

STATE OF NEW YORK

7471

2025-2026 Regular Sessions

IN SENATE

April 17, 2025

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the business corporation law, the executive law, the general associations law, the limited liability company law, the not-for-profit corporation law, the partnership law, the tax law, the administrative code of the city of New York, the real property law, the general business law, the navigation law, and the vehicle and traffic law, in relation to expanding service of process to the department of state in the city of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph 1 of paragraph (b) of section 306 of the busi-
2 ness corporation law, as amended by section 2 of part KK of chapter 56
3 of the laws of 2021, is amended to read as follows:

4 (1) Service of process on the secretary of state as agent of a domes-
5 tic or authorized foreign corporation shall be made in the manner
6 provided by clause (i) or (ii) of this subparagraph. Either option of
7 service authorized pursuant to this subparagraph shall be available at
8 no extra cost to the consumer. (i) Personally delivering to and leaving
9 with the secretary of state or a deputy, or with any person authorized
10 by the secretary of state to receive such service, at the office of the
11 department of state in either the city of Albany or New York, duplicate
12 copies of such process together with the statutory fee, which fee shall
13 be a taxable disbursement. Service of process on such corporation shall
14 be complete when the secretary of state is so served. The secretary of
15 state shall promptly send one of such copies by certified mail, return
16 receipt requested, to such corporation, at the post office address, on
17 file in the department of state, specified for the purpose. If a domes-
18 tic or authorized foreign corporation has no such address on file in the
19 department of state, the secretary of state shall so mail such copy, in

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 the case of a domestic corporation, in care of any director named in its
2 certificate of incorporation at the director's address stated therein
3 or, in the case of an authorized foreign corporation, to such corpo-
4 ration at the address of its office within this state on file in the
5 department. (ii) Electronically submitting a copy of the process to the
6 department of state together with the statutory fee, which fee shall be
7 a taxable disbursement, through an electronic system operated by the
8 department of state, provided the domestic or authorized foreign corpo-
9 ration has an email address on file in the department of state to which
10 the secretary of state shall email a notice of the fact that process has
11 been served electronically on the secretary of state. Service of proc-
12 ess on such corporation shall be complete when the secretary of state
13 has reviewed and accepted service of such process. The secretary of
14 state shall promptly send a notice of the fact that process has been
15 served to such corporation at the email address on file in the depart-
16 ment of state, specified for the purpose and shall make a copy of the
17 process available to such corporation.

18 § 2. The executive law is amended by adding a new section 92-a to read
19 as follows:

20 § 92-a. Service of process. In any case in which service of process on
21 the secretary of state as agent or attorney of an organization, associ-
22 ation, partnership, corporation, company, trust or other person or enti-
23 ty is authorized by law at the office of the department of state in the
24 city of Albany, service of process on the secretary of state may be made
25 by personal delivery to the secretary of state or a deputy, or any
26 person authorized by the secretary of state to receive such service, at
27 the office of the department of state in the city of New York. The
28 secretary of state shall so authorize appropriate persons at such
29 office.

30 § 3. Subdivision 2 of section 172-c of the executive law, as amended
31 by chapter 43 of the laws of 2002, is amended to read as follows:

32 2. Service of such process upon the secretary of state shall be made
33 by personally delivering to and leaving with the secretary of state or
34 any person authorized by the secretary of state to accept such service a
35 copy thereof at the office of the department of state in either the city
36 of Albany or New York, and such service shall be sufficient service
37 provided that notice of such service and a copy of such process are
38 forthwith sent by the attorney general or any other party to such chari-
39 table organization by certified mail with return receipt requested, at
40 its office as set forth in the registration form required to be filed
41 with the attorney general pursuant to section one hundred seventy-two of
42 this article, or in default of the filing of such form, at the last
43 address known to the attorney general or any other party. Service of
44 such process shall be complete upon the receipt by the attorney general
45 or any other party of a return receipt purporting to be signed by the
46 addressee or a person qualified to receive its certified mail, in
47 accordance with the rules and customs of the post office department, or,
48 if acceptance was refused by the addressee or its agent, ten days after
49 the return to the attorney general or any other party of a notation by
50 the postal authorities that receipt thereof was refused.

51 § 4. Subdivision 2 of section 173-c of the executive law, as amended
52 by chapter 43 of the laws of 2002, is amended to read as follows:

53 2. Service of such process or notice upon the secretary of state shall
54 be made by personally delivering to and leaving with the secretary of
55 state or any person authorized by the secretary of state to accept such
56 service a copy thereof at the office of the department of state in

1 either the city of Albany or New York, and such service shall be suffi-
2 cient service provided that notice of such service and a copy of such
3 process are forthwith sent by the attorney general or other party as the
4 case may be to such professional fund raiser, fund raising counsel,
5 professional solicitor or commercial co-venturer by certified mail with
6 return receipt requested, at the office address as set forth in the
7 registration form required to be filed with the attorney general pursu-
8 ant to sections one hundred seventy-three and one hundred
9 seventy-three-b of this article, or in default of the filing of such
10 form, at the last address known to the attorney general or other party.
11 Service of such process shall be complete ten days after the receipt by
12 the attorney general or other party of a return receipt purporting to be
13 signed by the addressee or a person qualified to receive the addressee's
14 certified mail, in accordance with the rules and customs of the post
15 office department, or, if acceptance was refused by the addressee or the
16 agent, ten days after the return to the attorney general or other party
17 of the original envelope bearing a notation by the postal authorities
18 that receipt thereof was refused.

19 § 5. Section 19 of the general associations law, as amended by section
20 16 of part KK of chapter 56 of the laws of 2021, is amended to read as
21 follows:

22 § 19. Service of process. Service of process against an association
23 upon the secretary of state shall be made in the manner provided by
24 subdivision one or two of this section. Either option of service author-
25 ized pursuant to this section shall be available at no extra cost to the
26 consumer. (1) Personally delivering to and leaving with [~~him or her~~] the
27 secretary of state or with a person authorized by the secretary of state
28 to receive such service, duplicate copies of such process at the office
29 of the department of state in either the city of Albany or New York. At
30 the time of such service the plaintiff shall pay a fee of forty dollars
31 to the secretary of state which shall be a taxable disbursement. The
32 secretary of state shall promptly send by certified mail one of such
33 copies to the association at the address fixed for that purpose, as
34 herein provided. (2) Electronically submitting a copy of the process to
35 the department of state together with the statutory fee, which fee shall
36 be a taxable disbursement, through an electronic system operated by the
37 department of state, provided the association has an email address on
38 file in the department of state to which the secretary of state shall
39 email a notice of the fact that process has been served electronically
40 on the secretary of state. Service of process on such association shall
41 be complete when the secretary of state has reviewed and accepted
42 service of such process. The secretary of state shall promptly send a
43 notice of the fact that process against such association has been served
44 electronically upon [~~him or her~~] the secretary of state, to such associ-
45 ation at the email address on file in the department of state, specified
46 for the purpose and shall make a copy of the process available to such
47 association. If the action or proceeding is instituted in a court of
48 limited jurisdiction, service of process may be made in the manner
49 provided in this section if the cause of action arose within the terri-
50 torial jurisdiction of the court and the office of the defendant, as set
51 forth in its statement filed pursuant to section eighteen of this [~~chap-~~
52 ~~ter~~] article, is within such territorial jurisdiction.

