

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum
Subject: Service on Non-Resident
under VTL § 253

Class: LSM-142
Category: GP-10
Eff. Date: Dec. 13, 1996

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Vehicle and Traffic Law, Section 253, provides a method for service on a non-resident of the State of New York who is sued on a cause of action arising out of an accident or collision in which s/he is involved while operating a motor vehicle in New York State.

Service under this section is accomplished by mailing a copy of the summons and complaint to the Secretary of State in Albany or by personally delivering a copy of the summons and complaint to one of the local offices for the Secretary of State. At present there is a fee of \$10.00 for this service. After sending or delivering a copy of the summons and complaint to the Secretary of State, the plaintiff must, in addition, mail a copy of the summons and complaint by certified mail, return receipt requested, have a New York resident personally serve the summons and complaint, or contact the local service officer and arrange for personal service on the defendant.

In a situation in which a plaintiff requires service instructions following this section, be sure to tell the person to contact the Secretary of State before sending him/her the summons and complaint so as to ascertain the location for mailing, the fee, etc. Please inform the plaintiff that an affidavit of service indicating compliance with this rule must be filed with the clerk within thirty (30) days of the receipt of the return receipt, the refusal to accept mail, or the service by the New York resident or the serving officer. Service is complete at the time of the filing of the affidavit of service.

This service provision takes precedence over CCA § 409 and permits timely filing after our normal 14-day requirement.

Dated

Jacqueline Silbermann
Administrative Judge