

pleasure of such council and until the director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

"The director shall administer the work of such division under the direction and supervision of the commissioner."

Accordingly, you are advised that a lease of mineral rights for the mining or extraction of certain minerals from the sands of the Colliers Mills Public Shooting and Fishing Grounds may be executed by the State of New Jersey acting through the Division of Fish and Game upon a determination by yourself in the exercise of your direction and supervision of the Division of Fish and Game that such lease is for the best interests of the State, subject to the approval of such lease by the Governor.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: HAROLD J. ASHBY
Legal Assistant

HJA :tb

APRIL 24, 1957

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

MEMORANDUM OPINION—P-12

DEAR DIRECTOR GASSERT:

You have requested our opinion concerning the application of Section 3 of the Unsatisfied Claim and Judgment Fund Law, *L. 1952, c. 174, sec. 3, N.J.S.A. 39:6-63*, to certain charitable and eleemosynary organizations. More specifically, you wish to be advised whether such organizations are required to make payments to the Fund in view of the fact that they are exempted from paying motor vehicle registration fees by *R.S. 39:3-27*. For the reasons hereinafter stated it is our opinion that these organizations are required to contribute to the Fund in the same manner and to the same extent as other persons registering motor vehicles.

N.J.S.A. 39:6-63, dealing with the creation of the Fund, provides in part as follows:

"For the purpose of creating the fund

(a) *Every person registering an uninsured motor vehicle in this State for the yearly period commencing April 1, 1954, shall pay at the time of registering the same, in addition to any other fee prescribed by any other law, a fee of \$3.00;*

(b) *Every person registering any other motor vehicle in this State for the yearly period commencing April 1, 1954, shall pay at the time of register-*

ing the same, in addition to any other fee prescribed by any other law, a fee of \$1.00;" (emphasis supplied).

There follow provisions for the payment of contributions by insurers commencing March 31, 1955 and for the payment of annual assessments thereafter if the director determines that the estimated balance of the Fund is insufficient to carry out the provisions of the statute during the ensuing registration year. Such contributions cannot, however, exceed $\frac{1}{2}$ of 1% of the aggregate net direct written premiums for the preceding calendar year. It is thereafter provided by N.J.S.A. 39:6-63:

"If such assessment against insurers be insufficient in the judgment of the director to provide the estimated amount needed to carry out the provisions of this act for the ensuing registration license year, he shall determine the amount to be fixed as the Unsatisfied Claim and Judgment Fund Fee for such license year. Such fee shall in no case exceed \$1.00, and *shall be paid by each person registering a motor vehicle* for such ensuing year *at the time of registration* in addition to any other fee prescribed by any other law; provided, however, that each owner of an uninsured motor vehicle at the time of payment of such fee shall also pay the sum of \$2.00 in addition thereto." (emphasis supplied)

It is clear from the quoted provisions of this statute that charitable and eleemosynary organizations are not excepted from the operations of the Unsatisfied Claim and Judgment Fund Law, or to state the point affirmatively, the statute contemplates that *all persons registering motor vehicles shall make the payments in question at the time of registering*. "Person" is defined in N.J.S.A. 39:6-62 to include natural persons, firms, copartnerships, associations and corporations.

There is nothing in R.S. 39:3-27 which exempts such organizations from making payments to the Fund. That statute merely provides that "no fee shall be charged for the registration of motor vehicles not used for pleasure or hire" which are owned by certain named public, charitable and eleemosynary bodies and organizations. R.S. 39:3-27 also specifically requires that: "These vehicles shall be registered and display number plates as provided in this subtitle. . ." It confers no benefits upon and grants no immunities to the owners of such vehicles other than free registration. Since N.J.S.A. 39:6-63 provides that contributions to the Fund are to be made by "every person registering" any motor vehicle "at the time of registering the same," it clearly applies to owners of motor vehicles who though not required to pay a registration fee must register their vehicles.

In summary, neither N.J.S.A. 39:6-63 nor R.S. 39:3-27 can be read to exempt charitable or eleemosynary organizations from contributing to the Unsatisfied Claim and Judgment Fund. It is therefore our opinion and you are advised that such organizations are required to make the payments called for by N.J.S.A. 39:6-63 in the same manner and to the same extent as must other persons registering motor vehicles in this State.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: CHRISTIAN BOLLERMANN
Deputy Attorney General