

STATE OF NEW YORK

4281

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

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 busi-
2 ness corporation law, as amended by section 2 of part KK of chapter 56
3 of the laws of 2021, is amended to read as follows:
4 (1) Service of process on the secretary of state as agent of a domes-
5 tic or authorized foreign corporation shall be made in the manner
6 provided by clause (i) or (ii) of this subparagraph. Either option of
7 service authorized pursuant to this subparagraph shall be available at
8 no extra cost to the consumer. (i) Personally delivering to and leaving
9 with the secretary of state or a deputy, or with any person authorized
10 by the secretary of state to receive such service, at the office of the
11 department of state in either the city of Albany or New York, duplicate
12 copies of such process together with the statutory fee, which fee shall
13 be a taxable disbursement. Service of process on such corporation shall
14 be complete when the secretary of state is so served. The secretary of
15 state shall promptly send one of such copies by certified mail, return
16 receipt requested, to such corporation, at the post office address, on
17 file in the department of state, specified for the purpose. If a domes-
18 tic or authorized foreign corporation has no such address on file in the
19 department of state, the secretary of state shall so mail such copy, in
20 the case of a domestic corporation, in care of any director named in its

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-

1 cient service provided that notice of such service and a copy of such
2 process are forthwith sent by the attorney general or other party as the
3 case may be to such professional fund raiser, fund raising counsel,
4 professional solicitor or commercial co-venturer by certified mail with
5 return receipt requested, at the office address as set forth in the
6 registration form required to be filed with the attorney general pursu-
7 ant to sections one hundred seventy-three and one hundred
8 seventy-three-b of this article, or in default of the filing of such
9 form, at the last address known to the attorney general or other party.
10 Service of such process shall be complete ten days after the receipt by
11 the attorney general or other party of a return receipt purporting to be
12 signed by the addressee or a person qualified to receive the addressee's
13 certified mail, in accordance with the rules and customs of the post
14 office department, or, if acceptance was refused by the addressee or the
15 agent, ten days after the return to the attorney general or other party
16 of the original envelope bearing a notation by the postal authorities
17 that receipt thereof was refused.

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

21 § 19. Service of process. Service of process against an association
22 upon the secretary of state shall be made in the manner provided by
23 subdivision one or two of this section. Either option of service author-
24 ized pursuant to this section shall be available at no extra cost to the
25 consumer. (1) Personally delivering to and leaving with [~~him or her~~] the
26 secretary of state or with a person authorized by the secretary of state
27 to receive such service, duplicate copies of such process at the office
28 of the department of state in either the city of Albany or New York. At
29 the time of such service the plaintiff shall pay a fee of forty dollars
30 to the secretary of state which shall be a taxable disbursement. The
31 secretary of state shall promptly send by certified mail one of such
32 copies to the association at the address fixed for that purpose, as
33 herein provided. (2) Electronically submitting a copy of the process to
34 the department of state together with the statutory fee, which fee shall
35 be a taxable disbursement, through an electronic system operated by the
36 department of state, provided the association has an email address on
37 file in the department of state to which the secretary of state shall
38 email a notice of the fact that process has been served electronically
39 on the secretary of state. Service of process on such association shall
40 be complete when the secretary of state has reviewed and accepted
41 service of such process. The secretary of state shall promptly send a
42 notice of the fact that process against such association has been served
43 electronically upon [~~him or her~~] the secretary of state, to such associ-
44 ation at the email address on file in the department of state, specified
45 for the purpose and shall make a copy of the process available to such
46 association. If the action or proceeding is instituted in a court of
47 limited jurisdiction, service of process may be made in the manner
48 provided in this section if the cause of action arose within the terri-
49 torial jurisdiction of the court and the office of the defendant, as set
50 forth in its statement filed pursuant to section eighteen of this [~~chap-~~
51 ~~ter~~] article, is within such territorial jurisdiction.

