a benefit from the general
23 guarantee.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Joint Resolution ____ or House Joint Resolution F
26 (request no. 00367'23) of the 102nd Legislature becomes a part of
27 the state constitution of 1963 as provided in section 1 of article
28 XII of the state constitution of 1963.