53 § 6. Paragraph 1 of subdivision (b) of section 304 of the limited
54 liability company law, as amended by section 22 of part KK of chapter 56
55 of the laws of 2021, is amended to read as follows:

(1) Personally delivering to and leaving with the secretary of state or ~~[his or her]~~ the deputy of the secretary of state, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in either the city of Albany or New York, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement.

§ 7. Paragraph (b) of section 306 of the not-for-profit corporation law, as amended by section 30 of part KK of chapter 56 of the laws of 2021, is amended to read as follows:

(b) Service of process on the secretary of state as agent of a domestic corporation formed under article four of this chapter or an authorized foreign corporation shall be made in the manner provided by subparagraph one or two of this paragraph. (1) Personally delivering to and leaving with the secretary of state or ~~[his or her]~~ the deputy of the secretary of state, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in either the city of Albany or New York, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such corporation shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for the purpose. If a domestic corporation formed under article four of this chapter or an authorized foreign corporation has no such address on file in the department of state, the secretary of state shall so mail such copy to such corporation at the address of its office within this state on file in the department. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the domestic or authorized foreign corporation has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such corporation shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such corporation has been served electronically on ~~[him or her]~~ the secretary of state to such corporation at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such corporation.

§ 8. The opening paragraph of paragraph 2 of subdivision (e) of section 121-104-A of the partnership law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

Service of such process upon the secretary of state shall be made by personally delivering to and leaving with ~~[him or his]~~ the secretary of state or the deputy of the secretary of state, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in either the city of Albany or New York, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement. Such service shall be sufficient if notice thereof and a copy of the process are:

§ 9. The opening paragraph of paragraph 1 of subdivision (a) of section 121-109 of the partnership law, as amended by section 41 of part KK of chapter 56 of the laws of 2021, is amended to read as follows:

1 By personally delivering to and leaving with [~~him or her or his or~~
2 ~~her~~] the secretary of state or the deputy of the secretary of state, or
3 with any person authorized by the secretary of state to receive such
4 service, at the office of the department of state in either the city of
5 Albany or New York, duplicate copies of such process together with the
6 statutory fee, which fee shall be a taxable disbursement.

7 § 10. Subdivision (a) of section 121-1505 of the partnership law, as
8 amended by section 52 of part KK of chapter 56 of the laws of 2021, is
9 amended to read as follows:

10 (a) Service of process on the secretary of state as agent of a regis-
11 tered limited liability partnership or New York registered foreign
12 limited liability partnership under this article shall be made in the
13 manner provided by paragraph one or two of this subdivision. Either
14 option of service authorized pursuant to this subdivision shall be
15 available at no extra cost to the consumer. (1) Personally delivering to
16 and leaving with the secretary of state or a deputy, or with any person
17 authorized by the secretary of state to receive such service, at the
18 office of the department of state in either the city of Albany or New
19 York, duplicate copies of such process together with the statutory fee,
20 which fee shall be a taxable disbursement. Service of process on such
21 registered limited liability partnership shall be complete when the
22 secretary of state is so served. The secretary of state shall promptly
23 send one of such copies by certified mail, return receipt requested, to
24 such registered limited liability partnership, at the post office
25 address on file in the department of state specified for such purpose.
26 (2) Electronically submitting a copy of the process to the department of
27 state together with the statutory fee, which fee shall be a taxable
28 disbursement, through an electronic system operated by the department of
29 state, provided the registered limited liability partnership or New York
30 registered foreign limited liability partnership has an email address on
31 file in the department of state to which the secretary of state shall
32 email a notice of the fact that process against such registered limited
33 liability partnership or New York registered foreign limited liability
34 partnership served has been electronically served on the secretary of
35 state. Service of process on such registered limited liability partner-
36 ship or New York registered foreign limited liability partnership shall
37 be complete when the secretary of state has reviewed and accepted
38 service of such process. The secretary of state shall promptly send a
39 notice of the fact that process against such registered limited liabil-
40 ity partnership or New York registered foreign limited liability part-
41 nership has been served electronically upon [~~him or her~~] the secretary
42 of state, to such registered limited liability partnership or New York
43 registered foreign limited liability partnership at the email address on
44 file in the department of state, specified for the purpose and shall
45 make a copy of the process available to such registered limited liabil-
46 ity partnership or New York registered foreign limited liability part-
47 nership.

48 § 11. The opening paragraph of paragraph 2 of subdivision (f) of
49 section 121-1506 of the partnership law, as added by chapter 448 of the
50 laws of 1998, is amended to read as follows:

51 Service of such process upon the secretary of state shall be made by
52 personally delivering to and leaving with [~~him or his~~] the secretary of
53 state or the deputy of the secretary of state, or with any person
54 authorized by the secretary of state to receive such service, at the
55 office of the department of state in either the city of Albany or New
56 York, a copy of such process together with the statutory fee, which fee

1 shall be a taxable disbursement. Such service shall be sufficient if
2 notice thereof and a copy of the process are:

3 § 12. Subdivision 2 of section 203 of the tax law, as amended by chap-
4 ter 100 of the laws of 1964, is amended to read as follows:

5 2. Every foreign corporation (other than a moneyed corporation)
6 subject to the provisions of this article, except a corporation having a
7 certificate of authority under former section two hundred twelve of the
8 general corporation law or having authority to do business by virtue of
9 section thirteen hundred five of the business corporation law, shall
10 file in the department of state a certificate of designation in its
11 corporate name, signed and acknowledged by its president or a vice-pre-
12 sident or its secretary or treasurer, under its corporate seal, desig-
13 nating the secretary of state as its agent upon whom process in any
14 action provided for by this article may be served within this state, and
15 setting forth an address to which the secretary of state shall mail a
16 copy of any such process against the corporation which may be served
17 upon ~~[him]~~ the secretary of state. In case any such corporation shall
18 have failed to file such certificate of designation, it shall be deemed
19 to have designated the secretary of state as its agent upon whom such
20 process against it may be served; and until a certificate of designation
21 shall have been filed the corporation shall be deemed to have directed
22 the secretary of state to mail copies of process served upon ~~[him]~~ the
23 secretary of state to the corporation at its last known office address
24 within or without the state. When a certificate of designation has been
25 filed by such corporation the secretary of state shall mail copies of
26 process thereafter served upon ~~[him]~~ the secretary of state to the
27 address set forth in such certificate. Any such corporation, from time
28 to time, may change the address to which the secretary of state is
29 directed to mail copies of process, by filing a certificate to that
30 effect executed, signed and acknowledged in like manner as a certificate
31 of designation as herein provided. Service of process upon any such
32 corporation or upon any corporation having a certificate of authority
33 under former section two hundred twelve of the general corporation law
34 or having authority to do business by virtue of section thirteen hundred
35 five of the business corporation law, in any action commenced at any
36 time pursuant to the provisions of this article, may be made by either
37 (1) personally delivering to and leaving with the secretary of state, a
38 deputy secretary of state or with any person authorized by the secretary
39 of state to receive such service duplicate copies thereof at the office
40 of the department of state in either the city of Albany or New York, in
41 which event the secretary of state shall forthwith send by registered
42 mail, return receipt requested, one of such copies to the corporation at
43 the address designated by it or at its last known office address within
44 or without the state, or (2) personally delivering to and leaving with
45 the secretary of state, a deputy secretary of state or with any person
46 authorized by the secretary of state to receive such service, a copy
47 thereof at the office of the department of state in either the city of
48 Albany or New York and by delivering a copy thereof to, and leaving such
49 copy with, the president, vice-president, secretary, assistant secre-
50 tary, treasurer, assistant treasurer, or cashier of such corporation, or
51 the officer performing corresponding functions under another name, or a
52 director or managing agent of such corporation, personally without the
53 state. Proof of such personal service without the state shall be filed
54 with the clerk of the court in which the action is pending within thirty
55 days after such service, and such service shall be complete ten days
56 after proof thereof is filed.

§ 13. Section 216 of the tax law, as added by chapter 415 of the laws of 1944, the opening paragraph as amended by chapter 100 of the laws of 1964 and as redesignated by chapter 613 of the laws of 1976, is amended to read as follows:

§ 216. Collection of taxes. Every foreign corporation (other than a moneyed corporation) subject to the provisions of this article, except a corporation having a certificate of authority under former section two hundred twelve of the general corporation law or having authority to do business by virtue of section thirteen hundred five of the business corporation law, shall file in the department of state a certificate of designation in its corporate name, signed and acknowledged by its president or a vice-president or its secretary or treasurer, under its corporate seal, designating the secretary of state as its agent upon whom process in any action provided for by this article may be served within this state, and setting forth an address to which the secretary of state shall mail a copy of any such process against the corporation which may be served upon ~~him~~ the secretary of state. In case any such corporation shall have failed to file such certificate of designation, it shall be deemed to have designated the secretary of state as its agent upon whom such process against it may be served; and until a certificate of designation shall have been filed the corporation shall be deemed to have directed the secretary of state to mail copies of process served upon ~~him~~ the secretary of state to the corporation at its last known office address within or without the state. When a certificate of designation has been filed by such corporation the secretary of state shall mail copies of process thereafter served upon ~~him~~ the secretary of state to the address set forth in such certificate. Any such corporation, from time to time, may change the address to which the secretary of state is directed to mail copies of process, by filing a certificate to that effect executed, signed and acknowledged in like manner as a certificate of designation as herein provided. Service of process upon any such corporation or upon any corporation having a certificate of authority under former section two hundred twelve of the general corporation law or having authority to do business by virtue of section thirteen hundred five of the business corporation law, in any action commenced at any time pursuant to the provisions of this article, may be made by either (1) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service duplicate copies thereof at the office of the department of state in either the city of Albany or New York, in which event the secretary of state shall forthwith send by registered mail, return receipt requested, one of such copies to the corporation at the address designated by it or at its last known office address within or without the state, or (2) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service, a copy thereof at the office of the department of state in either the city of Albany or New York and by delivering a copy thereof to, and leaving such copy with, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, or cashier of such corporation, or the officer performing corresponding functions under another name, or a director or managing agent of such corporation, personally without the state. Proof of such personal service without the state shall be filed with the clerk of the court in which the action is pending within thirty days after such service, and such service shall be complete ten days after proof thereof is filed.

§ 14. Subdivision (b) of section 310 of the tax law, as added by chapter 400 of the laws of 1983, is amended to read as follows:

(b) Service of process.--Service of process upon any petroleum business which is a corporation (including any such petroleum business having a certificate of authority under former section two hundred twelve of the general corporation law or having authority to do business by virtue of section thirteen hundred five of the business corporation law), in any action commenced at any time pursuant to the provisions of this article, may be made by either (1) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service duplicate copies thereof at the office of the department of state in either the city of Albany or New York, in which event the secretary of state shall forthwith send by registered mail, return receipt requested, one of such copies to such petroleum business at the address designated by it or at its last known office address within or without the state, or (2) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service, a copy thereof at the office of the department of state in either the city of Albany or New York and by delivering a copy thereof to, and leaving such copy with, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, or cashier of such petroleum business, or the officer performing corresponding functions under another name, or a director or managing agent of such petroleum business, personally without the state. Proof of such personal service without the state shall be filed with the clerk of the court in which the action is pending within thirty days after such service, and such service shall be complete ten days after proof thereof is filed.

§ 15. Subdivision 5 of section 511 of the tax law, as amended by section 7 of part E of chapter 60 of the laws of 2007, is amended to read as follows:

5. The operation by a nonresident of a vehicular unit in this state or the operation in this state of a motor vehicle, trailer, semi-trailer, dolly or other device owned by a nonresident shall be deemed equivalent to an appointment by such nonresident of the secretary of state to be ~~[his]~~ the nonresident's true and lawful attorney upon whom may be served the process in any action or proceeding against ~~[him]~~ the nonresident growing out of any liability for fees, taxes, penalties or interest under this article and such operation shall be deemed a signification of ~~[his]~~ the nonresident's agreement that any such process against ~~[him]~~ the nonresident which is so served shall be of the same legal force and validity as if served on ~~[him]~~ the nonresident personally within the state and within the territorial jurisdiction of the court from which the process issues. Service of process shall be made by either (1) personally delivering to and leaving with the secretary of state or a deputy secretary of state duplicate copies thereof at the office of the department of state in either the city of Albany or New York, in which event the secretary of state shall forthwith send by registered mail one of such copies to the person at the address designated by ~~[him]~~ the nonresident in ~~[his]~~ the nonresident's application for a certificate of registration under this article or in the last return filed by ~~[him]~~ the nonresident under this article or as shown on the records of the commissioner, or if no application has been filed, at ~~[his]~~ the nonresident's last known office address within or without the state, or (2) personally delivering to and leaving with the secretary of state or a deputy secre-

1 tary of state a copy thereof at the office of the department of state in
2 either the city of Albany or New York and by delivering a copy thereof
3 to the person, personally without the state. Proof of such personal
4 service without the state shall be filed with the clerk of the court in
5 which the process is pending within thirty days after such service and
6 such service shall be complete ten days after proof thereof is filed.