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

55 (1) Personally delivering to and leaving with the secretary of state
56 or [~~his or her~~] the deputy of the secretary of state, or with any person

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

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

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

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

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

51 § 9. The opening paragraph of paragraph 1 of subdivision (a) of
52 section 121-109 of the partnership law, as amended by section 41 of part
53 KK of chapter 56 of the laws of 2021, is amended to read as follows:

54 By personally delivering to and leaving with [~~him or her or his or~~
55 ~~her~~] the secretary of state or the deputy of the secretary of state, or
56 with any person authorized by the secretary of state to receive such

1 service, at the office of the department of state in either the city of
2 Albany or New York, duplicate copies of such process together with the
3 statutory fee, which fee shall be a taxable disbursement.

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

7 (a) Service of process on the secretary of state as agent of a regis-
8 tered limited liability partnership or New York registered foreign
9 limited liability partnership under this article shall be made in the
10 manner provided by paragraph one or two of this subdivision. Either
11 option of service authorized pursuant to this subdivision shall be
12 available at no extra cost to the consumer. (1) Personally delivering to
13 and leaving with the secretary of state or a deputy, or with any person
14 authorized by the secretary of state to receive such service, at the
15 office of the department of state in either the city of Albany or New
16 York, duplicate copies of such process together with the statutory fee,
17 which fee shall be a taxable disbursement. Service of process on such
18 registered limited liability partnership shall be complete when the
19 secretary of state is so served. The secretary of state shall promptly
20 send one of such copies by certified mail, return receipt requested, to
21 such registered limited liability partnership, at the post office
22 address on file in the department of state specified for such 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 registered limited liability partnership or New York
27 registered foreign limited liability partnership has an email address on
28 file in the department of state to which the secretary of state shall
29 email a notice of the fact that process against such registered limited
30 liability partnership or New York registered foreign limited liability
31 partnership served has been electronically served on the secretary of
32 state. Service of process on such registered limited liability partner-
33 ship or New York registered foreign limited liability partnership shall
34 be complete when the secretary of state has reviewed and accepted
35 service of such process. The secretary of state shall promptly send a
36 notice of the fact that process against such registered limited liabil-
37 ity partnership or New York registered foreign limited liability part-
38 nership has been served electronically upon [~~him or her~~] the secretary
39 of state, to such registered limited liability partnership or New York
40 registered foreign limited liability partnership at the email address on
41 file in the department of state, specified for the purpose and shall
42 make a copy of the process available to such registered limited liabil-
43 ity partnership or New York registered foreign limited liability part-
44 nership.

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

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

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

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

55 § 13. Section 216 of the tax law, as added by chapter 415 of the laws
56 of 1944, the opening paragraph as amended by chapter 100 of the laws of

1 1964 and redesignated by chapter 613 of the laws of 1976, is amended to
2 read as follows:

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

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

1 (b) Service of process.--Service of process upon any petroleum busi-
2 ness which is a corporation (including any such petroleum business
3 having a certificate of authority under former section two hundred
4 twelve of the general corporation law or having authority to do business
5 by virtue of section thirteen hundred five of the business corporation
6 law), in any action commenced at any time pursuant to the provisions of
7 this article, may be made by either (1) personally delivering to and
8 leaving with the secretary of state, a deputy secretary of state or with
9 any person authorized by the secretary of state to receive such service
10 duplicate copies thereof at the office of the department of state in
11 either the city of Albany or New York, in which event the secretary of
12 state shall forthwith send by registered mail, return receipt requested,
13 one of such copies to such petroleum business at the address designated
14 by it or at its last known office address within or without the state,
15 or (2) personally delivering to and leaving with the secretary of state,
16 a deputy secretary of state or with any person authorized by the secre-
17 tary of state to receive such service, a copy thereof at the office of
18 the department of state in either the city of Albany or New York and by
19 delivering a copy thereof to, and leaving such copy with, the president,
20 vice-president, secretary, assistant secretary, treasurer, assistant
21 treasurer, or cashier of such petroleum business, or the officer
22 performing corresponding functions under another name, or a director or
23 managing agent of such petroleum business, personally without the state.
24 Proof of such personal service without the state shall be filed with the
25 clerk of the court in which the action is pending within thirty days
26 after such service, and such service shall be complete ten days after
27 proof thereof is filed.

