

STATE OF NEW YORK

3419

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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. Subparagraph 1 of paragraph (b) of section 306 of the business corporation law, as amended by section 2 of part KK of chapter 56 of the laws of 2021, is amended to read as follows:

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4 (1) Service of process on the secretary of state as agent of a domestic or authorized foreign corporation shall be made in the manner
5 provided by clause (i) or (ii) of this subparagraph. Either option of
6 service authorized pursuant to this subparagraph shall be available at
7 no extra cost to the consumer. (i) Personally delivering to and leaving
8 with the secretary of state or a deputy, or with any person authorized
9 by the secretary of state to receive such service, at the office of the
10 department of state in either the city of Albany or New York, duplicate
11 copies of such process together with the statutory fee, which fee shall
12 be a taxable disbursement. Service of process on such corporation shall
13 be complete when the secretary of state is so served. The secretary of
14 state shall promptly send one of such copies by certified mail, return
15 receipt requested, to such corporation, at the post office address, on
16 file in the department of state, specified for the purpose. If a domestic
17 or authorized foreign corporation has no such address on file in the
18 department of state, the secretary of state shall so mail such copy, in
19 the case of a domestic corporation, in care of any director named in its
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 certificate of incorporation at the director's address stated therein
2 or, in the case of an authorized foreign corporation, to such corpo-
3 ration at the address of its office within this state on file in the
4 department. (ii) Electronically submitting a copy of the process to the
5 department of state together with the statutory fee, which fee shall be
6 a taxable disbursement, through an electronic system operated by the
7 department of state, provided the domestic or authorized foreign corpo-
8 ration has an email address on file in the department of state to which
9 the secretary of state shall email a notice of the fact that process has
10 been served electronically on the secretary of state. Service of proc-
11 ess on such corporation shall be complete when the secretary of state
12 has reviewed and accepted service of such process. The secretary of
13 state shall promptly send a notice of the fact that process has been
14 served to such corporation at the email address on file in the depart-
15 ment of state, specified for the purpose and shall make a copy of the
16 process available to such corporation.

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

19 § 92-a. Service of process. In any case in which service of process on
20 the secretary of state as agent or attorney of an organization, associ-
21 ation, partnership, corporation, company, trust or other person or enti-
22 ty is authorized by law at the office of the department of state in the
23 city of Albany, service of process on the secretary of state may be made
24 by personal delivery to the secretary of state or a deputy, or any
25 person authorized by the secretary of state to receive such service, at
26 the office of the department of state in the city of New York. The
27 secretary of state shall so authorize appropriate persons at such
28 office.

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

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

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

52 2. Service of such process or notice upon the secretary of state shall
53 be made by personally delivering to and leaving with the secretary of
54 state or any person authorized by the secretary of state to accept such
55 service a copy thereof at the office of the department of state in
56 either the city of Albany or New York, and such service shall be suffi-

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

§ 5. Section 19 of the general associations law, as amended by section 16 of part KK of chapter 56 of the laws of 2021, is amended to read as follows:

§ 19. Service of process. Service of process against an association upon the secretary of state shall be made in the manner provided by subdivision one or two of this section. Either option of service authorized pursuant to this section shall be available at no extra cost to the consumer. (1) Personally delivering to and leaving with him or her or with a person authorized by the secretary of state to receive such service, duplicate copies of such process at the office of the department of state in either the city of Albany or New York. At the time of such service the plaintiff shall pay a fee of forty dollars to the secretary of state which shall be a taxable disbursement. The secretary of state shall promptly send by certified mail one of such copies to the association at the address fixed for that purpose, as herein provided. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the association has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such association shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such association has been served electronically upon him or her, to such association at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such association. If the action or proceeding is instituted in a court of limited jurisdiction, service of process may be made in the manner provided in this section if the cause of action arose within the territorial jurisdiction of the court and the office of the defendant, as set forth in its statement filed pursuant to section eighteen of this ~~chapter~~ article, is within such territorial jurisdiction.