7 § 16. The opening paragraph of paragraph 2 of subdivision (e) of
8 section 301-A of the limited liability company law, as added by chapter
9 448 of the laws of 1998, is amended to read as follows:

10 Service of such process upon the secretary of state shall be made by
11 personally delivering to and leaving with [~~him or his~~] the secretary of
12 state or the deputy of the secretary of state, or with any person
13 authorized by the secretary of state to receive such service, at the
14 office of the department of state in either the city of Albany or New
15 York, a copy of such process together with the statutory fee, which fee
16 shall be a taxable disbursement. Such service shall be sufficient if
17 notice thereof and a copy of the process are:

18 § 17. Subdivision (a) of section 303 of the limited liability company
19 law, as amended by section 21 of part KK of chapter 56 of the laws of
20 2021, is amended to read as follows:

21 (a) Service of process on the secretary of state as agent of a domes-
22 tic limited liability company or authorized foreign limited liability
23 company shall be made in the manner provided by paragraph one or two of
24 this subdivision. Either option of service authorized pursuant to this
25 subdivision shall be available at no extra cost to the consumer. (1)
26 Personally delivering to and leaving with the secretary of state or [~~his~~
27 ~~or her~~] the deputy of the secretary of state, or with any person author-
28 ized by the secretary of state to receive such service, at the office of
29 the department of state in either the city of Albany or New York, dupli-
30 cate copies of such process together with the statutory fee, which fee
31 shall be a taxable disbursement. Service of process on such limited
32 liability company shall be complete when the secretary of state is so
33 served. The secretary of state shall promptly send one of such copies by
34 certified mail, return receipt requested, to such limited liability
35 company at the post office address on file in the department of state
36 specified for that purpose. (2) Electronically submitting a copy of the
37 process to the department of state together with the statutory fee,
38 which fee shall be a taxable disbursement, through an electronic system
39 operated by the department of state, provided the domestic or authorized
40 foreign limited liability company has an email address on file in the
41 department of state to which the secretary of state shall email a notice
42 of the fact that process has been served electronically on the secretary
43 of state. Service of process on such limited liability company shall be
44 complete when the secretary of state has reviewed and accepted service
45 of such process. The secretary of state shall promptly send a notice of
46 the fact that process against such limited liability company has been
47 served electronically on [~~him or her~~] the secretary of state to such
48 limited liability company at the email address on file in the department
49 of state, specified for the purpose and shall make a copy of the process
50 available to such limited liability company.

51 § 18. Subparagraph 1 of paragraph (b) of section 307 of the not-for-
52 profit corporation law, as amended by section 31 of part KK of chapter
53 56 of the laws of 2021, is amended to read as follows:

54 (1) Service of such process upon the secretary of state shall be made
55 in the manner provided by items (i) or (ii) of this subparagraph.
56 Either option of service authorized pursuant to this paragraph shall be

1 available at no extra cost to the consumer. (i) Personally delivering to
2 and leaving with [~~him or his~~] the secretary of state or the deputy of
3 the secretary of state, or with any person authorized by the secretary
4 of state to receive such service, at the office of the department of
5 state in either the city of Albany or New York, a copy of such process
6 together with the statutory fee, which fee shall be a taxable disburse-
7 ment. (ii) Electronically submitting a copy of the process to the
8 department of state together with the statutory fee, which fee shall be
9 a taxable disbursement, through an electronic system operated by the
10 department of state.

11 § 19. The opening paragraph of subparagraph 2 of paragraph (e) of
12 section 306-a of the business corporation law, as added by chapter 469
13 of the laws of 1997, is amended to read as follows:

14 Service of such process upon the secretary of state shall be made by
15 personally delivering to and leaving with [~~him or his~~] the secretary of
16 state or the deputy of the secretary of state, or with any person
17 authorized by the secretary of state to receive such service, at the
18 office of the department of state in either the city of Albany or New
19 York, a copy of such process together with the statutory fee, which fee
20 shall be a taxable disbursement. Such service shall be sufficient if
21 notice thereof and a copy of the process are:

22 § 20. The opening paragraph of paragraph (b) of section 307 of the
23 business corporation law, as amended by section 3 of part KK of chapter
24 56 of the laws of 2021, is amended to read as follows:

25 Service of such process upon the secretary of state shall be made in
26 the manner provided by subparagraph [~~one or two~~] (i) or (ii) of this
27 paragraph. Either option of service authorized pursuant to this para-
28 graph shall be available at no extra cost to the consumer[~~-(1)~~]: (i)
29 Personally delivering to and leaving with [~~him or his~~] the secretary of
30 state or the deputy of the secretary of state, or with any person
31 authorized by the secretary of state to receive such service, at the
32 office of the department of state in either the city of Albany or New
33 York, a copy of such process together with the statutory fee, which fee
34 shall be a taxable disbursement[~~-(2)~~] (ii) Electronically submitting a
35 copy of the process to the department of state together with the statu-
36 tory fee, which fee shall be a taxable disbursement, through an elec-
37 tronic system operated by the department of state. Such service shall be
38 sufficient if notice thereof and a copy of the process are:

39 § 21. Section 11-609 of the administrative code of the city of New
40 York is amended to read as follows:

41 § 11-609 Collection of taxes. Every foreign corporation (other than a
42 moneyed corporation) subject to the provisions of this subchapter,
43 except a corporation having authority to do business by virtue of
44 section thirteen hundred five of the business corporation law, shall
45 file in the department of state a certificate of designation in its
46 corporate name, signed and acknowledged by its president or a vice-pre-
47 sident or its secretary or treasurer, under its corporate seal, desig-
48 nating the secretary of state as its agent upon whom process in any
49 action provided for by this subchapter may be served within this state,
50 and setting forth an address to which the secretary of state shall mail
51 a copy of any such process against the corporation which may be served
52 upon the secretary of state. In case any such corporation shall have
53 failed to file such certificate of designation, it shall be deemed to
54 have designated the secretary of state as its agent upon whom such proc-
55 ess against it may be served; and until a certificate of designation
56 shall have been filed the corporation shall be deemed to have directed

