

June 30, 1955.

HON. FREDERICK J. GASSERT, JR.,
 Director, Division of Motor Vehicles,
 State House,
 Trenton, New Jersey.

FORMAL OPINION—1955. No. 27.

DEAR MR. GASSERT:

You have requested our opinion as to the effect of chapter 86 of the Laws of 1955, which amended N. J. S. A. 39:3—84.3 to modify the scale of penalties to be imposed for violation of the overloading and overweight provisions of the Motor Vehicle Law, on prosecutions for offenses which occurred prior to June 21, 1955, the effective date of P. L. 1955, c. 86.

We advise you that the penalty to be imposed for a violation of N. J. S. A. 39:3—84.3 which occurred prior to the effective date of P. L. 1955 c. 86 is that provided for in the statute prior to such amendment.

Chapter 86 of the Laws of 1955 provides that it is to take effect immediately but it contains no declaration that it is to apply to any prior offense and therefore does not apply to any violation of N. J. S. A. 39:3—84.3 theretofore committed. (*R. S. 1:1—15*; *State v. Low*, 18 N. J. 179 (1955), affirming 31 N. J. Super. 566 (Law Division, 1954); *State v. Crusius*, 57 N. J. L. 279 (Sup. Ct. 1894); *State v. Startup*, 39 N. J. L. 423, Sup. Ct. 1877).

R. S. 1:1—15, which is dispositive of the question raised, provides in part as follows:

"No offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred, previous to the time of the repeal or alteration of any act or part of any act, * * * by any act heretofore or hereafter enacted, shall be discharged, released or affected by the repeal or alteration of the statute under which such offense, liability, penalty or forfeiture was incurred, unless it is expressly declared in the act by which such repeal or alteration is effectuated, that an offense, liability, penalty or forfeiture already committed or incurred shall be thereby discharged, released or affected; and indictments, prosecutions and actions for such offenses, liabilities, penalties or forfeitures already committed or incurred shall be commenced or continued and be proceeded with in all respects as if the act or part of an act had not been repealed or altered, * * *".

Very truly yours,
 GROVER C. RICHMAN, JR.,
 Attorney General.

By: HAROLD KOLOVSKY,
 Assistant Attorney General.

HK: MG

JULY 6, 1955.

MR. W. LEWIS BAMBRICK,
 Unsatisfied Claim and Judgment Fund Board,
 222 West State Street,
 Trenton, New Jersey.

FORMAL OPINION—1955. No. 28.

DEAR MR. BAMBRICK:

You have asked our opinion as to whether the Unsatisfied Claim and Judgment Fund Board may accept as timely notice under N. J. S. A. 39:6—65, a notice bearing a postmarked date which is within thirty days after an accident, but which is not received by the Unsatisfied Claim and Pension Fund Board within said thirty day period.