

OPINIONS

The method and manner of fixing the amount to be paid by oyster dealers stated briefly is:

Oyster dealers under R.S. 50:3-20.19 shall give a report on or before the 15th of each month of the number of bushels of oysters procured and packed and shipped during the preceding month. Said oyster dealers shall submit along with the said monthly report the sum per bushel as fixed by the Board of Shell Fisheries pursuant to N.J.S.A. 50:3-20.18.

The Board of Shell Fisheries is required under N.J.S.A. 50:3-20.18 to fix the value of oyster shells at the true, fair, cash market value. This language is specific, unambiguous, and unequivocal; the price per bushel to be paid is the true, fair, cash market value. Under this language the Board of Shell Fisheries has the duty and obligation to fix the value of oyster shells at the same figure as oyster shells are selling for on the open market. This language is repeated in N.J.S.A. 50:3-20.20 wherein the Board of Shell Fisheries is directed to make an annual survey between June first and July first of each year to ascertain the true, fair, cash market value of oyster shells per bushel to be paid in lieu of the return of oyster shells.

You are accordingly advised that the Board of Shell Fisheries shall between June first and July first of each year, fix the true, fair, cash market value of oyster shells and that oyster dealers shall, during the ensuing year, pay the price so fixed to the State of New Jersey for all oysters packed and shipped or otherwise sold in the shells by them.

Very truly yours,

DAVID D. FURMAN
Acting Attorney General

By: GEORGE H. BARBOUR
Deputy Attorney General

APRIL 30, 1958

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

MEMORANDUM OPINION—P-17

DEAR DIRECTOR GSSERT:

Your recent inquiry poses the question whether commercial registration fees are properly required for passenger cars which "are mounting brackets, 12 inches by 40 inches on the rear bumper" or other portion thereof, and upon which "the space * * * is sold regularly through an advertising agency and is occupied by advertising signs."

As here pertinent, R.S. 39:1-1, as amended, provides:

"'Commercial motor vehicle' includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise * * *."

By Memorandum Opinion of September 23, 1957 you were advised that the word "commercial" within the statute must be construed in its broad sense so as to include general business activity. In this connection it should be observed that the phrase "such as the transportation of goods, wares and merchandise" in the statutory definition is clearly intended as descriptive, and not in limitation, of the words "commercial purposes."

Since the stated circumstances unquestionably embrace a general business activity and thus a purpose which must be considered as "commercial" within the meaning of the cited statute, an affirmative response is indicated to your inquiry. You are, therefore, advised that passenger cars which engage in the foregoing activity are required to register as commercial vehicles.

Very truly yours,

DAVID D. FURMAN
Acting Attorney General

By: REMO M. CROCE
Legal Assistant

MAY 15, 1958

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

MEMORANDUM OPINION—P-18

DEAR DIRECTOR GASSERT:

You have requested our opinion as to whether or not you are required to suspend the license and registration certificate of an uninsured motorist, subject to the provisions of the Security Responsibility Law, against whom a judgment has been rendered, where such judgment is not discharged of record although it has been paid and satisfied by a surety under bond posted with you. You state that the judgment has been assigned by the plaintiff to the surety after payment made, and a transcript of said judgment, so kept open of record, has been forwarded to you by the court wherein it was rendered pursuant to R.S. 39:6-35.

The Motor Vehicle Security Responsibility Law, R.S. 39:6-23, et seq., is directed toward the protection of the public so as to assure reparation for those who suffer damages resulting from the negligent operation of motor vehicles. *Suffore v. Atlantic Casualty Ins. Co.*, 21 N.J. 300 (1956); *Atlantic Casualty Ins. Co. v. Bingham*, 15 N.J. Super. 328 (Ch. Div. 1951), aff'd *per curiam*, 18 N.J. Super. 170 (App. Div. 1952), aff'd 10 N.J. 460 (1952); cf. *Woloshin v. The Century Indemnity Co.*, 116 N.J.L. 577 (Sup. Ct. 1936).

In certain cases involving damages in excess of \$100.00, you are required to determine the amount of security necessary to satisfy a judgment anticipated for such damages. R.S. 39:6-25(a). You are then required to suspend the operator's license and registrations of the owner of the motor vehicle unless such security is deposited with you. R.S. 39:6-25. These provisions do not apply, however, to