

STATE OF NEW YORK

3300

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

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

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

1 Section 1. Paragraph 1 of subdivision (b) of section 306 of the business corporation law, as amended by chapter 419 of the laws of 1990, is
2 amended to read as follows:

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

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

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ration, to such corporation at the address of its office within this state on file in the department.

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

§ 92-a. Service of process. In any case in which service of process on the secretary of state as agent or attorney of an organization, association, partnership, corporation, company, trust or other person or entity is authorized by law at the office of the department of state in the city of Albany, service of process on the secretary of state may be made by personal delivery to the secretary of state or a deputy, or any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of New York. The secretary of state shall so authorize appropriate persons at such office.

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

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

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

2. Service of such process or notice upon the secretary of state shall be made by personally delivering to and leaving with the secretary of state or any person authorized by the secretary of state to accept such service a copy thereof at the office of the department of state in either the city of Albany or New York, and such service shall be sufficient service provided that notice of such service and a copy of such process are forthwith sent by the attorney general or other party as the case may be to such professional fund raiser, fund raising counsel, professional solicitor or commercial co-venturer by certified mail with return receipt requested, at the office address as set forth in the registration form required to be filed with the attorney general pursuant to sections one hundred seventy-three and one hundred seventy-three-b of this article, or in default of the filing of such form, at the last address known to the attorney general or other party. Service of such process shall be complete ten days after the receipt by the attorney general or other party of a return receipt purporting to be signed by the addressee or a person qualified to receive the addressee's certified mail, in accordance with the rules and customs of the post office department, or, if acceptance was refused by the addressee or the

1 agent, ten days after the return to the attorney general or other party
2 of the original envelope bearing a notation by the postal authorities
3 that receipt thereof was refused.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 Service of such process upon the secretary of state shall be made by
36 personally delivering to and leaving with him or his 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, a copy of such process together with the statutory fee, which
40 fee shall be a taxable disbursement. Such service shall be sufficient if
41 notice thereof and a copy of the process are:

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

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

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

39 § 13. Section 216 of the tax law, as added by chapter 415 of the laws
40 of 1944, the opening paragraph as amended by chapter 100 of the laws of
41 1964 and redesignated by chapter 613 of the laws of 1976, is amended to
42 read as follows:

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

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

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

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

1 the department of state in either the city of Albany or New York and by
2 delivering a copy thereof to, and leaving such copy with, the president,
3 vice-president, secretary, assistant secretary, treasurer, assistant
4 treasurer, or cashier of such petroleum business, or the officer
5 performing corresponding functions under another name, or a director or
6 managing agent of such petroleum business, personally without the state.
7 Proof of such personal service without the state shall be filed with the
8 clerk of the court in which the action is pending within thirty days
9 after such service, and such service shall be complete ten days after
10 proof thereof is filed.

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

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

42 § 16. The opening paragraph of paragraph 2 of subdivision (e) of
43 section 301-A of the limited liability company law, as added by chapter
44 448 of the laws of 1998, is amended to read as follows:

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

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

55 (a) Service of process on the secretary of state as agent of a domes-
56 tic limited liability company or authorized foreign limited liability

1 company shall be made by personally delivering to and leaving with the
2 secretary of state or his or her deputy, or with any person authorized
3 by the secretary of state to receive such service, at the office of the
4 department of state in either the city of Albany or New York, duplicate
5 copies of such process together with the statutory fee, which fee shall
6 be a taxable disbursement. Service of process on such limited liability
7 company shall be complete when the secretary of state is so served. The
8 secretary of state shall promptly send one of such copies by certified
9 mail, return receipt requested, to such limited liability company at the
10 post office address on file in the department of state specified for
11 that purpose.

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

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

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

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

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

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

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

42 § 11-609 Collection of taxes. Every foreign corporation (other than a
43 moneyed corporation) subject to the provisions of this subchapter,
44 except a corporation 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 subchapter may be served within this state,
51 and setting forth an address to which the secretary of state shall mail
52 a copy of any such process against the corporation which may be served
53 upon the secretary of state. In case any such corporation shall have
54 failed to file such certificate of designation, it shall be deemed to
55 have designated the secretary of state as its agent upon whom such proc-
56 ess against it may be served; and until a certificate of designation

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

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

40 § 11-659 Collection of taxes. Every foreign corporation (other than a
41 moneyed corporation) subject to the provisions of this subchapter,
42 except a corporation 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 subchapter may be served within this state,
49 and setting forth an address to which the secretary of state shall mail
50 a copy of any such process against the corporation which may be served
51 upon the secretary of state. In case any such corporation shall have
52 failed to file such certificate of designation, it shall be deemed to
53 have designated the secretary of state as its agent upon whom such proc-
54 ess against it may be served; and until a certificate of designation
55 shall have been filed the corporation shall be deemed to have directed
56 the secretary of state to mail copies of process served upon him or her

1 to the corporation at its last known office address within or without
2 the state. When a certificate of designation has been filed by such
3 corporation the secretary of state shall mail copies of process there-
4 after served upon the secretary of state to the address set forth in
5 such certificate. Any such corporation, from time to time, may change
6 the address to which the secretary of state is directed to mail copies
7 of process, by filing a certificate to that effect executed, signed and
8 acknowledged in like manner as a certificate of designation as herein
9 provided. Service of process upon any such corporation or upon any
10 corporation having a certificate of authority under section eight
11 hundred five of the limited liability company law or having authority to
12 do business by virtue of section thirteen hundred five of the business
13 corporation law, in any action commenced at any time pursuant to the
14 provisions of this subchapter, may be made by either: (a) personally
15 delivering to and leaving with the secretary of state, a deputy secre-
16 tary of state or with any person authorized by the secretary of state to
17 receive such service duplicate copies thereof at the office of the
18 department of state in either the city of Albany or New York, in which
19 event the secretary of state shall forthwith send by registered mail,
20 return receipt requested, one of such copies to the corporation at the
21 address designated by it or at its last known office address within or
22 without the state, or (b) personally delivering to and leaving with the
23 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 § 23. Subdivision 1 of section 11-665 of the administrative code of
36 the city of New York is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 § 30. Subdivision 2 of section 253 of the vehicle and traffic law, as
43 amended by chapter 166 of the laws of 1991, is amended to read as
44 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~~] either in 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 certified mail or registered mail with
55 return receipt requested. The plaintiff shall file with the clerk of the
56 court in which the action is pending, or with the judge or justice of

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

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