STATE OF NEW YORK

11390

IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Braunstein) -- (at request of the Department of State) -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the business corporation law, general associations law, limited liability company law, not-for-profit corporation law, partnership law and real property law, in relation to electronic service of process

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

Section 1. The opening paragraph of 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 and a new clause (iii) is added to read as follows:

Service of process on the secretary of state as agent of a domestic or authorized foreign corporation shall be made in the manner provided by clause (i) [~~or~~], (ii) or (iii) of this subparagraph. [~~Either~~] Each option of service authorized pursuant to this subparagraph shall be available at no extra cost to the consumer.

(iii) Provided process is served by or on behalf of the state or a city, town, village or other political subdivision of the state, by electronically submitting a copy of the process to the department of state, through an electronic system operated by and with capabilities determined by the department of state, together with the statutory fee, if required, which fee shall be a taxable disbursement. Service of process on such corporation shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly either: (A) send a copy of such process by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for the purpose or, if a domestic or authorized foreign corporation has no such address on file in the department of state, the secretary of state shall so mail such copy, in the case of a domestic corporation, in care of any director named in its certificate of incorporation at the director's address stated therein or, in the case of an authorized foreign corpo-

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

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ration, to such corporation at the address of its office within this state on file in the department; or (B) email a notice of the fact that process against the corporation has been served electronically on the secretary of state to 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 corporation.

§ 2. 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 or three of this section. [~~Either~~] Each option of service authorized pursuant to this section shall be available at no extra cost to the consumer.

[~~(1)~~] 1. Personally delivering to and leaving with [~~him or her~~] the secretary of state 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 the city of Albany. 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)~~] 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~~] the secretary of state, 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, is within such territorial jurisdiction.

3. Provided process is served by or on behalf of the state or a city, town, village or other political subdivision of the state, by electronically submitting a copy of the process to the department of state, through an electronic system operated by and with capabilities determined by the department of state, together with the statutory fee, if required, which fee shall be a taxable disbursement. 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 either: (a) send a copy of such process by certified mail, return receipt requested, to such association, at the post office address, on file in the department of state, specified for the purpose; or (b) email a notice of the fact that process against the association has been served electronically on the secretary of state to 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.

§ 3. The opening paragraph of subdivision (a) of section 303 of the limited liability company law, as amended by section 21 of part KK of chapter 56 of the laws of 2021, is amended and a new paragraph 3 is added to read as follows:

Service of process on the secretary of state as agent of a domestic limited liability company or authorized foreign limited liability company shall be made in the manner provided by paragraph one [~~or~~], two or three of this subdivision. [~~Either~~] Each option of service authorized pursuant to this subdivision shall be available at no extra cost to the consumer.

(3) Provided process is served by or on behalf of the state or a city, town, village or other political subdivision of the state, by electronically submitting a copy of the process to the department of state, through an electronic system operated by and with capabilities determined by the department of state, together with the statutory fee, if required, which fee shall be a taxable disbursement. Service of process on such limited liability company shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly either: (A) send a copy of such process by certified mail, return receipt requested, to such limited liability company, at the post office address, on file in the department of state, specified for the purpose; or (B) email a notice of the fact that process against the limited liability company has been served electronically on the secretary of state to 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 limited liability company.

§ 4. The opening paragraph of paragraph (b) of section 306 of the not-for-profit corporation law, as amended by section 30 of part KK of chapter 56 of the laws of 2021, is amended and a new subparagraph 3 is added to read as follows:

Service of process on the secretary of state as agent of a domestic corporation formed under article four of this chapter or an authorized foreign corporation shall be made in the manner provided by subparagraph one [~~or~~], two or three of this paragraph.

(3) Provided process is served by or on behalf of the state or a city, town, village or other political subdivision of the state, by electronically submitting a copy of the process to the department of state, through an electronic system operated by and with capabilities determined by the department of state, together with the statutory fee, if required, which fee shall be a taxable disbursement. Service of process on such corporation shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly either: (A) send a copy of such process by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for the purpose or, if a domestic corporation formed under article four of this chapter or an authorized foreign corporation has no such address on file in the department of state, the secretary of state shall so mail such copy to such corporation at the address of its office within this state on file in the department; or (B) email a notice of the fact that process against the corporation has been served electronically on the secretary of state to 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 corporation.

§ 5. The opening paragraph of subdivision (a) of section 121-109 of the partnership law, as amended by section 41 of part KK of chapter 56

of the laws of 2021, is amended and a new paragraph 3 is added to read as follows:

Service of process on the secretary of state as agent of a domestic or authorized foreign limited partnership shall be made in the manner provided by paragraph one [~~or~~], two or three of this subdivision. [~~Either~~] Each option of service authorized pursuant to this subdivision shall be available at no extra cost to the consumer.

(3) Provided process is served by or on behalf of the state or a city, town, village or other political subdivision of the state, by electronically submitting a copy of the process to the department of state, through an electronic system operated by and with capabilities determined by the department of state, together with the statutory fee, if required, which fee shall be a taxable disbursement. Service of process on such limited partnership shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly either: (A) send a copy of such process by certified mail, return receipt requested, to such limited partnership, at the post office address, on file in the department of state, specified for the purpose; or (B) email a notice of the fact that process against the limited partnership has been served electronically on the secretary of state to 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 limited partnership.

§ 6. The opening paragraph of 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 and a new paragraph 3 is added to read as follows:

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 or three of this subdivision. [~~Either~~] Each option of service authorized pursuant to this subdivision shall be available at no extra cost to the consumer.

(3) Provided process is served by or on behalf of the state or a city, town, village or other political subdivision of the state, by electronically submitting a copy of the process to the department of state, through an electronic system operated by and with capabilities determined by the department of state, together with the statutory fee, if required, which fee shall be a taxable disbursement. Service of process on such 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 either: (A) send a copy of such process by certified mail, return receipt requested, to such registered limited liability partnership or New York registered foreign limited liability partnership, at the post office address, on file in the department of state, specified for the purpose; or (B) email a notice of the fact that process against the registered limited liability partnership or New York registered foreign limited liability partnership has been served electronically on the secretary of state to 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.

§ 7. The opening paragraph of subdivision 7 of section 339-n of the real property law, as amended by section 53 of part KK of chapter 56 of

the laws of 2021, is amended and a new paragraph (c) is added to read as follows:

A designation of the secretary of state as agent of the corporation or board of managers upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon [~~him or her~~] **the secretary of state**. The designation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon [~~him or her~~] **the secretary of state**. Service of process on the secretary of state as agent of such corporation or board of managers shall be made in the manner provided by paragraph (a) [~~or~~], (b) **or (c)** of this subdivision. [~~Either~~] **Each** option of service authorized pursuant to this subdivision shall be available at no extra cost to the consumer.

(c) Provided process is served by or on behalf of the state or a city, town, village or other political subdivision of the state, by electronically submitting a copy of the process to the department of state, through an electronic system operated by and with capabilities determined by the department of state, together with the statutory fee, if required, which fee shall be a taxable disbursement. Service of process on such corporation or board of managers shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly either: (i) send a copy of such process by certified mail, return receipt requested, to such corporation or board of managers, at the post office address, on file in the department of state, specified for the purpose; or (ii) email a notice of the fact that process against the corporation or board of managers has been served electronically on the secretary of state to 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 corporation or board of managers.

§ 8. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.