§ 6. Paragraph 1 of subdivision (b) of section 304 of the limited liability company law, as amended by section 22 of part KK of chapter 56 of the laws of 2021, is amended to read as follows:

(1) Personally delivering to and leaving with the secretary of state or his or her deputy, or with any person authorized by the secretary of

1 state to receive such service, at the office of the department of state
2 in either the city of Albany or New York, a copy of such process togeth-
3 er with the statutory fee, which fee shall be a taxable disbursement.

4 § 7. Paragraph (b) of section 306 of the not-for-profit corporation
5 law, as amended by section 30 of part KK of chapter 56 of the laws of
6 2021, is amended to read as follows:

7 (b) Service of process on the secretary of state as agent of a domes-
8 tic corporation formed under article four of this chapter or an author-
9 ized foreign corporation shall be made in the manner provided by subpar-
10 agraph one or two of this paragraph. (1) Personally delivering to and
11 leaving with the secretary of state or his or her deputy, or with any
12 person authorized by the secretary of state to receive such service, at
13 the office of the department of state in either the city of Albany or
14 New York, duplicate copies of such process together with the statutory
15 fee, which fee shall be a taxable disbursement. Service of process on
16 such corporation shall be complete when the secretary of state is so
17 served. The secretary of state shall promptly send one of such copies
18 by certified mail, return receipt requested, to such corporation, at the
19 post office address, on file in the department of state, specified for
20 the purpose. If a domestic corporation formed under article four of this
21 chapter or an authorized foreign corporation has no such address on file
22 in the department of state, the secretary of state shall so mail such
23 copy to such corporation at the address of its office within this state
24 on file in the department. (2) Electronically submitting a copy of the
25 process to the department of state together with the statutory fee,
26 which fee shall be a taxable disbursement, through an electronic system
27 operated by the department of state, provided the domestic or authorized
28 foreign corporation has an email address on file in the department of
29 state to which the secretary of state shall email a notice of the fact
30 that process has been served electronically on the secretary of state.
31 Service of process on such corporation shall be complete when the secre-
32 tary of state has reviewed and accepted service of such process. The
33 secretary of state shall promptly send a notice of the fact that process
34 against such corporation has been served electronically on him or her to
35 such corporation at the email address on file in the department of
36 state, specified for the purpose and shall make a copy of the process
37 available to such corporation.

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

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

48 § 9. Paragraph 1 of subdivision (a) of section 121-109 of the partner-
49 ship law, as amended by section 41 of part KK of chapter 56 of the laws
50 of 2021, is amended to read as follows:

51 (1) By personally delivering to and leaving with him or her or his or
52 her deputy, or with any person authorized by the secretary of state to
53 receive such service, at the office of the department of state in either
54 the city of Albany or New York, duplicate copies of such process togeth-
55 er with the statutory fee, which fee shall be a taxable disbursement.

§ 10. Subdivision (a) of section 121-1505 of the partnership law, as amended by section 52 of part KK of chapter 56 of the laws of 2021, is amended to read as follows:

(a) Service of process on the secretary of state as agent of a registered limited liability partnership or New York registered foreign limited liability partnership under this article shall be made in the manner provided by paragraph one or two of this subdivision. Either option of service authorized pursuant to this subdivision shall be available at no extra cost to the consumer. (1) Personally delivering to and leaving with the secretary of state or a deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in either the city of Albany or New York, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such registered limited liability partnership shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such registered limited liability partnership, at the post office address on file in the department of state specified for such purpose.

(2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the registered limited liability partnership or New York registered foreign limited liability partnership has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process against such registered limited liability partnership or New York registered foreign limited liability partnership served has been electronically served on the secretary of state. Service of process on such registered limited liability partnership or New York registered foreign limited liability partnership shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such registered limited liability partnership or New York registered foreign limited liability partnership has been served electronically upon him or her, to such registered limited liability partnership or New York registered foreign limited liability partnership at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such registered limited liability partnership or New York registered foreign limited liability partnership.

