

501B.2 Definitions.

As used in this chapter:

1. “*Established practices*” means the practices used by an unincorporated nonprofit association without material change during the most recent five years of its existence, or if it has existed for less than five years, during its entire existence.

2. “*Governing principles*” means the agreements, whether oral, in a record, or implied from its established practices, that govern the purpose or operation of an unincorporated nonprofit association and the rights and obligations of its members and managers. “*Governing principles*” includes any amendment or restatement of the agreements constituting the governing principles.

3. “*Manager*” means a person that is responsible, alone or in concert with others, for the management of an unincorporated nonprofit association and includes but is not limited to persons who may be designated as directors and officers or some other designation indicating that such persons would perform the duties of a manager.

4. “*Member*” means a person that, under the governing principles, may participate in the selection of persons authorized to manage the affairs of the unincorporated nonprofit association or in the development of the policies and activities of the association.

5. “*Person*” means an individual, corporation, business trust, statutory entity trust, estate, trust, partnership, limited liability company, cooperative, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

6. “*Record*” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

7. “*State*” means a state of the United States, the District of Columbia, Puerto Rico, United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

8. “*Unincorporated nonprofit association*” or “*association*” means an unincorporated organization consisting of two or more members joined under an agreement that is oral, in a record, or implied from conduct, for one or more common, nonprofit purposes. “*Unincorporated nonprofit association*” does not include any of the following:

a. A trust.

b. A marriage, domestic partnership, common law domestic relationship, civil union, or other domestic living arrangement.

c. An organization formed under any other statute that governs the organization and operation of unincorporated associations.

d. A joint tenancy or tenancy in common even if the co-owners share use of the property for a nonprofit purpose.

e. A relationship under an agreement in a record that expressly provides that the relationship between the parties does not create an unincorporated nonprofit association.

2010 Acts, ch 1112, §2, 33

Referred to in §9H.1