

STATE OF NEW YORK

10357

IN ASSEMBLY

April 17, 2018

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Judiciary

AN ACT to amend the business corporation law, the executive law, the general associations law, the limited liability 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. Paragraph 1 of subdivision (b) of section 306 of the business corporation law, as amended by chapter 419 of the laws of 1990, is
2 amended to read as follows:

3 (1) Service of process on the secretary of state as agent of a domestic
4 or authorized foreign corporation shall be made by personally delivering
5 to and leaving with the secretary of state or a deputy, or with
6 any person authorized by the secretary of state to receive such service,
7 at the office of the department of state in either the city of Albany or
8 New York, duplicate copies of such process together with the statutory
9 fee, which fee shall be a taxable disbursement. Service of process on
10 such corporation shall be complete when the secretary of state is so
11 served. The secretary of state shall promptly send one of such copies by
12 certified mail, return receipt requested, to such corporation, at the
13 post office address, on file in the department of state, specified for
14 the purpose. If a domestic or authorized foreign corporation has no such
15 address on file in the department of state, the secretary of state shall
16 so mail such copy, in the case of a domestic corporation, in care of any
17 director named in its certificate of incorporation at the director's
18 address stated therein or, in the case of an authorized foreign corporation,
19 to such corporation at the address of its office within this
20 state on file in the department.

21 § 2. The executive law is amended by adding a new section 92-a to read
22 as follows:
23

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

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1 § 92-a. Service of process. In any case in which service of process on
2 the secretary of state as agent or attorney of an organization, associ-
3 ation, partnership, corporation, company, trust or other person or enti-
4 ty is authorized by law at the office of the department of state in the
5 city of Albany, service of process on the secretary of state may be made
6 by personal delivery to the secretary of state or a deputy, or any
7 person authorized by the secretary of state to receive such service, at
8 the office of the department of state in the city of New York. The
9 secretary of state shall so authorize appropriate persons at such
10 office.

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

13 2. Service of such process upon the secretary of state shall be made
14 by personally delivering to and leaving with the secretary of state or
15 any person authorized by the secretary of state to accept such service a
16 copy thereof at the office of the department of state in either the city
17 of Albany or New York, and such service shall be sufficient service
18 provided that notice of such service and a copy of such process are
19 forthwith sent by the attorney general or any other party to such chari-
20 table organization by certified mail with return receipt requested, at
21 its office as set forth in the registration form required to be filed
22 with the attorney general pursuant to section one hundred seventy-two of
23 this article, or in default of the filing of such form, at the last
24 address known to the attorney general or any other party. Service of
25 such process shall be complete upon the receipt by the attorney general
26 or any other party of a return receipt purporting to be signed by the
27 addressee or a person qualified to receive its certified mail, in
28 accordance with the rules and customs of the post office department, or,
29 if acceptance was refused by the addressee or its agent, ten days after
30 the return to the attorney general or any other party of a notation by
31 the postal authorities that receipt thereof was refused.

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

34 2. Service of such process or notice upon the secretary of state shall
35 be made by personally delivering to and leaving with the secretary of
36 state or any person authorized by the secretary of state to accept such
37 service a copy thereof at the office of the department of state in
38 either the city of Albany or New York, and such service shall be suffi-
39 cient service provided that notice of such service and a copy of such
40 process are forthwith sent by the attorney general or other party as the
41 case may be to such professional fund raiser, fund raising counsel,
42 professional solicitor or commercial co-venturer by certified mail with
43 return receipt requested, at the office address as set forth in the
44 registration form required to be filed with the attorney general pursu-
45 ant to sections one hundred seventy-three and one hundred
46 seventy-three-b of this article, or in default of the filing of such
47 form, at the last address known to the attorney general or other party.
48 Service of such process shall be complete ten days after the receipt by
49 the attorney general or other party of a return receipt purporting to be
50 signed by the addressee or a person qualified to receive the addressee's
51 certified mail, in accordance with the rules and customs of the post
52 office department, or, if acceptance was refused by the addressee or the
53 agent, ten days after the return to the attorney general or other party
54 of the original envelope bearing a notation by the postal authorities
55 that receipt thereof was refused.