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

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

§ 12. Subdivision 2 of section 203 of the tax law, as amended by chapter 100 of the laws of 1964, is amended to read as follows:

2. Every foreign corporation (other than a moneyed corporation) subject to the provisions of this article, except a corporation having a certificate of authority under former section two hundred twelve of the general corporation law or having authority to do business by virtue of

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

48 § 13. Section 216 of the tax law, as added by chapter 415 of the laws
49 of 1944, the opening paragraph as amended by chapter 100 of the laws of
50 1964 and redesignated by chapter 613 of the laws of 1976, is amended to
51 read as follows:

52 § 216. Collection of taxes. Every foreign corporation (other than a
53 moneyed corporation) subject to the provisions of this article, except a
54 corporation having a certificate of authority under former section two
55 hundred twelve of the general corporation law or having authority to do
56 business by virtue of section thirteen hundred five of the business

corporation law, shall file in the department of state a certificate of designation in its corporate name, signed and acknowledged by its president or a vice-president or its secretary or treasurer, under its corporate seal, designating the secretary of state as its agent upon whom process in any action provided for by this article may be served within this state, and setting forth an address to which the secretary of state shall mail a copy of any such process against the corporation which may be served upon him. In case any such corporation shall have failed to file such certificate of designation, it shall be deemed to have designated the secretary of state as its agent upon whom such process against it may be served; and until a certificate of designation shall have been filed the corporation shall be deemed to have directed the secretary of state to mail copies of process served upon him to the corporation at its last known office address within or without the state. When a certificate of designation has been filed by such corporation the secretary of state shall mail copies of process thereafter served upon him to the address set forth in such certificate. Any such corporation, from time to time, may change the address to which the secretary of state is directed to mail copies of process, by filing a certificate to that effect executed, signed and acknowledged in like manner as a certificate of designation as herein provided. Service of process upon any such corporation or upon any corporation having a certificate of authority under former section two hundred twelve of the general corporation law or having authority to do business by virtue of section thirteen hundred five of the business corporation law, in any action commenced at any time pursuant to the provisions of this article, may be made by either (1) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service duplicate copies thereof at the office of the department of state in either the city of Albany or New York, in which event the secretary of state shall forthwith send by registered mail, return receipt requested, one of such copies to the corporation at the address designated by it or at its last known office address within or without the state, or (2) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with any person authorized by the secretary of state to receive such service, a copy thereof at the office of the department of state in either the city of Albany or New York and by delivering a copy thereof to, and leaving such copy with, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, or cashier of such corporation, or the officer performing corresponding functions under another name, or a director or managing agent of such corporation, personally without the state. Proof of such personal service without the state shall be filed with the clerk of the court in which the action is pending within thirty days after such service, and such service shall be complete ten days after proof thereof is filed.

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

(b) Service of process.--Service of process upon any petroleum business which is a corporation (including any such petroleum business having a certificate of authority under former section two hundred twelve of the general corporation law or having authority to do business by virtue of section thirteen hundred five of the business corporation law), in any action commenced at any time pursuant to the provisions of this article, may be made by either (1) personally delivering to and leaving with the secretary of state, a deputy secretary of state or with

1 any person authorized by the secretary of state to receive such service
2 duplicate copies thereof at the office of the department of state in
3 either the city of Albany or New York, in which event the secretary of
4 state shall forthwith send by registered mail, return receipt requested,
5 one of such copies to such petroleum business at the address designated
6 by it or at its last known office address within or without the state,
7 or (2) personally delivering to and leaving with the secretary of state,
8 a deputy secretary of state or with any person authorized by the secre-
9 tary of state to receive such service, a copy thereof at the office of
10 the department of state in either the city of Albany or New York and by
11 delivering a copy thereof to, and leaving such copy with, the president,
12 vice-president, secretary, assistant secretary, treasurer, assistant
13 treasurer, or cashier of such petroleum business, or the officer
14 performing corresponding functions under another name, or a director or
15 managing agent of such petroleum business, personally without the state.
16 Proof of such personal service without the state shall be filed with the
17 clerk of the court in which the action is pending within thirty days
18 after such service, and such service shall be complete ten days after
19 proof thereof is filed.