1 the secretary of state to mail copies of process served upon [~~him or~~
2 ~~her~~] the secretary of state to the corporation at its last known office
3 address within or without the state. When a certificate of designation
4 has been filed by such corporation the secretary of state shall mail
5 copies of process thereafter served upon the secretary of state to the
6 address set forth in such certificate. Any such corporation, from time
7 to time, may change the address to which the secretary of state is
8 directed to mail copies of process, by filing a certificate to that
9 effect executed, signed and acknowledged in like manner as a certificate
10 of designation as herein provided. Service of process upon any such
11 corporation or upon any corporation having a certificate of authority
12 under former section two hundred twelve of the general corporation law
13 or having authority to do business by virtue of section thirteen hundred
14 five of the business corporation law, in any action commenced at any
15 time pursuant to the provisions of this subchapter, may be made by
16 either: (a) personally delivering to and leaving with the secretary of
17 state, a deputy secretary of state or with any person authorized by the
18 secretary of state to receive such service duplicate copies thereof at
19 the office of the department of state in either the city of Albany or
20 New York, in which event the secretary of state shall forthwith send by
21 registered mail, return receipt requested, one of such copies to the
22 corporation at the address designated by it or at its last known office
23 address within or without the state, or (b) personally delivering to and
24 leaving with the secretary of state, a deputy secretary of state or with
25 any person authorized by the secretary of state to receive such service,
26 a copy thereof at the office of the department of state in either the
27 city of Albany or New York and by delivering a copy thereof to, and
28 leaving such copy with, the president, vice-president, secretary,
29 assistant secretary, treasurer, assistant treasurer, or cashier of such
30 corporation, or the officer performing corresponding functions under
31 another name, or a director or managing agent of such corporation,
32 personally without the state. Proof of such personal service without the
33 state shall be filed with the clerk of the court in which the action is
34 pending within thirty days after such service, and such service shall be
35 complete ten days after proof thereof is filed.

36 § 22. Section 11-659 of the administrative code of the city of New
37 York, as added by section 1 of part D of chapter 60 of the laws of 2015,
38 is amended to read as follows:

39 § 11-659 Collection of taxes. Every foreign corporation (other than a
40 moneyed corporation) subject to the provisions of this subchapter,
41 except a corporation having authority to do business by virtue of
42 section thirteen hundred five of the business corporation law, shall
43 file in the department of state a certificate of designation in its
44 corporate name, signed and acknowledged by its president or a vice-pre-
45 sident or its secretary or treasurer, under its corporate seal, desig-
46 nating the secretary of state as its agent upon whom process in any
47 action provided for by this subchapter may be served within this state,
48 and setting forth an address to which the secretary of state shall mail
49 a copy of any such process against the corporation which may be served
50 upon the secretary of state. In case any such corporation shall have
51 failed to file such certificate of designation, it shall be deemed to
52 have designated the secretary of state as its agent upon whom such proc-
53 ess against it may be served; and until a certificate of designation
54 shall have been filed the corporation shall be deemed to have directed
55 the secretary of state to mail copies of process served upon [~~him or~~
56 ~~her~~] the secretary of state to the corporation at its last known office

1 address within or without the state. When a certificate of designation
2 has been filed by such corporation the secretary of state shall mail
3 copies of process thereafter served upon the secretary of state to the
4 address set forth in such certificate. Any such corporation, from time
5 to time, may change the address to which the secretary of state is
6 directed to mail copies of process, by filing a certificate to that
7 effect executed, signed and acknowledged in like manner as a certificate
8 of designation as herein provided. Service of process upon any such
9 corporation or upon any corporation having a certificate of authority
10 under section eight hundred five of the limited liability company law or
11 having authority to do business by virtue of section thirteen hundred
12 five of the business corporation law, in any action commenced at any
13 time pursuant to the provisions of this subchapter, may be made by
14 either: (a) personally delivering to and leaving with the secretary of
15 state, a deputy secretary of state or with any person authorized by the
16 secretary of state to receive such service duplicate copies thereof at
17 the office of the department of state in either the city of Albany or
18 New York, in which event the secretary of state shall forthwith send by
19 registered mail, return receipt requested, one of such copies to the
20 corporation at the address designated by it or at its last known office
21 address within or without the state, or (b) personally delivering to and
22 leaving with the secretary of state, a deputy secretary of state or with
23 any person authorized by the secretary of state to receive such service,
24 a copy thereof at the office of the department of state in either
25 the city of Albany or New York and by delivering a copy thereof to, and
26 leaving such copy with, the president, vice-president, secretary,
27 assistant secretary, treasurer, assistant treasurer, or cashier of such
28 corporation, or the officer performing corresponding functions under
29 another name, or a director or managing agent of such corporation,
30 personally without the state. Proof of such personal service without the
31 state shall be filed with the clerk of the court in which the action is
32 pending within thirty days after such service, and such service shall be
33 complete ten days after proof thereof is filed.

34 § 23. Subdivision 1 of section 11-665 of the administrative code of
35 the city of New York is amended to read as follows:

36 1. Every foreign corporation (other than a moneyed corporation)
37 subject to the provisions of this subchapter, except a corporation
38 having authority to do business by virtue of section thirteen hundred
39 five of the business corporation law, shall file in the department of
40 state a certificate of designation in its corporate name, signed and
41 acknowledged by its president or vice-president or its secretary or
42 treasurer, under its corporate seal, designating the secretary of state
43 as its agent upon whom process in any action provided for by this
44 subchapter or subchapter five of this chapter may be served within this
45 state, and setting forth an address to which the secretary of state
46 shall mail a copy of any such process against the corporation which may
47 be served upon the secretary of state. In case any such corporation
48 shall have failed to file such certificate of designation, it shall be
49 deemed to have designated the secretary of state as its agent upon whom
50 such process against it may be served; and until a certificate of desig-
51 nation shall have been filed the corporation shall be deemed to have
52 directed the secretary of state to mail copies of process served upon
53 the secretary of state to the corporation at its last known office
54 address within or without the state. When a certificate of designation
55 has been filed by such corporation the secretary of state shall mail
56 copies of process thereafter served upon the secretary of state to the

1 address set forth in such certificate. Any such corporation, from time
2 to time, may change the address to which the secretary of state is
3 directed to mail copies of process, by filing a certificate to that
4 effect executed, signed and acknowledged in like manner as a certificate
5 of designation as herein provided. Service of process upon any such
6 corporation or upon any corporation having authority to do business by
7 virtue of section thirteen hundred five of the business corporation law,
8 in any action commenced at any time pursuant to the provisions of this
9 subchapter five or former subchapter six of this chapter may be made by
10 either: (1) personally delivering to and leaving with the secretary of
11 state, a deputy secretary of state or with any person authorized by the
12 secretary of state to receive such service duplicate copies thereof at
13 the office of the department of state in either the city of Albany or
14 New York, in which event the secretary of state shall forthwith send by
15 registered mail, return receipt requested, one of such copies to the
16 corporation at the address designated by it or at its last known office
17 address within or without the state, or (2) personally delivering to and
18 leaving with the secretary of state, a deputy secretary of state or with
19 any person authorized by the secretary of state to receive such service,
20 a copy thereof at the office of the department of state in either the
21 city of Albany or New York and by delivering a copy hereof to, and leav-
22 ing such copy with, the president, vice-president, secretary, assistant
23 secretary, treasurer, assistant treasurer, or cashier of such corpo-
24 ration, or the officer performing corresponding functions under another
25 name, or a director or managing agent of such corporation, personally
26 without the state. Proof of such personal service without the state
27 shall be filed with the clerk of the court in which the action is pend-
28 ing within thirty days after such service, and such service shall be
29 complete ten days after proof thereof is filed.