1 § 5. Section 19 of the general associations law, as amended by chapter
2 166 of the laws of 1991, is amended to read as follows:

3 § 19. Service of process. Service of process against an association
4 upon the secretary of state shall be made by personally delivering to
5 and leaving with him or a deputy secretary of state or an associate
6 attorney, senior attorney or attorney in the corporation division of the
7 department of state, duplicate copies of such process at the office of
8 the department of state in either the city of Albany or New York. At the
9 time of such service the plaintiff shall pay a fee of forty dollars to
10 the secretary of state which shall be a taxable disbursement. If the
11 cost of registered mail for transmitting a copy of the process shall
12 exceed two dollars, an additional fee equal to such excess shall be paid
13 at the time of the service of such process. The secretary of state shall
14 forthwith send by registered mail one of such copies to the association
15 at the address fixed for that purpose, as herein provided. If the action
16 or proceeding is instituted in a court of limited jurisdiction, service
17 of process may be made in the manner provided in this section if the
18 cause of action arose within the territorial jurisdiction of the court
19 and the office of the defendant, as set forth in its statement filed
20 pursuant to section eighteen of this chapter, is within such territorial
21 jurisdiction.

22 § 6. Subdivision (b) of section 304 of the limited liability company
23 law is amended to read as follows:

24 (b) Service of such process upon the secretary of state shall be made
25 by personally delivering to and leaving with the secretary of state or
26 his or her deputy, or with any person authorized by the secretary of
27 state to receive such service, at the office of the department of state
28 in either the city of Albany or New York, a copy of such process togeth-
29 er with the statutory fee, which fee shall be a taxable disbursement.

30 § 7. Paragraph (b) of section 306 of the not-for-profit corporation
31 law, as amended by chapter 23 of the laws of 2014, is amended to read as
32 follows:

33 (b) Service of process on the secretary of state as agent of a domes-
34 tic corporation formed under article four of this chapter or an author-
35 ized foreign corporation shall be made by personally delivering to and
36 leaving with the secretary of state or his or her deputy, or with any
37 person authorized by the secretary of state to receive such service, at
38 the office of the department of state in either the city of Albany or
39 New York, duplicate copies of such process together with the statutory
40 fee, which fee shall be a taxable disbursement. Service of process on
41 such corporation shall be complete when the secretary of state is so
42 served. The secretary of state shall promptly send one of such copies
43 by certified mail, return receipt requested, to such corporation, at the
44 post office address, on file in the department of state, specified for
45 the purpose. If a domestic corporation formed under article four of this
46 chapter or an authorized foreign corporation has no such address on file
47 in the department of state, the secretary of state shall so mail such
48 copy to such corporation at the address of its office within this state
49 on file in the department.

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

53 Service of such process upon the secretary of state shall be made by
54 personally delivering to and leaving with him or his deputy, or with any
55 person authorized by the secretary of state to receive such service, at
56 the office of the department of state in either the city of Albany or

1 New York, a copy of such process together with the statutory fee, which
2 fee shall be a taxable disbursement. Such service shall be sufficient if
3 notice thereof and a copy of the process are:

4 § 9. Paragraph 1 of subdivision (a) of section 121-109 of the partner-
5 ship law, as added by chapter 950 of the laws of 1990 and relettered by
6 chapter 341 of the laws of 1999, is amended to read as follows:

7 (1) By personally delivering to and leaving with him or his deputy, or
8 with any person authorized by the secretary of state to receive such
9 service, at the office of the department of state in either the city of
10 Albany or New York, duplicate copies of such process together with the
11 statutory fee, which fee shall be a taxable disbursement.

12 § 10. Subdivision (a) of section 121-1505 of the partnership law, as
13 added by chapter 470 of the laws of 1997, is amended to read as follows:

14 (a) Service of process on the secretary of state as agent of a regis-
15 tered limited liability partnership under this article shall be made by
16 personally delivering to and leaving with the secretary of state or a
17 deputy, or with any person authorized by the secretary of state to
18 receive such service, at the office of the department of state in either
19 the city of Albany or New York, duplicate copies of such process togeth-
20 er with the statutory fee, which fee shall be a taxable disbursement.
21 Service of process on such registered limited liability partnership
22 shall be complete when the secretary of state is so served. The secre-
23 tary of state shall promptly send one of such copies by certified mail,
24 return receipt requested, to such registered limited liability partner-
25 ship, at the post office address on file in the department of state
26 specified for such purpose.