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

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

51 § 16. The opening paragraph of paragraph 2 of subdivision (e) of
52 section 301-A of the limited liability company law, as added by chapter
53 448 of the laws of 1998, is amended to read as follows:

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

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

5 § 17. Subdivision (a) of section 303 of the limited liability company
6 law, as amended by section 21 of part KK chapter 56 of the laws of 2021,
7 is amended to read as follows:

8 (a) Service of process on the secretary of state as agent of a domes-
9 tic limited liability company or authorized foreign limited liability
10 company shall be made in the manner provided by paragraph one or two of
11 this subdivision. Either option of service authorized pursuant to this
12 subdivision shall be available at no extra cost to the consumer. (1)

13 Personally delivering to and leaving with the secretary of state or his
14 or her deputy, or with any person authorized by the secretary of state
15 to receive such service, at the office of the department of state in
16 either the city of Albany or New York, duplicate copies of such process
17 together with the statutory fee, which fee shall be a taxable disburse-
18 ment. Service of process on such limited liability company shall be
19 complete when the secretary of state is so served. The secretary of
20 state shall promptly send one of such copies by certified mail, return
21 receipt requested, to such limited liability company at the post office
22 address on file in the department of state specified for that purpose.

23 (2) Electronically submitting a copy of the process to the department of
24 state together with the statutory fee, which fee shall be a taxable
25 disbursement, through an electronic system operated by the department of
26 state, provided the domestic or authorized foreign limited liability
27 company has an email address on file in the department of state to which
28 the secretary of state shall email a notice of the fact that process has
29 been served electronically on the secretary of state. Service of process
30 on such limited liability company shall be complete when the secretary
31 of state has reviewed and accepted service of such process. The secre-
32 tary of state shall promptly send a notice of the fact that process
33 against such limited liability company has been served electronically on
34 him or her to such limited liability company at the email address on
35 file in the department of state, specified for the purpose and shall
36 make a copy of the process available to such limited liability company.

37 § 18. Subparagraph (1) of paragraph (b) of section 307 of the not-for-
38 profit corporation law, as amended by section 31 of part KK of chapter
39 56 of the laws of 2021, is amended to read as follows:

40 (1) Service of such process upon the secretary of state shall be made
41 in the manner provided by items (i) or (ii) of this subparagraph.
42 Either option of service authorized pursuant to this paragraph shall be
43 available at no extra cost to the consumer. (i) Personally delivering to
44 and leaving with him or his deputy, or with any person authorized by the
45 secretary of state to receive such service, at the office of the depart-
46 ment of state in either the city of Albany or New York, a copy of such
47 process together with the statutory fee, which fee shall be a taxable
48 disbursement. (ii) Electronically submitting a copy of the process to
49 the department of state together with the statutory fee, which fee shall
50 be a taxable disbursement, through an electronic system operated by the
51 department of state.

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

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

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

6 § 20. The opening paragraph of subdivision (b) of section 307 of the
7 business corporation law, as amended by section 3 of part KK of chapter
8 56 of the laws of 2021, is amended to read as follows:

9 Service of such process upon the secretary of state shall be made in
10 the manner provided by subparagraph [~~one or two~~] (i) or (ii) of this
11 paragraph. Either option of service authorized pursuant to this para-
12 graph shall be available at no extra cost to the consumer[~~—(1)~~]: (i)
13 Personally delivering to and leaving with him or his deputy, or with any
14 person authorized by the secretary of state to receive such service, at
15 the office of the department of state in either the city of Albany or
16 New York, a copy of such process together with the statutory fee, which
17 fee shall be a taxable disbursement[~~—(2)~~] (ii) Electronically submit-
18 ting a copy of the process to the department of state together with the
19 statutory fee, which fee shall be a taxable disbursement, through an
20 electronic system operated by the department of state. Such service
21 shall be sufficient if notice thereof and a copy of the process are:

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

24 § 11-609 Collection of taxes. Every foreign corporation (other than a
25 moneyed corporation) subject to the provisions of this subchapter,
26 except a corporation having authority to do business by virtue of
27 section thirteen hundred five of the business corporation law, shall
28 file in the department of state a certificate of designation in its
29 corporate name, signed and acknowledged by its president or a vice-pre-
30 sident or its secretary or treasurer, under its corporate seal, desig-
31 nating the secretary of state as its agent upon whom process in any
32 action provided for by this subchapter may be served within this state,
33 and setting forth an address to which the secretary of state shall mail
34 a copy of any such process against the corporation which may be served
35 upon the secretary of state. In case any such corporation shall have
36 failed to file such certificate of designation, it shall be deemed to
37 have designated the secretary of state as its agent upon whom such proc-
38 ess against it may be served; and until a certificate of designation
39 shall have been filed the corporation shall be deemed to have directed
40 the secretary of state to mail copies of process served upon him or her
41 to the corporation at its last known office address within or without
42 the state. When a certificate of designation has been filed by such
43 corporation the secretary of state shall mail copies of process there-
44 after served upon the secretary of state to the address set forth in
45 such certificate. Any such corporation, from time to time, may change
46 the address to which the secretary of state is directed to mail copies
47 of process, by filing a certificate to that effect executed, signed and
48 acknowledged in like manner as a certificate of designation as herein
49 provided. Service of process upon any such corporation or upon any
50 corporation having a certificate of authority under former section two
51 hundred twelve of the general corporation law or having authority to do
52 business by virtue of section thirteen hundred five of the business
53 corporation law, in any action commenced at any time pursuant to the
54 provisions of this subchapter, may be made by either: (a) personally
55 delivering to and leaving with the secretary of state, a deputy secre-
56 tary of state or with any person authorized by the secretary of state to

1 receive such service duplicate copies thereof at the office of the
2 department of state in either the city of Albany or New York, in which
3 event the secretary of state shall forthwith send by registered mail,
4 return receipt requested, one of such copies to the corporation at the
5 address designated by it or at its last known office address within or
6 without the state, or (b) personally delivering to and leaving with the
7 secretary of state, a deputy secretary of state or with any person
8 authorized by the secretary of state to receive such service, a copy
9 thereof at the office of the department of state in either the city of
10 Albany or New York and by delivering a copy thereof to, and leaving such
11 copy with, the president, vice-president, secretary, assistant secre-
12 tary, treasurer, assistant treasurer, or cashier of such corporation, or
13 the officer performing corresponding functions under another name, or a
14 director or managing agent of such corporation, personally without the
15 state. Proof of such personal service without the state shall be filed
16 with the clerk of the court in which the action is pending within thirty
17 days after such service, and such service shall be complete ten days
18 after proof thereof is filed.