30 § 24. Subdivision 7 of section 339-n of the real property law, as
31 amended by section 53 of part KK of chapter 56 of the laws of 2021, is
32 amended to read as follows:

33 7. A designation of the secretary of state as agent of the corporation
34 or board of managers upon whom process against it may be served and the
35 post office address within or without this state to which the secretary
36 of state shall mail a copy of any process against it served upon [~~him or~~
37 ~~her~~] the secretary of state. The designation may include an email
38 address to which the secretary of state shall email a notice of the fact
39 that process against it has been electronically served upon [~~him or her~~]
40 the secretary of state. Service of process on the secretary of state as
41 agent of such corporation or board of managers shall be made in the
42 manner provided by paragraph (a) or (b) of this subdivision. Either
43 option of service authorized pursuant to this subdivision shall be
44 available at no extra cost to the consumer. (a) Personally delivering to
45 and leaving with [~~him or her or his or her~~] the secretary of state or
46 the deputy of the secretary of state, or with any person authorized by
47 the secretary of state to receive such service, at the office of the
48 department of state in either the city of Albany or New York, duplicate
49 copies of such process together with the statutory fee, which shall be a
50 taxable disbursement. Service of process on such corporation or board of
51 managers shall be complete when the secretary of state is so served. The
52 secretary of state shall promptly send one of such copies by certified
53 mail, return receipt requested, to such corporation or board of manag-
54 ers, at the post office address, on file in the department of state,
55 specified for such purpose. (b) Electronically submitting a copy of the
56 process to the department of state together with the statutory fee,

1 which fee shall be a taxable disbursement, through an electronic system
2 operated by the department of state, provided the corporation or board
3 of managers has an email address on file in the department of state to
4 which the secretary of state shall email a notice of the fact that proc-
5 ess against the corporation or board of managers has been served elec-
6 tronically on the secretary of state. Service of process on such corpo-
7 ration or board of managers shall be complete when the secretary of
8 state has reviewed and accepted service of such process. The secretary
9 of state shall promptly send notice of the fact that process has been
10 served electronically on the secretary of state to such corporation or
11 board of managers at the email address on file in the department of
12 state, specified for the purpose and shall make a copy of the process
13 available to such corporation or board of managers. Nothing in this
14 subdivision shall affect the right to serve process in any other manner
15 permitted by law. The corporation or board of managers shall also file
16 with the secretary of state the name and post office address within or
17 without this state to which the secretary of state shall mail a copy of
18 any process against it served upon the secretary of state and shall
19 update the filing as necessary.

20 § 25. Subdivision 3 of section 442-g of the real property law, as
21 amended by chapter 482 of the laws of 1963, is amended to read as
22 follows:

23 3. Service of such process upon the secretary of state shall be made
24 by personally delivering to and leaving with ~~[him or his]~~ the secretary
25 of state or the deputy of the secretary of state or with any person
26 authorized by the secretary of state to receive such service, at the
27 office of the department of state in either the city of Albany or New
28 York, duplicate copies of such process together with a fee of five
29 dollars if the action is solely for the recovery of a sum of money not
30 in excess of two hundred dollars and the process is so endorsed, and a
31 fee of ten dollars in any other action or proceeding, which fee shall be
32 a taxable disbursement. If such process is served upon behalf of a coun-
33 ty, city, town or village, or other political subdivision of the state,
34 the fee to be paid to the secretary of state shall be five dollars,
35 irrespective of the amount involved or the nature of the action on
36 account of which such service of process is made. If the cost of regis-
37 tered mail for transmitting a copy of the process shall exceed two
38 dollars, an additional fee equal to such excess shall be paid at the
39 time of the service of such process. Proof of service shall be by affi-
40 davit of compliance with this subdivision filed by or on behalf of the
41 plaintiff together with the process, within ten days after such service,
42 with the clerk of the court in which the action or special proceeding is
43 pending. Service made as provided in this section shall be complete ten
44 days after such papers are filed with the clerk of the court and shall
45 have the same force and validity as if served on ~~[him]~~ the secretary of
46 state personally within the state and within the territorial jurisdic-
47 tion of the court from which the process issues.

48 § 26. Subdivision 2 of section 250 of the general business law, as
49 amended by chapter 103 of the laws of 1981, is amended to read as
50 follows:

51 2. A summons in an action described in this section may issue in any
52 court in the state having jurisdiction of the subject matter and be
53 served as hereinafter provided. Service of such summons shall be made by
54 mailing a copy thereof to the office of the secretary of state ~~[at his~~
55 ~~office]~~ in either the city of Albany or New York, or by personally
56 delivering a copy thereof to one of ~~[his]~~ the regularly established

