

16-16-1403 Activities not constituting transacting business.

- (1) Activities of a foreign cooperative which do not constitute transacting business in this state under this part include:
 - (a) maintaining, defending, and settling an action or proceeding;
 - (b) holding meetings of the foreign cooperative's members or directors or carrying on any other activity concerning the foreign cooperative's internal affairs;
 - (c) maintaining accounts in financial institutions;
 - (d) maintaining offices or agencies for the transfer, exchange, and registration of the foreign cooperative's own securities or maintaining trustees or depositories with respect to those securities;
 - (e) selling through independent contractors;
 - (f) soliciting or obtaining orders, whether by mail or electronic means, through employees, agents, or otherwise, if the orders require acceptance outside this state before they become contracts;
 - (g) creating or acquiring indebtedness, mortgages, or security interests in real or personal property;
 - (h) securing or collecting debts or enforcing mortgages or other security interests in property securing the debts, and holding, protecting, and maintaining property so acquired;
 - (i) conducting an isolated transaction that is completed within 30 days and is not one in the course of similar transactions; and
 - (j) transacting business in interstate commerce.
- (2) For purposes of this part, the ownership in this state of income-producing real property or tangible personal property, other than property excluded under Subsection (1), constitutes transacting business in this state.
- (3) This section does not apply in determining the contacts or activities that may subject a foreign cooperative to service of process, taxation, or regulation under law of this state other than this chapter.

Enacted by Chapter 363, 2008 General Session