

# STATE OF NEW YORK

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1488

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

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

AN ACT to amend the business corporation law, the executive law, the general associations law, the limited liability 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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1 ration, to such corporation at the address of its office within this  
2 state on file in the department.

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

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

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

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

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

38 2. Service of such process or notice upon the secretary of state shall  
39 be made by personally delivering to and leaving with the secretary of  
40 state or any person authorized by the secretary of state to accept such  
41 service a copy thereof at the office of the department of state in  
42 either the city of Albany or New York, and such service shall be suffi-  
43 cient service provided that notice of such service and a copy of such  
44 process are forthwith sent by the attorney general or other party as the  
45 case may be to such professional fund raiser, fund raising counsel,  
46 professional solicitor or commercial co-venturer by certified mail with  
47 return receipt requested, at the office address as set forth in the  
48 registration form required to be filed with the attorney general pursu-  
49 ant to sections one hundred seventy-three and one hundred  
50 seventy-three-b of this article, or in default of the filing of such  
51 form, at the last address known to the attorney general or other party.  
52 Service of such process shall be complete ten days after the receipt by  
53 the attorney general or other party of a return receipt purporting to be  
54 signed by the addressee or a person qualified to receive the addressee's  
55 certified mail, in accordance with the rules and customs of the post  
56 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.