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

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

1 to the person, personally without the state. Proof of such personal
2 service without the state shall be filed with the clerk of the court in
3 which the process is pending within thirty days after such service and
4 such service shall be complete ten days after proof thereof is filed.

5 § 16. The opening paragraph of paragraph 2 of subdivision (e) of
6 section 301-A of the limited liability company law, as added by chapter
7 448 of the laws of 1998, is amended to read as follows:

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

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

19 (a) Service of process on the secretary of state as agent of a domes-
20 tic limited liability company or authorized foreign limited liability
21 company shall be made in the manner provided by paragraph one or two of
22 this subdivision. Either option of service authorized pursuant to this
23 subdivision shall be available at no extra cost to the consumer. (1)
24 Personally delivering to and leaving with the secretary of state or [~~his~~
25 ~~or her~~] the deputy of the secretary of state, or with any person author-
26 ized by the secretary of state to receive such service, at the office of
27 the department of state in either the city of Albany or New York, dupli-
28 cate copies of such process together with the statutory fee, which fee
29 shall be a taxable disbursement. Service of process on such limited
30 liability company shall be complete when the secretary of state is so
31 served. The secretary of state shall promptly send one of such copies by
32 certified mail, return receipt requested, to such limited liability
33 company at the post office address on file in the department of state
34 specified for that purpose. (2) Electronically submitting a copy of the
35 process to the department of state together with the statutory fee,
36 which fee shall be a taxable disbursement, through an electronic system
37 operated by the department of state, provided the domestic or authorized
38 foreign limited liability company has an email address on file in the
39 department of state to which the secretary of state shall email a notice
40 of the fact that process has been served electronically on the secretary
41 of state. Service of process on such limited liability company shall be
42 complete when the secretary of state has reviewed and accepted service
43 of such process. The secretary of state shall promptly send a notice of
44 the fact that process against such limited liability company has been
45 served electronically on [~~him or her~~] the secretary of state to such
46 limited liability company at the email address on file in the department
47 of state, specified for the purpose and shall make a copy of the process
48 available to such limited liability company.

49 § 18. Subparagraph 1 of paragraph (b) of section 307 of the not-for-
50 profit corporation law, as amended by section 31 of part KK of chapter
51 56 of the laws of 2021, is amended to read as follows:

52 (1) Service of such process upon the secretary of state shall be made
53 in the manner provided by items (i) or (ii) of this subparagraph.
54 Either option of service authorized pursuant to this paragraph shall be
55 available at no extra cost to the consumer. (i) Personally delivering to
56 and leaving with [~~him or his~~] the secretary of state or the deputy of

1 the secretary of state, or with any person authorized by the secretary
2 of state to receive such service, at the office of the department of
3 state in either the city of Albany or New York, a copy of such process
4 together with the statutory fee, which fee shall be a taxable disburse-
5 ment. (ii) Electronically submitting a copy of the process to the
6 department of state together with the statutory fee, which fee shall be
7 a taxable disbursement, through an electronic system operated by the
8 department of state.