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

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

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

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

§ 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 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. 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 to the corporation at its last known office address within or without the state. When a

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

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

35 (b) Service of process.--Service of process upon any petroleum busi-
36 ness which is a corporation (including any such petroleum business
37 having a certificate of authority under former section two hundred
38 twelve of the general corporation law or having authority to do business
39 by virtue of section thirteen hundred five of the business corporation
40 law), in any action commenced at any time pursuant to the provisions of
41 this article, may be made by either (1) personally delivering to and
42 leaving with the secretary of state, a deputy secretary of state or with
43 any person authorized by the secretary of state to receive such service
44 duplicate copies thereof at the office of the department of state in
45 either the city of Albany or New York, in which event the secretary of
46 state shall forthwith send by registered mail, return receipt requested,
47 one of such copies to such petroleum business at the address designated
48 by it or at its last known office address within or without the state,
49 or (2) personally delivering to and leaving with the secretary of state,
50 a deputy secretary of state or with any person authorized by the secre-
51 tary of state to receive such service, a copy thereof at the office of
52 the department of state in either the city of Albany or New York and by
53 delivering a copy thereof to, and leaving such copy with, the president,
54 vice-president, secretary, assistant secretary, treasurer, assistant
55 treasurer, or cashier of such petroleum business, or the officer
56 performing corresponding functions under another name, or a director or

1 managing agent of such petroleum business, personally without the state.
2 Proof of such personal service without the state shall be filed with the
3 clerk of the court in which the action is pending within thirty days
4 after such service, and such service shall be complete ten days after
5 proof thereof is filed.

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

9 5. The operation by a nonresident of a vehicular unit in this state or
10 the operation in this state of a motor vehicle, trailer, semi-trailer,
11 dolly or other device owned by a nonresident shall be deemed equivalent
12 to an appointment by such nonresident of the secretary of state to be
13 his true and lawful attorney upon whom may be served the process in any
14 action or proceeding against him growing out of any liability for fees,
15 taxes, penalties or interest under this article and such operation shall
16 be deemed a signification of his agreement that any such process against
17 him which is so served shall be of the same legal force and validity as
18 if served on him personally within the state and within the territorial
19 jurisdiction of the court from which the process issues. Service of
20 process shall be made by either (1) personally delivering to and leaving
21 with the secretary of state or a deputy secretary of state duplicate
22 copies thereof at the office of the department of state in either the
23 city of Albany or New York, in which event the secretary of state shall
24 forthwith send by registered mail one of such copies to the person at
25 the address designated by him in his application for a certificate of
26 registration under this article or in the last return filed by him under
27 this article or as shown on the records of the commissioner, or if no
28 application has been filed, at his last known office address within or
29 without the state, or (2) personally delivering to and leaving with the
30 secretary of state or a deputy secretary of state a copy thereof at the
31 office of the department of state in either the city of Albany or New
32 York and by delivering a copy thereof to the person, personally without
33 the state. Proof of such personal service without the state shall be
34 filed with the clerk of the court in which the process is pending within
35 thirty days after such service and such service shall be complete ten
36 days after proof thereof is filed.

37 § 16. The opening paragraph of paragraph 2 of subdivision (e) of
38 section 301-A of the limited liability company law, as added by chapter
39 448 of the laws of 1998, is amended to read as follows:

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

47 § 17. Subdivision (a) of section 303 of the limited liability company
48 law, as relettered by chapter 341 of the laws of 1999, is amended to
49 read as follows:

50 (a) Service of process on the secretary of state as agent of a domes-
51 tic limited liability company or authorized foreign limited liability
52 company shall be made by personally delivering to and leaving with the
53 secretary of state or his or her deputy, or with any person authorized
54 by the secretary of state to receive such service, at the office of the
55 department of state in either the city of Albany or New York, duplicate
56 copies of such process together with the statutory fee, which fee shall

1 be a taxable disbursement. Service of process on such limited liability
2 company shall be complete when the secretary of state is so served. The
3 secretary of state shall promptly send one of such copies by certified
4 mail, return receipt requested, to such limited liability company at the
5 post office address on file in the department of state specified for
6 that purpose.

