

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1932

TITLE: An Act relative to the Uniform Voidable Transactions Act

SPONSOR: Rep. Alice H. Peisch

CO-SPONSOR: None

HEARING DATE: April 22, 2025

PRIOR HISTORY: H1716 (2023 – 2024)
H1832 (2021 - 2022)

SENATE BILL: None

CURRENT LAW: Chapter 109A of the General Laws is the Uniform Fraudulent Transfer Act (UFTA). The UFTA preserves a debtor’s assets so that creditors may investigate them if a debtor ceases payment. Under this act a debtor may not give away their assets with the intent to defeat, delay or defraud the debtor’s creditors.

SUMMARY: Sections 1 to 2 – update the title of Chapter 109A to the Uniform Voidable Transactions Act and its reference in Section 1 of that Chapter.

Sections 3 to 8 – Amend the definitions listed in Section 2 of Chapter 109A to include definitions for the following words: “affiliate” “asset” “claim” “creditor” “debt” “debtor” “electronic” and “insider.”

Section 9 – Updates section 3 of Chapter 109A to include fair valuation and bona fide dispute language in determining debtor insolvency.

Sections 10 to 15 – Update sections 5 and 6 of Chapter 109A to add to both language that the creditor making the claim for relief has the burden of proving the elements of the claim by a preponderance of the evidence.

Sections 16 to 20 – Correct and update language and references in sections 7 and 8 of Chapter 109A.

Section 21 – Updates section 9 of Chapter 109A to set out specific methods by which the creditor may recover judgment for the value of an asset transferred including rules for the burden of proof in such matters and a preponderance of the evidence standard of proof.

Sections 22 to 23 – Make technical updates to Section 10 pursuant to the other changes made by this legislation.

Section 24 – Strikes and replaces the existing Sections 11 and 12 with new language outlining the rules that must be followed to determine a debtor’s location but retains language on the other principles of law and equity which may be used to supplement the provisions of the Act.

Section 25 – Adds 3 new Sections to the Chapter which state that the Chapter: (i) shall be applied and construed to effectuate its general purpose to make uniform the law on the subject with other jurisdictions; (ii) modifies, limits or supersedes the Electronic Signatures and National Commerce Act but does not modify, limit or supersede Section 101(c) of that act or other parts of the United States code which authorize electronic delivery of notices; and (iii) the official comments to the Act added by the Uniform Law Commission in 2014 are not a part of this Act.

Section 26 – Provides that the Act applies to transfers made or obligations incurred on or after the effective date of this act but not those incurred prior to that date or any right of action that accrued prior to that date.