S T A T E O F N E W Y O R K

5258--A

2015-2016 Regular Sessions

I N A S S E M B L Y

February 13, 2015

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the business corporation law and the limited liability company law, in relation to the annual registration of businesses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The section heading and paragraph 3 of section 408 of the business corporation law, as amended by section 3 of part S of chapter 59 of the laws of 2015, are amended to read as follows:

[Statement] ANNUAL STATEMENT; filing.

3. Except as provided in paragraph eight of this section, for the purpose of this section the applicable filing period for a corporation shall be the calendar month during which its original certificate of incorporation or application for authority were filed or the effective date thereof if stated. The applicable filing period shall only occur: (a) annually, during the period starting on April 1, 1992 and ending on March 31, 1994; and (b) [biennially] ANNUALLY, during a period starting on April 1 and ending on March 31 thereafter. Those corporations that filed between April 1, 1992 and June 30, 1994 shall not be required to file such statements again until such time as they would have filed, had this subdivision not been amended.

S 2. Paragraph 1 of subdivision (e) of section 301 of the limited liability company law, as amended by section 5 of part S of chapter 59 of the laws of 2015, is amended to read as follows:

(1) Except as otherwise provided in this subdivision, every limited liability company to which this chapter applies, shall [biennially] ANNUALLY in the calendar month during which its articles of organization or application for authority were filed, or effective date thereof if

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

LBD08716-02-6

stated, file on forms prescribed by the secretary of state, a statement setting forth the post office address within or without this state to which the secretary of state shall mail a copy of any process accepted against it served upon him or her. Such address shall supersede any previous address on file with the department of state for this purpose.

S 3. This act shall take effect immediately.