

6. The reservation by the Authority of the power to issue its bonds in excess of \$285,000,000 to be equally secured with State guaranteed bonds, by the revenues of the Garden State Parkway, is permitted both by the New Jersey Highway Authority Act and the Guaranty Act.

The State's vital interest in the timely and successful completion of the Garden State Parkway is matched by the people's concern that State revenues will not be required to contribute to the payment of obligations incurred by the Authority. The restrictions accepted by the Authority and the covenants which it has given are capable of achieving both objectives. In my opinion, the Authority, in issuing further securities at a later date, and the Governor, State Treasurer, and Comptroller, in consenting to such action at that time will be obligated at such time to satisfy themselves that Garden State Parkway revenues always will be adequate to discharge all Highway Authority debts.

Respectfully,

THEODORE D. PARSONS,
Attorney General.

JULY 6, 1953.

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

FORMAL OPINION—1953. No. 30.

DEAR SIR:

Your request for a formal opinion concerning your authority under Title 39 has been received. Your question is whether or not where a fine has erroneously been assessed may you refund the amount to the defendant.

The answer to this question is, No.

Title 39 specifically provides the manner in which you must dispose of all fines forwarded to your office. This generally is covered by R. S. 39:5-40 and provides:

"Except as otherwise provided by this subtitle all moneys received in accordance with the provisions of this Title, whether from fines, penalties, forfeitures, registration fees, license fees, or otherwise, shall be accounted for and forwarded to the commissioner, who shall pay the same over to the state treasurer to be credited to the state highway fund and used for the purposes of such fund as provided by section 52:22-20 of the Title "State government, departments and officers".

No provision is made in Title 39 for you to refund any moneys paid to you by way of fine or as otherwise provided in the above quotation.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: JOHN J. KITCHEN,
Deputy Attorney General.