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

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

20 § 20. The opening paragraph of paragraph (b) of section 307 of the
21 business corporation law, as amended by section 3 of part KK of chapter
22 56 of the laws of 2021, is amended to read as follows:

23 Service of such process upon the secretary of state shall be made in
24 the manner provided by subparagraph [~~one or two~~] (i) or (ii) of this
25 paragraph. Either option of service authorized pursuant to this para-
26 graph shall be available at no extra cost to the consumer[~~-(1)~~]: (i)
27 Personally delivering to and leaving with [~~him or his~~] the secretary of
28 state or the deputy of the secretary of state, or with any person
29 authorized by the secretary of state to receive such service, at the
30 office of the department of state in either the city of Albany or New
31 York, a copy of such process together with the statutory fee, which fee
32 shall be a taxable disbursement[~~-(2)~~] (ii) Electronically submitting a
33 copy of the process to the department of state together with the statu-
34 tory fee, which fee shall be a taxable disbursement, through an elec-
35 tronic system operated by the department of state. Such service shall be
36 sufficient if notice thereof and a copy of the process are:

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

39 § 11-609 Collection of taxes. Every foreign corporation (other than a
40 moneyed corporation) subject to the provisions of this subchapter,
41 except a corporation having authority to do business by virtue of
42 section thirteen hundred five of the business corporation law, shall
43 file in the department of state a certificate of designation in its
44 corporate name, signed and acknowledged by its president or a vice-pre-
45 sident or its secretary or treasurer, under its corporate seal, desig-
46 nating the secretary of state as its agent upon whom process in any
47 action provided for by this subchapter may be served within this state,
48 and setting forth an address to which the secretary of state shall mail
49 a copy of any such process against the corporation which may be served
50 upon the secretary of state. In case any such corporation shall have
51 failed to file such certificate of designation, it shall be deemed to
52 have designated the secretary of state as its agent upon whom such proc-
53 ess against it may be served; and until a certificate of designation
54 shall have been filed the corporation shall be deemed to have directed
55 the secretary of state to mail copies of process served upon [~~him or~~
56 ~~her~~] the secretary of state to the corporation at its last known office

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

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

37 § 11-659 Collection of taxes. Every foreign corporation (other than a
38 moneyed corporation) subject to the provisions of this subchapter,
39 except a corporation having authority to do business by virtue of
40 section thirteen hundred five of the business corporation law, shall
41 file in the department of state a certificate of designation in its
42 corporate name, signed and acknowledged by its president or a vice-pre-
43 sident or its secretary or treasurer, under its corporate seal, desig-
44 nating the secretary of state as its agent upon whom process in any
45 action provided for by this subchapter may be served within this state,
46 and setting forth an address to which the secretary of state shall mail
47 a copy of any such process against the corporation which may be served
48 upon the secretary of state. In case any such corporation shall have
49 failed to file such certificate of designation, it shall be deemed to
50 have designated the secretary of state as its agent upon whom such proc-
51 ess against it may be served; and until a certificate of designation
52 shall have been filed the corporation shall be deemed to have directed
53 the secretary of state to mail copies of process served upon [~~him or~~
54 ~~her~~] 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 a certificate of authority
8 under section eight hundred five of the limited liability company law or
9 having authority to do business by virtue of section thirteen hundred
10 five of the business corporation law, in any action commenced at any
11 time pursuant to the provisions of this subchapter, may be made by
12 either: (a) personally delivering to and leaving with the secretary of
13 state, a deputy secretary of state or with any person authorized by the
14 secretary of state to receive such service duplicate copies thereof at
15 the office of the department of state in either the city of Albany or
16 New York, in which event the secretary of state shall forthwith send by
17 registered mail, return receipt requested, one of such copies to the
18 corporation at the address designated by it or at its last known office
19 address within or without the state, or (b) personally delivering to and
20 leaving with the secretary of state, a deputy secretary of state or with
21 any person authorized by the secretary of state to receive such service,
22 a copy thereof at the office of the department of state in either
23 the city of Albany or New York and by delivering a copy thereof to, and
24 leaving such copy with, the president, vice-president, secretary,
25 assistant secretary, treasurer, assistant treasurer, or cashier of such
26 corporation, or the officer performing corresponding functions under
27 another name, or a director or managing agent of such corporation,
28 personally without the state. Proof of such personal service without the
29 state shall be filed with the clerk of the court in which the action is
30 pending within thirty days after such service, and such service shall be
31 complete ten days after proof thereof is filed.

