

STATE OF NEW YORK

8397

2025-2026 Regular Sessions

IN SENATE

June 8, 2025

Introduced by Sen. MARTINEZ -- (at request of the Department of State)
-- read twice and ordered printed, and when printed to be committed to
the Committee on Rules

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

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

1 Section 1. The opening paragraph of subparagraph 1 of paragraph (b) of
2 section 306 of the business corporation law, as amended by section 2 of
3 part KK of chapter 56 of the laws of 2021, is amended and a new clause
4 (iii) is added to read as follows:
5 Service of process on the secretary of state as agent of a domestic or
6 authorized foreign corporation shall be made in the manner provided by
7 clause (i) [~~or~~], (ii) or (iii) of this subparagraph. [~~Either~~] Each
8 option of service authorized pursuant to this subparagraph shall be
9 available at no extra cost to the consumer.
10 (iii) Provided process is served by or on behalf of the state or a
11 city, town, village or other political subdivision of the state, by
12 electronically submitting a copy of the process to the department of
13 state, through an electronic system operated by and with capabilities
14 determined by the department of state, together with the statutory fee,
15 if required, which fee shall be a taxable disbursement. Service of proc-
16 ess on such corporation shall be complete when the secretary of state
17 has reviewed and accepted service of such process. The secretary of
18 state shall promptly either: (A) send a copy of such process by certi-
19 fied mail, return receipt requested, to such corporation, at the post
20 office address, on file in the department of state, specified for the
21 purpose or, if a domestic or authorized foreign corporation has no such
22 address on file in the department of state, the secretary of state shall

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

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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 corporation, 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, speci-

1 fied for the purpose and shall make a copy of the process available to
2 such corporation.

3 § 5. The opening paragraph of subdivision (a) of section 121-109 of
4 the partnership law, as amended by section 41 of part KK of chapter 56
5 of the laws of 2021, is amended and a new paragraph 3 is added to read
6 as follows:

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

12 (3) Provided process is served by or on behalf of the state or a city,
13 town, village or other political subdivision of the state, by electron-
14 ically submitting a copy of the process to the department of state,
15 through an electronic system operated by and with capabilities deter-
16 mined by the department of state, together with the statutory fee, if
17 required, which fee shall be a taxable disbursement. Service of process
18 on such limited partnership shall be complete when the secretary of
19 state has reviewed and accepted service of such process. The secretary
20 of state shall promptly either: (A) send a copy of such process by
21 certified mail, return receipt requested, to such limited partnership,
22 at the post office address, on file in the department of state, speci-
23 fied for the purpose; or (B) email a notice of the fact that process
24 against the limited partnership has been served electronically on the
25 secretary of state to the email address on file in the department of
26 state, specified for the purpose and shall make a copy of the process
27 available to such limited partnership.

28 § 6. The opening paragraph of subdivision (a) of section 121-1505 of
29 the partnership law, as amended by section 52 of part KK of chapter 56
30 of the laws of 2021, is amended and a new paragraph 3 is added to read
31 as follows:

32 Service of process on the secretary of state as agent of a registered
33 limited liability partnership or New York registered foreign limited
34 liability partnership under this article shall be made in the manner
35 provided by paragraph one ~~[or]~~, two or three of this subdivision.
36 ~~[Either]~~ Each option of service authorized pursuant to this subdivision
37 shall be available at no extra cost to the consumer.

38 (3) Provided process is served by or on behalf of the state or a city,
39 town, village or other political subdivision of the state, by electron-
40 ically submitting a copy of the process to the department of state,
41 through an electronic system operated by and with capabilities deter-
42 mined by the department of state, together with the statutory fee, if
43 required, which fee shall be a taxable disbursement. Service of process
44 on such limited liability partnership shall be complete when the secre-
45 tary of state has reviewed and accepted service of such process. The
46 secretary of state shall promptly either: (A) send a copy of such proc-
47 ess by certified mail, return receipt requested, to such registered
48 limited liability partnership or New York registered foreign limited
49 liability partnership, at the post office address, on file in the
50 department of state, specified for the purpose; or (B) email a notice of
51 the fact that process against the registered limited liability partner-
52 ship or New York registered foreign limited liability partnership has
53 been served electronically on the secretary of state to the email
54 address on file in the department of state, specified for the purpose
55 and shall make a copy of the process available to such registered limit-

1 ed liability partnership or New York registered foreign limited liabil-
2 ity partnership.

3 § 7. The opening paragraph of subdivision 7 of section 339-n of the
4 real property law, as amended by section 53 of part KK of chapter 56 of
5 the laws of 2021, is amended and a new paragraph (c) is added to read as
6 follows:

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

19 (c) Provided process is served by or on behalf of the state or a city,
20 town, village or other political subdivision of the state, by electron-
21 ically submitting a copy of the process to the department of state,
22 through an electronic system operated by and with capabilities deter-
23 mined by the department of state, together with the statutory fee, if
24 required, which fee shall be a taxable disbursement. Service of process
25 on such corporation or board of managers shall be complete when the
26 secretary of state has reviewed and accepted service of such process.
27 The secretary of state shall promptly either: (i) send a copy of such
28 process by certified mail, return receipt requested, to such corporation
29 or board of managers, at the post office address, on file in the depart-
30 ment of state, specified for the purpose; or (ii) email a notice of the
31 fact that process against the corporation or board of managers has been
32 served electronically on the secretary of state to the email address on
33 file in the department of state, specified for the purpose and shall
34 make a copy of the process available to such corporation or board of
35 managers.

36 § 8. This act shall take effect on the one hundred eightieth day after
37 it shall have become a law. Effective immediately, the addition, amend-
38 ment and/or repeal of any rule or regulation necessary for the implemen-
39 tation of this act on its effective date are authorized to be made and
40 completed on or before such effective date.