

STATE OF NEW YORK

8631

IN SENATE

May 10, 2018

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

AN ACT to amend the business corporation law, the executive law, the general associations law, the limited liability 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 busi-
2 ness corporation law, as amended by chapter 419 of the laws of 1990, is
3 amended to read as follows:

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

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

LBD15371-02-8

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

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

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

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

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

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

1 of the original envelope bearing a notation by the postal authorities
2 that receipt thereof was refused.

3 § 5. Section 19 of the general associations law, as amended by chapter
4 166 of the laws of 1991, is amended to read as follows:

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

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

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

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

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

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

55 Service of such process upon the secretary of state shall be made by
56 personally delivering to and leaving with him or his deputy, or with any

1 person authorized by the secretary of state to receive such service, at
2 the office of the department of state in either the city of Albany or
3 New York, a copy of such process together with the statutory fee, which
4 fee shall be a taxable disbursement. Such service shall be sufficient if
5 notice thereof and a copy of the process are:

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

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

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

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

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

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

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

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

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

36 § 13. Section 216 of the tax law, as added by chapter 415 of the laws
37 of 1944, the opening paragraph as amended by chapter 100 of the laws of
38 1964 and redesignated by chapter 613 of the laws of 1976, is amended to
39 read as follows:

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

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

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

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

1 treasurer, or cashier of such petroleum business, or the officer
2 performing corresponding functions under another name, or a director or
3 managing agent of such petroleum business, personally without the state.
4 Proof of such personal service without the state shall be filed with the
5 clerk of the court in which the action is pending within thirty days
6 after such service, and such service shall be complete ten days after
7 proof thereof is filed.

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

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

39 § 16. The opening paragraph of paragraph 2 of subdivision (e) of
40 section 301-A of the limited liability company law, as added by chapter
41 448 of the laws of 1998, is amended to read as follows:

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

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

52 (a) Service of process on the secretary of state as agent of a domes-
53 tic limited liability company or authorized foreign limited liability
54 company shall be made by personally delivering to and leaving with the
55 secretary of state or his or her deputy, or with any person authorized
56 by the secretary of state to receive such service, at the office of the

department of state in either the city of Albany or New York, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such limited liability company shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such limited liability company at the post office address on file in the department of state specified for that purpose.

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

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

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

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

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

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

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

§ 11-609 Collection of taxes. Every foreign corporation (other than a moneyed corporation) subject to the provisions of this subchapter, except a corporation 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 subchapter 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 the secretary of state. In case any such corporation shall have failed to file such certificate of designation, it shall be deemed to have designated the secretary of state as its agent upon whom such process against it may be served; and until a certificate of designation shall have been filed the corporation shall be deemed to have directed the secretary of state to mail copies of process served upon him or her to the corporation at its last known office address within or without

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

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

37 § 11-659 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 section eight
8 hundred five of the limited liability company law or having authority to
9 do 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 § 23. Subdivision 1 of section 11-665 of the administrative code of
33 the city of New York is amended to read as follows:

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

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

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

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

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

54 3. Service of such process upon the secretary of state shall be made
55 by personally delivering to and leaving with him or his deputy or with
56 any person authorized by the secretary of state to receive such service,

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

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

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

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

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

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

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

45 2. A summons in an action described in this section may issue in any
46 court in the state having jurisdiction of the subject matter and be
47 served as hereinafter provided. Service of such summons shall be made by
48 mailing a copy thereof to the office of the secretary of state [~~at his~~
49 ~~office~~] in either the city of Albany or New York, or by personally
50 delivering a copy thereof to one of his regularly established offices,
51 with a fee of ten dollars, and such service shall be sufficient service
52 upon such non-resident provided that notice of such service and a copy
53 of the summons and complaint are forthwith sent by or on behalf of the
54 plaintiff to the defendant by registered mail with return receipt
55 requested. The plaintiff shall file with the clerk of the court in which
56 the action is pending, or with the judge or justice of such court in

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

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

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

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

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

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

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

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

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