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

22 § 11-659 Collection of taxes. Every foreign corporation (other than a
23 moneyed corporation) subject to the provisions of this subchapter,
24 except a corporation having authority to do business by virtue of
25 section thirteen hundred five of the business corporation law, shall
26 file in the department of state a certificate of designation in its
27 corporate name, signed and acknowledged by its president or a vice-pre-
28 sident or its secretary or treasurer, under its corporate seal, desig-
29 nating the secretary of state as its agent upon whom process in any
30 action provided for by this subchapter may be served within this state,
31 and setting forth an address to which the secretary of state shall mail
32 a copy of any such process against the corporation which may be served
33 upon the secretary of state. In case any such corporation shall have
34 failed to file such certificate of designation, it shall be deemed to
35 have designated the secretary of state as its agent upon whom such proc-
36 ess against it may be served; and until a certificate of designation
37 shall have been filed the corporation shall be deemed to have directed
38 the secretary of state to mail copies of process served upon him or her
39 to the corporation at its last known office address within or without
40 the state. When a certificate of designation has been filed by such
41 corporation the secretary of state shall mail copies of process there-
42 after served upon the secretary of state to the address set forth in
43 such certificate. Any such corporation, from time to time, may change
44 the address to which the secretary of state is directed to mail copies
45 of process, by filing a certificate to that effect executed, signed and
46 acknowledged in like manner as a certificate of designation as herein
47 provided. Service of process upon any such corporation or upon any
48 corporation having a certificate of authority under section eight
49 hundred five of the limited liability company law or having authority to
50 do business by virtue of section thirteen hundred five of the business
51 corporation law, in any action commenced at any time pursuant to the
52 provisions of this subchapter, may be made by either: (a) personally
53 delivering to and leaving with the secretary of state, a deputy secre-
54 tary of state or with any person authorized by the secretary of state to
55 receive such service duplicate copies thereof at the office of the
56 department of state in either the city of Albany or New York, in which

1 event the secretary of state shall forthwith send by registered mail,
2 return receipt requested, one of such copies to the corporation at the
3 address designated by it or at its last known office address within or
4 without the state, or (b) personally delivering to and leaving with the
5 secretary of state, a deputy secretary of state or with any person
6 authorized by the secretary of state to receive such service, a copy
7 thereof at the office of the department of state in either the city of
8 Albany or New York and by delivering a copy thereof to, and leaving such
9 copy with, the president, vice-president, secretary, assistant secre-
10 tary, treasurer, assistant treasurer, or cashier of such corporation, or
11 the officer performing corresponding functions under another name, or a
12 director or managing agent of such corporation, personally without the
13 state. Proof of such personal service without the state shall be filed
14 with the clerk of the court in which the action is pending within thirty
15 days after such service, and such service shall be complete ten days
16 after proof thereof is filed.

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

19 1. Every foreign corporation (other than a moneyed corporation)
20 subject to the provisions of this subchapter, except a corporation
21 having authority to do business by virtue of section thirteen hundred
22 five of the business corporation law, shall file in the department of
23 state a certificate of designation in its corporate name, signed and
24 acknowledged by its president or vice-president or its secretary or
25 treasurer, under its corporate seal, designating the secretary of state
26 as its agent upon whom process in any action provided for by this
27 subchapter or subchapter five of this chapter may be served within this
28 state, and setting forth an address to which the secretary of state
29 shall mail a copy of any such process against the corporation which may
30 be served upon the secretary of state. In case any such corporation
31 shall have failed to file such certificate of designation, it shall be
32 deemed to have designated the secretary of state as its agent upon whom
33 such process against it may be served; and until a certificate of design-
34 nation shall have been filed the corporation shall be deemed to have
35 directed the secretary of state to mail copies of process served upon
36 the secretary of state to the corporation at its last known office
37 address within or without the state. When a certificate of designation
38 has been filed by such corporation the secretary of state shall mail
39 copies of process thereafter served upon the secretary of state to the
40 address set forth in such certificate. Any such corporation, from time
41 to time, may change the address to which the secretary of state is
42 directed to mail copies of process, by filing a certificate to that
43 effect executed, signed and acknowledged in like manner as a certificate
44 of designation as herein provided. Service of process upon any such
45 corporation or upon any corporation having authority to do business by
46 virtue of section thirteen hundred five of the business corporation law,
47 in any action commenced at any time pursuant to the provisions of this
48 subchapter five or former subchapter six of this chapter may be made by
49 either: (1) personally delivering to and leaving with the secretary of
50 state, a deputy secretary of state or with any person authorized by the
51 secretary of state to receive such service duplicate copies thereof at
52 the office of the department of state in either the city of Albany or
53 New York, in which event the secretary of state shall forthwith send by
54 registered mail, return receipt requested, one of such copies to the
55 corporation at the address designated by it or at its last known office
56 address within or without the state, or (2) personally delivering to and

