

FEBRUARY 6, 1950.

MR. GEORGE M. BORDEN, *Secretary,*
State Employees' Retirement System,
 1 West State Street,
 Trenton 7, New Jersey.

FORMAL OPINION—1950. No. 14.

MY DEAR MR. BORDEN:

I duly received your letter of the 25th ult. with enclosure of order of Chief Justice Arthur T. Vanderbilt retiring Louis F. Beachner, a court stenographer, on an annual pension of \$2,500 per annum.

It appears that Mr. Beachner is also a member of your retirement system. The question which you have asked is whether Mr. Beachner is entitled to either the pension or annuity portion of the retirement allowance in your fund.

In my opinion he is not entitled to any portion of the pension element which would go to make up his retirement allowance had he retired under your retirement system. He has elected, however, to take the benefit of the law for the retirement of stenographic reporters, and is entitled only to have returned to him his accumulated deductions with interest as provided by your law.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: THEODORE BACKES,
Deputy Attorney General.

TB:B

FEBRUARY 6, 1950.

MAJOR WILLIAM O. NICOL,
New Jersey State Police,
 Trenton, New Jersey.

FORMAL OPINION—1950. No. 15.

DEAR MAJOR NICOL:

Your letter is at hand requesting an opinion as to procedure in authorizing the removal of disabled vehicles from highways.

Under R. S. 39:4-136, no person shall park or leave standing a vehicle, whether attended or unattended, upon the paved, improved or main traveled portion of a highway, outside of a business or residence district, when it is practicable to park or leave it standing off the paved, improved or main traveled portion thereof. In no event shall a person park or leave standing a vehicle whether attended or unattended, upon a highway, unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of the highway opposite the standing vehicle is left