

273A.005 Definitions for chapter.

As used in this chapter:

- (1) "Appropriate court" means the Circuit Court of the county of the Commonwealth in which the unincorporated nonprofit association's principal office is located or, if none, the county in which the registered office is or was last maintained;
- (2) "Established practices" means the practices used by an unincorporated nonprofit association without material change during the most recent five (5) years of its existence or, if it has existed for less than five (5) years, during its entire existence;
- (3) "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 manager. The term includes any amendment or restatement of the agreements constituting the governing principles;
- (4) "Manager" means a person that is responsible, whether alone or in concert with others, for the management of an unincorporated nonprofit association;
- (5) "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;
- (6) "Nonprofit purpose" means any one (1) or more of the following purposes: charitable, benevolent, eleemosynary, educational, civic, patriotic, political, governmental, religious, social, recreational, fraternal, literary, cultural, athletic, scientific, agricultural, horticultural, animal husbandry, and professional, commercial, industrial, or trade association, but shall not include labor unions, cooperative organizations, and organizations subject to any of the provisions of the insurance laws or banking laws of this state which may not be organized under this chapter;
- (7) "Person" means an individual, corporation, business or statutory trust, estate, donative trust, partnership, limited partnership, limited liability company, cooperative, association, limited cooperative association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality, or any other legal or commercial entity;
- (8) "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;
- (9) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;
- (10) "Statement of authority" means a statement authorizing a person to transfer an interest in real property held in the name of an unincorporated nonprofit association; and
- (11) "Unincorporated nonprofit association" means an unincorporated organization consisting of two (2) or more members joined under an agreement that is oral, in a record, or implied from conduct, for one (1) or more common, nonprofit purposes.

The term does not include:

- (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 any person;
- (d) A joint tenancy, tenancy in common, or tenancy by the entireties even if the co-owners share use of the property for a nonprofit purpose; or
- (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.

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