1 offices, with a fee of ten dollars, and such service shall be sufficient
2 service upon such nonresident provided that notice of such service and a
3 copy of the summons and complaint are forthwith sent by or on behalf of
4 the plaintiff to the defendant by registered mail with return receipt
5 requested. The plaintiff shall file with the clerk of the court in which
6 the action is pending, or with the judge or justice of such court in
7 case there be no clerk, an affidavit of compliance herewith, a copy of
8 the summons and complaint, and either a return receipt purporting to be
9 signed by the defendant or a person qualified to receive ~~[his]~~ the
10 defendant's registered mail, in accordance with the rules and customs of
11 the post office department; or, if acceptance was refused by the defend-
12 ant or ~~[his]~~ the defendant's agent, the original envelope bearing a
13 notation by the postal authorities that receipt was refused, and an
14 affidavit by or on behalf of the plaintiff that notice of such mailing
15 and refusal was forthwith sent to the defendant by ordinary mail. Where
16 the summons is mailed to a foreign country, other official proof of the
17 delivery of the mail may be filed in case the post office department is
18 unable to obtain such a return receipt. The foregoing papers shall be
19 filed within thirty days after the return receipt or other official
20 proof of delivery or the original envelope bearing a notation of
21 refusal, as the case may be, is received by the plaintiff. Service of
22 process shall be complete when such papers are filed. The return receipt
23 or other official proof of delivery shall constitute presumptive
24 evidence that the summons mailed was received by the defendant or a
25 person qualified to receive ~~[his]~~ the defendant's registered mail; and
26 the notation of refusal shall constitute presumptive evidence that the
27 refusal was by the defendant or ~~[his]~~ the defendant's agent. Service of
28 such summons also may be made by mailing a copy thereof to the office of
29 the secretary of state ~~[at his office]~~ in either the city of Albany or
30 New York, or by personally delivering a copy thereof to one of ~~[his]~~ the
31 regularly established offices, with a fee of ten dollars, and by deliv-
32 ering a duplicate copy thereof, with a complaint annexed thereto, to the
33 defendant personally without the state by a resident or citizen of the
34 state of New York or a sheriff, under-sheriff, deputy-sheriff or constable
35 of the county or other political subdivision in which the personal
36 service is made, or an officer authorized by the laws of this state, to
37 take acknowledgments of deeds to be recorded in this state, or an attor-
38 ney and/or counselor at law, solicitor, advocate or barrister duly qual-
39 ified to practice in the state or country where such service is made, or
40 by a United States marshal or deputy United States marshal. Proof of
41 personal service without the state shall be filed with the clerk of the
42 court in which the action is pending within thirty days after such
43 service. Personal service without the state is complete when proof ther-
44 eof is filed. The court in which the action is pending may order such
45 extensions as may be necessary to afford the defendant reasonable oppor-
46 tunity to defend the action.

47 § 27. Subdivision 2 of section 352-b of the general business law, as
48 amended by chapter 252 of the laws of 1983, is amended to read as
49 follows:

50 2. Service of such process upon the secretary of state shall be made
51 by personally delivering to and leaving with ~~[him]~~ the secretary of
52 state or a deputy secretary of state a copy thereof at the office of the
53 department of state in either the city of Albany or New York, and such
54 service shall be sufficient service provided that notice of such service
55 and a copy of such process are forthwith sent by the attorney general to
56 such person, partnership, corporation, company, trust or association, by

1 registered or certified mail with return receipt requested, at [~~his-or~~
2 ~~its~~] the addressee's office as set forth in the "broker-dealer's state-
3 ment", "salesman's statement" or "investment advisor's statement" filed
4 in the department of law pursuant to section three hundred fifty-nine-e
5 or section three hundred fifty-nine-eee of this article, or in default
6 of the filing of such statement, at the last address known to the attor-
7 ney general. Service of such process shall be complete on receipt by the
8 attorney general of a return receipt purporting to be signed by the
9 addressee or a person qualified to receive [~~his-or-its~~] the addressee's
10 registered or certified mail, in accordance with the rules and customs
11 of the post office department, or, if acceptance was refused by the
12 addressee or [~~his-or-its~~] the addressee's agent, on return to the attor-
13 ney general of the original envelope bearing a notation by the postal
14 authorities that receipt thereof was refused.

15 § 28. Subdivision 2 of section 48 of the navigation law, as amended by
16 chapter 166 of the laws of 1991, is amended to read as follows:

17 2. A summons in an action described in this section may issue in any
18 court in the state having jurisdiction of the subject matter and be
19 served as hereinafter provided. Service of such summons shall be made by
20 mailing a copy thereof to the office of the secretary of state at [~~his~~]
21 the office of the secretary of state in either the city of Albany or New
22 York, or by personally delivering a copy thereof to one of [~~his~~] the
23 regularly established offices, with a fee of ten dollars, and such
24 service shall be sufficient service upon such non-resident provided that
25 notice of such service and a copy of the summons and complaint are
26 forthwith sent by or on behalf of the plaintiff to the defendant by
27 registered mail with return receipt requested. The plaintiff shall file
28 with the clerk of the court in which the action is pending, or with the
29 judge or justice of such court in case there be no clerk, an affidavit
30 of compliance herewith, a copy of the summons and complaint, and either
31 a return receipt purporting to be signed by the defendant or a person
32 qualified to receive [~~his~~] the defendant's registered mail, in accord-
33 ance with the rules [~~an~~] and customs of the post-office department; or,
34 if acceptance was refused by the defendant or [~~his~~] such defendant's
35 agent, the original envelope bearing a notation by the postal authori-
36 ties that receipt was refused, and an affidavit by or on behalf of the
37 plaintiff that notice of such mailing and refusal was forthwith sent to
38 the defendant by ordinary mail. Where the summons is mailed to a foreign
39 country, other official proof of the delivery of the mail may be filed
40 in case the post-office department is unable to obtain such a return
41 receipt. The foregoing papers shall be filed within thirty days after
42 the return receipt or other official proof of delivery or the original
43 envelope bearing a notation of refusal, as the case may be, is received
44 by the plaintiff. Service of process shall be complete ten days after
45 such papers are filed. The return receipt or other official proof of
46 delivery shall constitute presumptive evidence that the summons mailed
47 was received by the defendant or a person qualified to receive [~~his~~] the
48 defendant's registered mail; and the notation or refusal shall consti-
49 tute presumptive evidence that the refusal was by the defendant or [~~his~~]
50 the defendant's agent. Service of such summons also may be made by mail-
51 ing a copy thereof to the office of the secretary of state [~~at this~~
52 office] in either the city of Albany or New York, or by personally
53 delivering a copy thereof to one of [~~his~~] the regularly established
54 offices, with a fee of ten dollars, and by delivering a duplicate copy
55 thereof, with the complaint annexed thereto, to the defendant personally
56 without the state by a resident or citizen of the state of New York or a

1 sheriff, under-sheriff, deputy-sheriff or constable of the county or
2 other political subdivision in which the personal service is made, or an
3 officer authorized by the laws of this state, to take acknowledgements
4 of deeds to be recorded in this state, or an attorney and/or counselor
5 at law, solicitor, advocate or barrister duly qualified to practice in
6 the state or country where such service is made, or by a United States
7 marshal or deputy United States marshal. Proof of personal service with-
8 out the state shall be filed with the clerk of the court in which the
9 action is pending within thirty days after such service. Personal
10 service without the state is complete ten days after proof thereof is
11 filed. The court in which the action is pending may order such exten-
12 sions as may be necessary to afford the defendant reasonable opportunity
13 to defend the action.

14 Nothing herein shall be construed as affecting other methods of
15 service of process against non-residents as provided by law.