1 leaving with the secretary of state, a deputy secretary of state or with
2 any person authorized by the secretary of state to receive such service,
3 a copy thereof at the office of the department of state in either the
4 city of Albany or New York and by delivering a copy hereof to, and leav-
5 ing such copy with, the president, vice-president, secretary, assistant
6 secretary, treasurer, assistant treasurer, or cashier of such corpo-
7 ration, or the officer performing corresponding functions under another
8 name, or a director or managing agent of such corporation, personally
9 without the state. Proof of such personal service without the state
10 shall be filed with the clerk of the court in which the action is pend-
11 ing within thirty days after such service, and such service shall be
12 complete ten days after proof thereof is filed.

13 § 24. Subdivision 7 of section 339-n of the real property law, as
14 amended by section 53 of part KK of chapter 56 of the laws of 2021, is
15 amended to read as follows:

16 7. A designation of the secretary of state as agent of the corporation
17 or board of managers upon whom process against it may be served and the
18 post office address within or without this state to which the secretary
19 of state shall mail a copy of any process against it served upon him or
20 her. The designation may include an email address to which the secretary
21 of state shall email a notice of the fact that process against it has
22 been electronically served upon him or her. Service of process on the
23 secretary of state as agent of such corporation or board of managers
24 shall be made in the manner provided by paragraph (a) or (b) of this
25 subdivision. Either option of service authorized pursuant to this subdivi-
26 sion shall be available at no extra cost to the consumer. (a)
27 Personally delivering to and leaving with him or her or his or her depu-
28 ty, or with any person authorized by the secretary of state to receive
29 such service, at the office of the department of state in either the
30 city of Albany or New York, duplicate copies of such process together
31 with the statutory fee, which shall be a taxable disbursement. Service
32 of process on such corporation or board of managers shall be complete
33 when the secretary of state is so served. The secretary of state shall
34 promptly send one of such copies by certified mail, return receipt
35 requested, to such corporation or board of managers, at the post office
36 address, on file in the department of state, specified for such purpose.
37 (b) Electronically submitting a copy of the process to the department of
38 state together with the statutory fee, which fee shall be a taxable
39 disbursement, through an electronic system operated by the department of
40 state, provided the corporation or board of managers has an email
41 address on file in the department of state to which the secretary of
42 state shall email a notice of the fact that process against the corpo-
43 ration or board of managers has been served electronically on the secre-
44 tary of state. Service of process on such corporation or board of manag-
45 ers shall be complete when the secretary of state has reviewed and
46 accepted service of such process. The secretary of state shall promptly
47 send notice of the fact that process has been served electronically on
48 the secretary of state to such corporation or board of managers at the
49 email address on file in the department of state, specified for the
50 purpose and shall make a copy of the process available to such corpo-
51 ration or board of managers. Nothing in this subdivision shall affect
52 the right to serve process in any other manner permitted by law. The
53 corporation or board of managers shall also file with the secretary of
54 state the name and post office address within or without this state to
55 which the secretary of state shall mail a copy of any process against it

1 served upon the secretary of state and shall update the filing as neces-
2 sary.

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

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

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

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

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

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

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

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

53 2. A summons in an action described in this section may issue in any
54 court in the state having jurisdiction of the subject matter and be
55 served as hereinafter provided. Service of such summons shall be made by
56 mailing a copy thereof to the office of the secretary of state [~~at his~~

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

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

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

52 2. A summons and complaint in an action described in this section may
53 issue in any court in the state having jurisdiction of the subject
54 matter and be served as hereinafter provided. Service of such summons
55 and complaint shall be made by mailing a copy thereof to the office of
56 the secretary of state ~~[at his office]~~ in either the city of Albany or

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

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

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

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

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