7 § 18. The opening paragraph of paragraph (b) of section 307 of the
8 not-for-profit corporation law is amended to read as follows:

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

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

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

26 § 20. The opening paragraph of subdivision (b) of section 307 of the
27 business corporation law is amended to read as follows:

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

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

37 § 11-609 Collection of taxes. Every foreign corporation (other than a
38 moneyed corporation) subject to the provisions of this subchapter,
39 except a corporation having authority to do business by virtue of
40 section thirteen hundred five of the business corporation law, shall
41 file in the department of state a certificate of designation in its
42 corporate name, signed and acknowledged by its president or a vice-pre-
43 sident or its secretary or treasurer, under its corporate seal, desig-
44 nating the secretary of state as its agent upon whom process in any
45 action provided for by this subchapter may be served within this state,
46 and setting forth an address to which the secretary of state shall mail
47 a copy of any such process against the corporation which may be served
48 upon the secretary of state. In case any such corporation shall have
49 failed to file such certificate of designation, it shall be deemed to
50 have designated the secretary of state as its agent upon whom such proc-
51 ess against it may be served; and until a certificate of designation
52 shall have been filed the corporation shall be deemed to have directed
53 the secretary of state to mail copies of process served upon him or her
54 to the corporation at its last known office address within or without
55 the state. When a certificate of designation has been filed by such
56 corporation the secretary of state shall mail copies of process there-

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

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

35 § 11-659 Collection of taxes. Every foreign corporation (other than a
36 moneyed corporation) subject to the provisions of this subchapter,
37 except a corporation having authority to do business by virtue of
38 section thirteen hundred five of the business corporation law, shall
39 file in the department of state a certificate of designation in its
40 corporate name, signed and acknowledged by its president or a vice-pre-
41 sident or its secretary or treasurer, under its corporate seal, desig-
42 nating the secretary of state as its agent upon whom process in any
43 action provided for by this subchapter may be served within this state,
44 and setting forth an address to which the secretary of state shall mail
45 a copy of any such process against the corporation which may be served
46 upon the secretary of state. In case any such corporation shall have
47 failed to file such certificate of designation, it shall be deemed to
48 have designated the secretary of state as its agent upon whom such proc-
49 ess against it may be served; and until a certificate of designation
50 shall have been filed the corporation shall be deemed to have directed
51 the secretary of state to mail copies of process served upon him or her
52 to the corporation at its last known office address within or without
53 the state. When a certificate of designation has been filed by such
54 corporation the secretary of state shall mail copies of process there-
55 after served upon the secretary of state to the address set forth in
56 such certificate. Any such corporation, from time to time, may change

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

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

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

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

26 § 24. Subdivision 7 of section 339-n of the real property law, as
27 amended by chapter 346 of the laws of 1997, is amended to read as
28 follows:

29 7. A designation of the secretary of state as agent of the corporation
30 or board of managers upon whom process against it may be served.
31 Service of process on the secretary of state as agent of such corpo-
32 ration or board of managers shall be made personally delivering to and
33 leaving with him or her or his or her deputy, or with any person author-
34 ized by the secretary of state to receive such service, at the office of
35 the department of state in either the city of Albany or New York, dupli-
36 cate copies of such process together with the statutory fee, which shall
37 be a taxable disbursement. Service of process on such corporation or
38 board of managers shall be complete when the secretary of state is so
39 served. The secretary of state shall promptly send one of such copies by
40 certified mail, return receipt requested, to such corporation or board
41 of managers, at the post office address, on file in the department of
42 state, specified for such purpose. Nothing in this subdivision shall
43 affect the right to serve process in any other manner permitted by law.
44 The corporation or board of managers shall also file with the secretary
45 of state the name and post office address within or without this state
46 to which the secretary of state shall mail a copy of any process against
47 it served upon the secretary of state and shall update the filing as
48 necessary.