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

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

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

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

31 7. A designation of the secretary of state as agent of the corporation
32 or board of managers upon whom process against it may be served and the
33 post office address within or without this state to which the secretary
34 of state shall mail a copy of any process against it served upon [~~him or~~
35 ~~her~~] the secretary of state. The designation may include an email
36 address to which the secretary of state shall email a notice of the fact
37 that process against it has been electronically served upon [~~him or her~~]
38 the secretary of state. Service of process on the secretary of state as
39 agent of such corporation or board of managers shall be made in the
40 manner provided by paragraph (a) or (b) of this subdivision. Either
41 option of service authorized pursuant to this subdivision shall be
42 available at no extra cost to the consumer. (a) Personally delivering to
43 and leaving with [~~him or her or his or her~~] the secretary of state or
44 the deputy of the secretary of state, or with any person authorized by
45 the secretary of state to receive such service, at the office of the
46 department of state in either the city of Albany or New York, duplicate
47 copies of such process together with the statutory fee, which shall be a
48 taxable disbursement. Service of process on such corporation or board of
49 managers shall be complete when the secretary of state is so served. The
50 secretary of state shall promptly send one of such copies by certified
51 mail, return receipt requested, to such corporation or board of manag-
52 ers, at the post office address, on file in the department of state,
53 specified for such purpose. (b) Electronically submitting a copy of the
54 process to the department of state together with the statutory fee,
55 which fee shall be a taxable disbursement, through an electronic system
56 operated by the department of state, provided the corporation or board

1 of managers has an email address on file in the department of state to
2 which the secretary of state shall email a notice of the fact that proc-
3 ess against the corporation or board of managers has been served elec-
4 tronically on the secretary of state. Service of process on such corpo-
5 ration or board of managers shall be complete when the secretary of
6 state has reviewed and accepted service of such process. The secretary
7 of state shall promptly send notice of the fact that process has been
8 served electronically on the secretary of state to such corporation or
9 board of managers at the email address on file in the department of
10 state, specified for the purpose and shall make a copy of the process
11 available to such corporation or board of managers. Nothing in this
12 subdivision shall affect the right to serve process in any other manner
13 permitted by law. The corporation or board of managers shall also file
14 with the secretary of state the name and post office address within or
15 without this state to which the secretary of state shall mail a copy of
16 any process against it served upon the secretary of state and shall
17 update the filing as necessary.

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

21 3. Service of such process upon the secretary of state shall be made
22 by personally delivering to and leaving with [~~him or his~~] the secretary
23 of state or the deputy of the secretary of state or with any person
24 authorized by the secretary of state to receive such service, at the
25 office of the department of state in either the city of Albany or New
26 York, duplicate copies of such process together with a fee of five
27 dollars if the action is solely for the recovery of a sum of money not
28 in excess of two hundred dollars and the process is so endorsed, and a
29 fee of ten dollars in any other action or proceeding, which fee shall be
30 a taxable disbursement. If such process is served upon behalf of a coun-
31 ty, city, town or village, or other political subdivision of the state,
32 the fee to be paid to the secretary of state shall be five dollars,
33 irrespective of the amount involved or the nature of the action on
34 account of which such service of process is made. If the cost of regis-
35 tered mail for transmitting a copy of the process shall exceed two
36 dollars, an additional fee equal to such excess shall be paid at the
37 time of the service of such process. Proof of service shall be by affi-
38 davit of compliance with this subdivision filed by or on behalf of the
39 plaintiff together with the process, within ten days after such service,
40 with the clerk of the court in which the action or special proceeding is
41 pending. Service made as provided in this section shall be complete ten
42 days after such papers are filed with the clerk of the court and shall
43 have the same force and validity as if served on [~~him~~] the secretary of
44 state personally within the state and within the territorial jurisdic-
45 tion of the court from which the process issues.