16 § 29. Subdivision 2 of section 74 of the navigation law, as amended by
17 chapter 395 of the laws of 1963, is amended to read as follows:

18 2. A summons and complaint in an action described in this section may
19 issue in any court in the state having jurisdiction of the subject
20 matter and be served as hereinafter provided. Service of such summons
21 and complaint shall be made by mailing a copy thereof to the office of
22 the secretary of state [~~at his office~~] in either the city of Albany or
23 New York, or by personally delivering a copy thereof to one of [~~his~~] the
24 regularly established offices, with a fee of five dollars, and such
25 service shall be sufficient service upon such non-resident provided that
26 notice of such service and a copy of the summons and complaint are
27 forthwith sent by or on behalf of the plaintiff to the defendant by
28 registered mail with return receipt requested. The plaintiff shall file
29 with the clerk of the court in which the action is pending, or with the
30 judge or justice of such court in case there be no clerk, an affidavit
31 of compliance herewith, a copy of the summons and complaint, and either
32 a return receipt purporting to be signed by the defendant or a person
33 qualified to receive [~~his~~] the defendant's registered mail, in accord-
34 ance with the rules and customs of the post office department; or, if
35 acceptance was refused by the defendant or [~~his~~] the defendant's agent,
36 the original envelope bearing a notation by the postal authorities that
37 receipt was refused, and an affidavit by or on behalf of the plaintiff
38 that notice of such mailing and refusal was forthwith sent to the
39 defendant by ordinary mail. Where the summons is mailed to a foreign
40 country, other official proof of the delivery of the mail may be filed
41 in case the post-office department is unable to obtain such a return
42 receipt. The foregoing papers shall be filed within thirty days after
43 the return receipt or other official proof of delivery or the original
44 envelope bearing a notation of refusal, as the case may be, is received
45 by the plaintiff. Service of process shall be complete when such papers
46 are filed. The return receipt or other official proof of delivery shall
47 constitute presumptive evidence that the summons mailed was received by
48 the defendant or a person qualified to receive [~~his~~] the defendant's
49 registered mail; and the notation of refusal shall constitute presump-
50 tive evidence that the refusal was by the defendant or [~~his~~] the defend-
51 ant's agent. Service of such summons also may be made by mailing a copy
52 thereof to the office of the secretary of state at [~~his~~] the office of
53 the secretary of state in either the city of Albany or New York, or by
54 personally delivering a copy thereof to one of [~~his~~] the regularly
55 established offices, with a fee of five dollars, and by delivering a
56 duplicate copy thereof, with the complaint annexed thereto, to the

1 defendant personally without the state by a resident or citizen of the
2 state of New York or a sheriff, under-sheriff, deputy-sheriff or consta-
3 ble of the county or other political subdivision in which the personal
4 service is made, or an officer authorized by the laws of this state, to
5 take acknowledgments of deeds to be recorded in this state, or an attor-
6 ney and/or counselor at law, solicitor, advocate or barrister duly qual-
7 ified to practice in the state or country where such service is made, or
8 by a United States marshal or deputy United States marshal. Proof of
9 personal service without the state shall be filed with the clerk of the
10 court in which the action is pending within thirty days after such
11 service. Personal service without the state is complete when proof ther-
12 eof is filed. The court in which the action is pending may order such
13 extension as may be necessary to afford the defendant reasonable oppor-
14 tunity to defend the action.

15 § 30. Subdivision 2 of section 253 of the vehicle and traffic law, as
16 amended by chapter 166 of the laws of 1991, is amended to read as
17 follows:

18 2. A summons in an action described in this section may issue in any
19 court in the state having jurisdiction of the subject matter and be
20 served as hereinafter provided. Service of such summons shall be made by
21 mailing a copy thereof to the office of the secretary of state at [~~his~~]
22 the office of the secretary of state either in the city of Albany or New
23 York, or by personally delivering a copy thereof to one of [~~his~~] the
24 regularly established offices, with a fee of ten dollars, and such
25 service shall be sufficient service upon such non-resident provided that
26 notice of such service and a copy of the summons and complaint are
27 forthwith sent by or on behalf of the plaintiff to the defendant by
28 certified mail or registered mail with return receipt requested. The
29 plaintiff shall file with the clerk of the court in which the action is
30 pending, or with the judge or justice of such court in case there be no
31 clerk, an affidavit of compliance herewith, a copy of the summons and
32 complaint, and either a return receipt purporting to be signed by the
33 defendant or a person qualified to receive [~~his~~] the defendant's certi-
34 fied mail or registered mail, in accordance with the rules and customs
35 of the post-office department; or, if acceptance was refused by the
36 defendant or [~~his~~] the defendant's agent, the original envelope bearing
37 a notation by the postal authorities that receipt was refused, and an
38 affidavit by or on behalf of the plaintiff that notice of such mailing
39 and refusal was forthwith sent to the defendant by ordinary mail; or, if
40 the registered or certified letter was returned to the post office
41 unclaimed, the original envelope bearing a notation by the postal
42 authorities of such mailing and return, an affidavit by or on behalf of
43 the plaintiff that the summons was posted again by ordinary mail and
44 proof of mailing certificate of ordinary mail. Where the summons is
45 mailed to a foreign country, other official proof of the delivery of the
46 mail may be filed in case the post-office department is unable to obtain
47 such a return receipt. The foregoing papers shall be filed within thirty
48 days after the return receipt or other official proof of delivery or the
49 original envelope bearing a notation of refusal, as the case may be, is
50 received by the plaintiff. Service of process shall be complete when
51 such papers are filed. The return receipt or other official proof of
52 delivery shall constitute presumptive evidence that the summons mailed
53 was received by the defendant or a person qualified to receive [~~his~~] the
54 defendant's certified mail or registered mail; and the notation of
55 refusal shall constitute presumptive evidence that the refusal was by
56 the defendant or [~~his~~] the defendant's agent. Service of such summons

1 also may be made by mailing a copy thereof to the office of the secre-
2 tary of state at [~~his~~] the office of the secretary of state in either
3 the city of Albany or New York, or by personally delivering a copy ther-
4 eof to one of [~~his~~] the regularly established offices, with a fee of ten
5 dollars, and by delivering a duplicate copy thereof with the complaint
6 annexed thereto, to the defendant personally without the state by a
7 resident or citizen of the state of New York or a sheriff, under-sher-
8 iff, deputy-sheriff or constable of the county or other political subdivi-
9 sion in which the personal service is made, or an officer authorized
10 by the laws of this state, to take acknowledgements of deeds to be
11 recorded in this state, or an attorney and/or counselor at law, solici-
12 tor, advocate or barrister duly qualified to practice in the state or
13 country where such service is made, or by a United States [~~marshall~~]
14 marshal or deputy United States [~~marshall~~] marshal. Proof of personal
15 service without the state shall be filed with the clerk of the court in
16 which the action is pending within thirty days after such service.
17 Personal service without the state is complete when proof thereof is
18 filed. The court in which the action is pending may order such exten-
19 sions as may be necessary to afford the defendant reasonable opportunity
20 to defend the action.

21 § 31. This act shall take effect on the one hundred eightieth day
22 after it shall have become a law.