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

52 3. Service of such process upon the secretary of state shall be made
53 by personally delivering to and leaving with him or his deputy or with
54 any person authorized by the secretary of state to receive such service,
55 at the office of the department of state in either the city of Albany or
56 New York, duplicate copies of such process together with a fee of five

1 dollars if the action is solely for the recovery of a sum of money not
2 in excess of two hundred dollars and the process is so endorsed, and a
3 fee of ten dollars in any other action or proceeding, which fee shall be
4 a taxable disbursement. If such process is served upon behalf of a coun-
5 ty, city, town or village, or other political subdivision of the state,
6 the fee to be paid to the secretary of state shall be five dollars,
7 irrespective of the amount involved or the nature of the action on
8 account of which such service of process is made. If the cost of regis-
9 tered mail for transmitting a copy of the process shall exceed two
10 dollars, an additional fee equal to such excess shall be paid at the
11 time of the service of such process. Proof of service shall be by affi-
12 davit of compliance with this subdivision filed by or on behalf of the
13 plaintiff together with the process, within ten days after such service,
14 with the clerk of the court in which the action or special proceeding is
15 pending. Service made as provided in this section shall be complete ten
16 days after such papers are filed with the clerk of the court and shall
17 have the same force and validity as if served on him personally within
18 the state and within the territorial jurisdiction of the court from
19 which the process issues.

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

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

1 personally delivering a copy thereof to one of his regularly established
2 offices, with a fee of ten dollars, and by delivering a duplicate copy
3 thereof, with a complaint annexed thereto, to the defendant personally
4 without the state by a resident or citizen of the state of New York or a
5 sheriff, under-sheriff, deputy-sheriff or constable of the county or
6 other political subdivision in which the personal service is made, or an
7 officer authorized by the laws of this state, to take acknowledgments of
8 deeds to be recorded in this state, or an attorney and/or counselor at
9 law, solicitor, advocate or barrister duly qualified to practice in the
10 state or country where such service is made, or by a United States
11 marshal or deputy United States marshal. Proof of personal service with-
12 out the state shall be filed with the clerk of the court in which the
13 action is pending within thirty days after such service. Personal
14 service without the state is complete when proof thereof is filed. The
15 court in which the action is pending may order such extensions as may be
16 necessary to afford the defendant reasonable opportunity to defend the
17 action.

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

21 2. Service of such process upon the secretary of state shall be made
22 by personally delivering to and leaving with him or a deputy secretary
23 of state a copy thereof at the office of the department of state in
24 either the city of Albany or New York, and such service shall be suffi-
25 cient service provided that notice of such service and a copy of such
26 process are forthwith sent by the attorney general to such person, part-
27 nership, corporation, company, trust or association, by registered or
28 certified mail with return receipt requested, at his or its office as
29 set forth in the "broker-dealer's statement", "salesman's statement" or
30 "investment advisor's statement" filed in the department of law pursuant
31 to section three hundred fifty-nine-e or section three hundred fifty-
32 nine-eee of this article, or in default of the filing of such statement,
33 at the last address known to the attorney general. Service of such proc-
34 ess shall be complete on receipt by the attorney general of a return
35 receipt purporting to be signed by the addressee or a person qualified
36 to receive his or its registered or certified mail, in accordance with
37 the rules and customs of the post office department, or, if acceptance
38 was refused by the addressee or his or its agent, on return to the
39 attorney general of the original envelope bearing a notation by the
40 postal authorities that receipt thereof was refused.

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

43 2. A summons in an action described in this section may issue in any
44 court in the state having jurisdiction of the subject matter and be
45 served as hereinafter provided. Service of such summons shall be made by
46 mailing a copy thereof to the office of the secretary of state [~~at his~~
47 ~~office~~] in either the city of Albany or New York, or by personally
48 delivering a copy thereof to one of his regularly established offices,
49 with a fee of ten dollars, and such service shall be sufficient service
50 upon such non-resident provided that notice of such service and a copy
51 of the summons and complaint are forthwith sent by or on behalf of the
52 plaintiff to the defendant by registered mail with return receipt
53 requested. The plaintiff shall file with the clerk of the court in which
54 the action is pending, or with the judge or justice of such court in
55 case there be no clerk, an affidavit of compliance herewith, a copy of
56 the summons and complaint, and either a return receipt purporting to be

