

16-6a-1506 Corporate name and assumed corporate name of foreign nonprofit corporation.

- (1)
 - (a) Except as provided in Subsection (2), if the corporate name of a foreign nonprofit corporation does not satisfy the requirements of Section 16-6a-401, to obtain authority to conduct affairs in this state, the foreign nonprofit corporation shall assume for use in this state a name that satisfies the requirements of Section 16-6a-401.
 - (b) Section 16-6a-401 applies to a domestic nonprofit corporation.
- (2) A foreign nonprofit corporation may obtain authority to conduct affairs in this state with a name that does not meet the requirements of Subsection (1) because it is not distinguishable as required under Subsection 16-6a-401(2), if the foreign nonprofit corporation delivers to the division for filing either:
 - (a)
 - (i) a written consent to the foreign nonprofit corporation's use of the name, given and signed by the other person entitled to the use of the name; and
 - (ii) a written undertaking by the other person, in a form satisfactory to the division, to change its name to a name that is distinguishable from the name of the applicant; or
 - (b) a certified copy of a final judgment of a court of competent jurisdiction establishing the prior right of the foreign nonprofit corporation to use the requested name in this state.
- (3) A foreign nonprofit corporation may use in this state the name, including the fictitious name, of another domestic or foreign nonprofit corporation that is used or registered in this state if:
 - (a) the other corporation is incorporated or authorized to conduct affairs in this state; and
 - (b) the foreign nonprofit corporation:
 - (i) has merged with the other corporation; or
 - (ii) has been formed by reorganization of the other corporation.
- (4) If a foreign nonprofit corporation authorized to conduct affairs in this state, whether under its corporate name or an assumed corporate name, changes its corporate name to one that does not satisfy the requirements of Subsections (1) through (3), or the requirements of Section 16-6a-401, the foreign nonprofit corporation:
 - (a) may not conduct affairs in this state under the changed name;
 - (b) shall use an assumed corporate name that does meet the requirements of this section; and
 - (c) shall deliver to the division for filing an amended application for authority to conduct affairs pursuant to Section 16-6a-1504.

Amended by Chapter 197, 2002 General Session