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

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

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

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

48 2. Service of such process upon the secretary of state shall be made
49 by personally delivering to and leaving with ~~[him]~~ the secretary of
50 state or a deputy secretary of state a copy thereof at the office of the
51 department of state in either the city of Albany or New York, and such
52 service shall be sufficient service provided that notice of such service
53 and a copy of such process are forthwith sent by the attorney general to
54 such person, partnership, corporation, company, trust or association, by
55 registered or certified mail with return receipt requested, at ~~[his or~~
56 ~~its]~~ the addressee's office as set forth in the "broker-dealer's state-

1 ment", "salesman's statement" or "investment advisor's statement" filed
2 in the department of law pursuant to section three hundred fifty-nine-e
3 or section three hundred fifty-nine-eee of this article, or in default
4 of the filing of such statement, at the last address known to the attor-
5 ney general. Service of such process shall be complete on receipt by the
6 attorney general of a return receipt purporting to be signed by the
7 addressee or a person qualified to receive [~~his or its~~] the addressee's
8 registered or certified mail, in accordance with the rules and customs
9 of the post office department, or, if acceptance was refused by the
10 addressee or [~~his or its~~] the addressee's agent, on return to the attor-
11 ney general of the original envelope bearing a notation by the postal
12 authorities that receipt thereof was refused.

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

15 2. A summons in an action described in this section may issue in any
16 court in the state having jurisdiction of the subject matter and be
17 served as hereinafter provided. Service of such summons shall be made by
18 mailing a copy thereof to the office of the secretary of state at [~~his~~]
19 the office of the secretary of state in either the city of Albany or New
20 York, or by personally delivering a copy thereof to one of [~~his~~] the
21 regularly established offices, with a fee of ten dollars, and such
22 service shall be sufficient service upon such non-resident provided that
23 notice of such service and a copy of the summons and complaint are
24 forthwith sent by or on behalf of the plaintiff to the defendant by
25 registered mail with return receipt requested. The plaintiff shall file
26 with the clerk of the court in which the action is pending, or with the
27 judge or justice of such court in case there be no clerk, an affidavit
28 of compliance herewith, a copy of the summons and complaint, and either
29 a return receipt purporting to be signed by the defendant or a person
30 qualified to receive [~~his~~] the defendant's registered mail, in accord-
31 ance with the rules [~~an~~] and customs of the post-office department; or,
32 if acceptance was refused by the defendant or [~~his~~] such defendant's
33 agent, the original envelope bearing a notation by the postal authori-
34 ties that receipt was refused, and an affidavit by or on behalf of the
35 plaintiff that notice of such mailing and refusal was forthwith sent to
36 the defendant by ordinary mail. Where the summons is mailed to a foreign
37 country, other official proof of the delivery of the mail may be filed
38 in case the post-office department is unable to obtain such a return
39 receipt. The foregoing papers shall be filed within thirty days after
40 the return receipt or other official proof of delivery or the original
41 envelope bearing a notation of refusal, as the case may be, is received
42 by the plaintiff. Service of process shall be complete ten days after
43 such papers are filed. The return receipt or other official proof of
44 delivery shall constitute presumptive evidence that the summons mailed
45 was received by the defendant or a person qualified to receive [~~his~~] the
46 defendant's registered mail; and the notation or refusal shall consti-
47 tute presumptive evidence that the refusal was by the defendant or [~~his~~]
48 the defendant's agent. Service of such summons also may be made by mail-
49 ing a copy thereof to the office of the secretary of state [~~at this~~
50 ~~office~~] in either the city of Albany or New York, or by personally
51 delivering a copy thereof to one of [~~his~~] the regularly established
52 offices, with a fee of ten dollars, and by delivering a duplicate copy
53 thereof, with the complaint annexed thereto, to the defendant personally
54 without the state by a resident or citizen of the state of New York or a
55 sheriff, under-sheriff, deputy-sheriff or constable of the county or
56 other political subdivision in which the personal service is made, or an

