



Department of  
Consumer Affairs

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**RE: Process Server License Requirement**

Dear Mr. [redacted]

You have asked whether a friend who intends to serve on your behalf, without compensation, a summons upon each of 10 defendants in one lawsuit must obtain a process server license from the Department of Consumer Affairs. You have represented that your friend does not otherwise serve process. The short answer to your question is "no."

Section 20-404(a) of the New York City Administrative Code ("Code") defines a process server as "a person **engaged in the business of serving** or one who purports to serve or one who serves personally or by substituted service upon any person, corporation, governmental or political subdivision or agency, a summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceedings." Section 20-404(b) of the Code provides that "the service of five or more process in any one year shall be deemed to constitute doing business as a process server."

The Department interprets the term "engaged in the business of serving" to require either that the person serving process receive compensation for the service or that the person has served process in five or more different proceedings in one year. That interpretation is consistent with the definition of process server in section 89-ee of the New York General Business Law, which provides that a process server is "a person, other than an attorney or a party to an action acting on his own behalf, who: (a) derives income from the service of papers in an action; or (b) has effected service of process in five or more actions or proceedings in the twelve month period immediately preceding the service in question."

Based on your representation that your friend will serve the subpoenas without compensation, that all of the summonses will be served on defendants in a single action, and that your friend does not otherwise serve process in New York City, a process server license from the NYC Department of Consumer Affairs is not required.

Sincerely,

[redacted signature]

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Staff Counsel