

MAY 18, 1953.

HON. WILLIAM J. DEARDEN, *Director*,
Division of Motor Vehicles,
 State House, Trenton, N. J.

FORMAL OPINION—1953. No. 22.

DEAR DIRECTOR:

You have asked this office to give you a formal opinion as to whether you could reasonably require a constable serving a levy on a motor vehicle to either take actual possession of the vehicle itself or merely take possession of the certificate of ownership.

The answer to your inquiry is "no."

The manner of seizure of a motor vehicle is provided in R. S. 39:10-15, as amended by chapter 136, P. L. 1946, p. 630, section 11 and is quoted as follows:

"If a motor vehicle is seized, levied upon or attached and taken into possession, actually or constructively, by virtue of judicial process issued by a court of competent jurisdiction in this State, or by virtue of a statute, State, Federal or otherwise, the person from whose possession the motor vehicle was taken, and without prejudice to his rights in the premises, shall surrender the title papers to the commissioner upon written notice or demand from the commissioner. * *"

The above quoted law provides that the seizure, levy or attachment may be "actually or constructively." No provision is made for the constable to secure possession of the certificate of ownership and, on the contrary, the law provides that the owner shall surrender the title papers to the commissioner upon written notice or demand.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOHN J. KITCHEN,
Deputy Attorney General.

jjk/n

JUNE 1, 1953.

HON. WILLIAM J. DEARDEN, *Director*,
Division of Motor Vehicles,
 State House, Trenton, N. J.

FORMAL OPINION—1953. No. 23

DEAR MR. DEARDEN:

By your memorandum of May 29th you request a formal opinion as to whether a dealer, licensed with a designated place of business may, under the same license, operate branch agencies with a designated place of business at different addresses.

The answer to your question is "No".