1 signed by the defendant or a person qualified to receive his registered
2 mail, in accordance with the rules and customs of the post-office depart-
3 ment; or, if acceptance was refused by the defendant or his agent, the
4 original envelope bearing a notation by the postal authorities that
5 receipt was refused, and an affidavit by or on behalf of the plaintiff
6 that notice of such mailing and refusal was forthwith sent to the
7 defendant by ordinary mail. Where the summons is mailed to a foreign
8 country, other official proof of the delivery of the mail may be filed
9 in case the post-office department is unable to obtain such a return
10 receipt. The foregoing papers shall be filed within thirty days after
11 the return receipt or other official proof of delivery or the original
12 envelope bearing a notation of refusal, as the case may be, is received
13 by the plaintiff. Service of process shall be complete ten days after
14 such papers are filed. The return receipt or other official proof of
15 delivery shall constitute presumptive evidence that the summons mailed
16 was received by the defendant or a person qualified to receive his
17 registered mail; and the notation or refusal shall constitute presump-
18 tive evidence that the refusal was by the defendant or his agent.
19 Service of such summons also may be made by mailing a copy thereof to
20 the office of the secretary of state [~~at this office~~] in either the city
21 of Albany or New York, or by personally delivering a copy thereof to one
22 of his regularly established offices, with a fee of ten dollars, and by
23 delivering a duplicate copy thereof, with the complaint annexed thereto,
24 to the defendant personally without the state by a resident or citizen
25 of the state of New York or a sheriff, under-sheriff, deputy-sheriff or
26 constable of the county or other political subdivision in which the
27 personal service is made, or an officer authorized by the laws of this
28 state, to take acknowledgements of deeds to be recorded in this state,
29 or an attorney and/or counselor at law, solicitor, advocate or barrister
30 duly qualified to practice in the state or country where such service is
31 made, or by a United States marshal or deputy United States marshal.
32 Proof of personal service without the state shall be filed with the
33 clerk of the court in which the action is pending within thirty days
34 after such service. Personal service without the state is complete ten
35 days after proof thereof is filed. The court in which the action is
36 pending may order such extensions as may be necessary to afford the
37 defendant reasonable opportunity to defend the action.

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

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

42 2. A summons and complaint in an action described in this section may
43 issue in any court in the state having jurisdiction of the subject
44 matter and be served as hereinafter provided. Service of such summons
45 and complaint shall be made by mailing a copy thereof to the office of
46 the secretary of state [~~at his office~~] in either the city of Albany or
47 New York, or by personally delivering a copy thereof to one of his regu-
48 larly established offices, with a fee of five dollars, and such service
49 shall be sufficient service upon such non-resident provided that notice
50 of such service and a copy of the summons and complaint are forthwith
51 sent by or on behalf of the plaintiff to the defendant by registered
52 mail with return receipt requested. The plaintiff shall file with the
53 clerk of the court in which the action is pending, or with the judge or
54 justice of such court in case there be no clerk, an affidavit of compli-
55 ance herewith, a copy of the summons and complaint, and either a return
56 receipt purporting to be signed by the defendant or a person qualified

1 to receive his registered mail, in accordance with the rules and customs
2 of the post office department; or, if acceptance was refused by the
3 defendant or his agent, the original envelope bearing a notation by the
4 postal authorities that receipt was refused, and an affidavit by or on
5 behalf of the plaintiff that notice of such mailing and refusal was
6 forthwith sent to the defendant by ordinary mail. Where the summons is
7 mailed to a foreign country, other official proof of the delivery of the
8 mail may be filed in case the post-office department is unable to obtain
9 such a return receipt. The foregoing papers shall be filed within thirty
10 days after the return receipt or other official proof of delivery or the
11 original envelope bearing a notation of refusal, as the case may be, is
12 received by the plaintiff. Service of process shall be complete when
13 such papers are filed. The return receipt or other official proof of
14 delivery shall constitute presumptive evidence that the summons mailed
15 was received by the defendant or a person qualified to receive his
16 registered mail; and the notation of refusal shall constitute presump-
17 tive evidence that the refusal was by the defendant or his agent.
18 Service of such summons also may be made by mailing a copy thereof to
19 the office of the secretary of state [~~at his office~~] in either the city
20 of Albany or New York, or by personally delivering a copy thereof to one
21 of his regularly established offices, with a fee of five dollars, and by
22 delivering a duplicate copy thereof, with the complaint annexed thereto,
23 to the defendant personally without the state by a resident or citizen
24 of the state of New York or a sheriff, under-sheriff, deputy-sheriff or
25 constable of the county or other political subdivision in which the
26 personal service is made, or an officer authorized by the laws of this
27 state, to take acknowledgments of deeds to be recorded in this state, or
28 an attorney and/or counselor at law, solicitor, advocate or barrister
29 duly qualified to practice in the state or country where such service is
30 made, or by a United States marshal or deputy United States marshal.
31 Proof of personal service without the state shall be filed with the
32 clerk of the court in which the action is pending within thirty days
33 after such service. Personal service without the state is complete when
34 proof thereof is filed. The court in which the action is pending may
35 order such extension as may be necessary to afford the defendant reason-
36 able opportunity to defend the action.

