

R. S. 39:10-2, as amended, defines the word "dealer" as meaning the agent, distributor or authorized dealer of the manufacturer of the new motor vehicle, and who has an established place of business.

The same section defines "used motor vehicle dealer" as meaning a person engaged in the business of selling, buying or dealing in used motor vehicles, and who has an established place of business.

R. S. 39:10-19 provides, among other things:

"No person shall engage in the business of buying, selling or dealing in motor vehicles in this State, unless he is authorized to do so under the provisions of this chapter. The commissioner may, upon application in such form as he prescribes, license any proper person as such dealer.

* * *"

The license fee provided in this latter section is \$100.00.

No provision is made in this law authorizing the director of the Division of Motor Vehicles to permit or recognize the operation of branch agencies at an address other than the dealer's address as designated by such dealer in his application for a license.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOHN J. KITCHEN,
Deputy Attorney General.

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JUNE 9, 1953.

COLONEL RUSSELL A. SNOOK,
Superintendent of State Police,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 24

DEAR COLONEL SNOOK:

You have requested our opinion as to whether the Division of State Police must hold a hearing before adopting amendments to the regulations governing liquefied petroleum gases pursuant to Chapter 139 of the Laws of 1950. Section 2 of the aforesaid statute authorizes the division to promulgate regulations governing the storage, handling, transportation and utilization of liquefied petroleum gases, and further provides that "such regulations shall be adopted by the Division of State Police only after a hearing thereon".

In my opinion, the requirement of a hearing applies to all amendments as well as to the original regulations. The purpose of the hearing is to allow all interested parties to express themselves as to the merits of the proposed regulation, both in order to give such parties the opportunity to protect their interests and in order that

the Division of State Police may have the benefit of the knowledge and opinions of such parties before promulgating the regulation. These considerations apply to all the regulations, regardless of whether they are the original or constitute amendments or supplements thereto.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: THOMAS P. COOK,
Deputy Attorney General.

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JUNE 9, 1953.

HON. RUSSELL E. WATSON, JR.,
Secretary to the Governor,
State House,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 25.

DEAR MR. WATSON:

Receipt is acknowledged of your inquiry of June 5th in which you state: "The Governor has requested an opinion as to his power of appointment from now to the end of his term of office. Among other conditions, he is concerned about his power of appointment of an individual whose present term expires after that of the Governor's."

The State Constitution, by Article V, Section IV, paragraphs 2 and 3, provides:

"2. Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the Governor, with the advice and consent of the Senate, to serve at the pleasure of the Governor during his term of office and until the appointment and qualification of their successors, except as herein otherwise provided with respect to the Secretary of State and the Attorney General.

"3. The Secretary of State and the Attorney General shall be nominated and appointed by the Governor with the advice and consent of the Senate to serve during the term of office of the Governor."

Pursuant to said paragraph two, the head of each principal department, who is a single executive, shall serve at the pleasure of the Governor during his term of office, and thereafter until the appointment and qualification of his successor. By virtue of said paragraph three, the Secretary of State and the Attorney General shall serve only during the term of office of the Governor.