

# STATE OF NEW YORK

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10357

## IN ASSEMBLY

April 17, 2018

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

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

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

LBD15371-02-8

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.