1 officer authorized by the laws of this state, to take acknowledgements
2 of deeds to be recorded in this state, or an attorney and/or counselor
3 at law, solicitor, advocate or barrister duly qualified to practice in
4 the state or country where such service is made, or by a United States
5 marshal or deputy United States marshal. Proof of personal service with-
6 out the state shall be filed with the clerk of the court in which the
7 action is pending within thirty days after such service. Personal
8 service without the state is complete ten days after proof thereof is
9 filed. The court in which the action is pending may order such exten-
10 sions as may be necessary to afford the defendant reasonable opportunity
11 to defend the action.

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

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

16 2. A summons and complaint in an action described in this section may
17 issue in any court in the state having jurisdiction of the subject
18 matter and be served as hereinafter provided. Service of such summons
19 and complaint shall be made by mailing a copy thereof to the office of
20 the secretary of state [~~at his office~~] in either the city of Albany or
21 New York, or by personally delivering a copy thereof to one of [~~his~~] the
22 regularly established offices, with a fee of five dollars, and such
23 service shall be sufficient service upon such non-resident provided that
24 notice of such service and a copy of the summons and complaint are
25 forthwith sent by or on behalf of the plaintiff to the defendant by
26 registered mail with return receipt requested. The plaintiff shall file
27 with the clerk of the court in which the action is pending, or with the
28 judge or justice of such court in case there be no clerk, an affidavit
29 of compliance herewith, a copy of the summons and complaint, and either
30 a return receipt purporting to be signed by the defendant or a person
31 qualified to receive [~~his~~] the defendant's registered mail, in accord-
32 ance with the rules and customs of the post office department; or, if
33 acceptance was refused by the defendant or [~~his~~] the defendant's agent,
34 the original envelope bearing a notation by the postal authorities that
35 receipt was refused, and an affidavit by or on behalf of the plaintiff
36 that notice of such mailing and refusal was forthwith sent to the
37 defendant by ordinary mail. Where the summons is mailed to a foreign
38 country, other official proof of the delivery of the mail may be filed
39 in case the post-office department is unable to obtain such a return
40 receipt. The foregoing papers shall be filed within thirty days after
41 the return receipt or other official proof of delivery or the original
42 envelope bearing a notation of refusal, as the case may be, is received
43 by the plaintiff. Service of process shall be complete when such papers
44 are filed. The return receipt or other official proof of delivery shall
45 constitute presumptive evidence that the summons mailed was received by
46 the defendant or a person qualified to receive [~~his~~] the defendant's
47 registered mail; and the notation of refusal shall constitute presump-
48 tive evidence that the refusal was by the defendant or [~~his~~] the defend-
49 ant's agent. Service of such summons also may be made by mailing a copy
50 thereof to the office of the secretary of state at [~~his~~] the office of
51 the secretary of state in either the city of Albany or New York, or by
52 personally delivering a copy thereof to one of [~~his~~] the regularly
53 established offices, with a fee of five dollars, and by delivering a
54 duplicate copy thereof, with the complaint annexed thereto, to the
55 defendant personally without the state by a resident or citizen of the
56 state of New York or a sheriff, under-sheriff, deputy-sheriff or consta-

1 ble of the county or other political subdivision in which the personal
2 service is made, or an officer authorized by the laws of this state, to
3 take acknowledgments of deeds to be recorded in this state, or an attor-
4 ney and/or counselor at law, solicitor, advocate or barrister duly qual-
5 ified to practice in the state or country where such service is made, or
6 by a United States marshal or deputy United States marshal. Proof of
7 personal service without the state shall be filed with the clerk of the
8 court in which the action is pending within thirty days after such
9 service. Personal service without the state is complete when proof ther-
10 eof is filed. The court in which the action is pending may order such
11 extension as may be necessary to afford the defendant reasonable oppor-
12 tunity to defend the action.

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

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

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

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