

Effective 5/12/2015

16-6a-103 Notice.

- (1) Notice given under this chapter shall be in writing unless oral notice is reasonable under the circumstances.
- (2)
 - (a) Notice may be communicated:
 - (i) in person;
 - (ii) by telephone;
 - (iii) by electronic transmission; or
 - (iv) by mail or private carrier.
 - (b) If the forms of personal notice described in Subsection (2)(a) are impracticable, notice may be communicated by:
 - (i)
 - (A) a newspaper of general circulation in the county or similar governmental subdivision in which the corporation's principal or registered office is located; and
 - (B) as required in Section 45-1-101; or
 - (ii) radio, television, or other form of public broadcast communication in the county or similar governmental subdivision in which the corporation's principal or registered office is located.
- (3) Written notice to a domestic or foreign nonprofit corporation authorized to conduct affairs in this state may be addressed to:
 - (a) its registered agent at its registered office; or
 - (b) the corporation's secretary at its principal office.
- (4)
 - (a) Written notice by a domestic or foreign nonprofit corporation to its members, is effective as to each member when mailed, if:
 - (i) in a comprehensible form; and
 - (ii) addressed to the member's address shown in the domestic or foreign nonprofit corporation's current record of members.
 - (b) If three successive notices given to a member pursuant to Subsection (5) have been returned as undeliverable, further notices to that member are not necessary until another address of the member is made known to the nonprofit corporation.
- (5) Except as provided in Subsection (4), written notice, if in a comprehensible form, is effective at the earliest of the following:
 - (a) when received;
 - (b) five days after it is mailed; or
 - (c) on the date shown on the return receipt if:
 - (i) sent by registered or certified mail;
 - (ii) sent return receipt requested; and
 - (iii) the receipt is signed by or on behalf of the addressee.
- (6) Oral notice is effective when communicated if communicated in a comprehensible manner.
- (7) Notice by publication is effective on the date of first publication.
- (8) A written notice or report delivered as part of a newsletter, magazine, or other publication regularly sent to members shall constitute a written notice or report if:
 - (a) addressed or delivered to the member's address shown in the nonprofit corporation's current list of members; or
 - (b) if two or more members are residents of the same household and have the same address in the nonprofit corporation's current list of members, addressed or delivered to one of the members at the address appearing on the current list of members.

(9)

- (a) If this chapter prescribes notice requirements for particular circumstances, the notice requirements for the particular circumstances govern.
- (b) If articles of incorporation or bylaws prescribe notice requirements not inconsistent with this section or other provisions of this chapter, the notice requirements of the articles of incorporation or bylaws govern.

Amended by Chapter 240, 2015 General Session