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

40 2. A summons in an action described in this section may issue in any
41 court in the state having jurisdiction of the subject matter and be
42 served as hereinafter provided. Service of such summons shall be made by
43 mailing a copy thereof to the office of the secretary of state [~~at his~~
44 ~~office~~] either in the city of Albany or New York, or by personally
45 delivering a copy thereof to one of his regularly established offices,
46 with a fee of ten dollars, and such service shall be sufficient service
47 upon such non-resident provided that notice of such service and a copy
48 of the summons and complaint are forthwith sent by or on behalf of the
49 plaintiff to the defendant by certified mail or registered mail with
50 return receipt requested. The plaintiff shall file with the clerk of the
51 court in which the action is pending, or with the judge or justice of
52 such court in case there be no clerk, an affidavit of compliance here-
53 with, a copy of the summons and complaint, and either a return receipt
54 purporting to be signed by the defendant or a person qualified to
55 receive his certified mail or registered mail, in accordance with the
56 rules and customs of the post-office department; or, if acceptance was

1 refused by the defendant or his agent, the original envelope bearing a
2 notation by the postal authorities that receipt was refused, and an
3 affidavit by or on behalf of the plaintiff that notice of such mailing
4 and refusal was forthwith sent to the defendant by ordinary mail; or, if
5 the registered or certified letter was returned to the post office
6 unclaimed, the original envelope bearing a notation by the postal
7 authorities of such mailing and return, an affidavit by or on behalf of
8 the plaintiff that the summons was posted again by ordinary mail and
9 proof of mailing certificate of ordinary mail. Where the summons is
10 mailed to a foreign country, other official proof of the delivery of the
11 mail may be filed in case the post-office department is unable to obtain
12 such a return receipt. The foregoing papers shall be filed within thirty
13 days after the return receipt or other official proof of delivery or the
14 original envelope bearing a notation of refusal, as the case may be, is
15 received by the plaintiff. Service of process shall be complete when
16 such papers are filed. The return receipt or other official proof of
17 delivery shall constitute presumptive evidence that the summons mailed
18 was received by the defendant or a person qualified to receive his
19 certified mail or registered mail; and the notation of refusal shall
20 constitute presumptive evidence that the refusal was by the defendant or
21 his agent. Service of such summons also may be made by mailing a copy
22 thereof to the office of the secretary of state [~~at his office~~] in
23 either the city of Albany or New York, or by personally delivering a
24 copy thereof to one of his regularly established offices, with a fee of
25 ten dollars, and by delivering a duplicate copy thereof with the
26 complaint annexed thereto, to the defendant personally without the state
27 by a resident or citizen of the state of New York or a sheriff, under-
28 sheriff, deputy-sheriff or constable of the county or other political
29 subdivision in which the personal service is made, or an officer author-
30 ized by the laws of this state, to take acknowledgements of deeds to be
31 recorded in this state, or an attorney and/or counselor at law, solici-
32 tor, advocate or barrister duly qualified to practice in the state or
33 country where such service is made, or by a United States marshall or
34 deputy United States marshall. Proof of personal service without the
35 state shall be filed with the clerk of the court in which the action is
36 pending within thirty days after such service. Personal service without
37 the state is complete when proof thereof is filed. The court in which
38 the action is pending may order such extensions as may be necessary to
39 afford the defendant reasonable opportunity to defend the action.

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