

Senate Commerce Committee

Aaron Jones 271-2609

HB 1127, relative to the uniform voidable transactions act.

Hearing Date: April 14, 2026

Time Opened: 10:00 a.m.

Time Closed: 10:09 a.m.

Members of the Committee Present: Senators Murphy, Fenton and Reardon

Members of the Committee Absent : Senators Innis, Ricciardi and Birdsell

Bill Analysis: This bill repeals the uniform fraudulent transfer act and replaces it with the uniform voidable transactions act.

Sponsors:

Rep. Lynn

Rep. Berch

Who supports the bill: Representative Bob Lynn, Charles Mooney (Uniform State Law Commission), Glenn Perlow (NH Trust Council)

Who opposes the bill: No one

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative Bob Lynn

- Representative Lynn said this bipartisan bill would update the voidable transactions statute to ensure it was consistent with other states.
- In the House, they made changes at the request of representatives from the trust industry.
- **Senator Reardon** asked if New Hampshire's trust laws needed to be accommodated in the uniform law, or if it was happening in other states.
 - **Representative Lynn** was unsure about other states, but New Hampshire would like to become a center for trust law. Changes were made because the trust law community had concerns that certain aspects of this bill could have been interpreted to be hostile to this goal.

Charles Mooney, Uniform State Law Commission

- Uniform law acts undergo a multi-year review process with input from experts in commercial, insolvency, and financial services law.

- This bill was an update to the Uniform Fraudulent Transfer Act.
- The transfer of property would be voidable by creditors if a debtor intended to hinder, delay, or defraud them.
- If a debtor transfers an asset or incurs an obligation that is not reasonably equivalent in value, it could be voided if the debtor is insolvent or in financial distress. If there are no assets and nothing has been received, creditors are not harmed.
- Currently, there is no explicit provision regarding standard of proof. Like civil cases, Mr. Mooney said this bill would establish a preponderance of the evidence standard.
- This bill also would clarify that the governing law would be the location of the debtor.
- Mr. Mooney said he worked cooperatively with the Trust Council to address their concerns regarding qualified trusts. This bill would clarify that the governing law for transfers to these trusts would be state law, not the debtor's location. For claims based on actual intent to hinder, delay, or defraud creditors, the standard of proof would be clear and convincing evidence, not preponderance of the evidence.
- While uniformity was a great thing, Mr. Mooney said adjustments needed to be made to accommodate New Hampshire's interests.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

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Date Hearing Report completed: April 17, 2026