having been granted the leave of absence, to return within the time that the leave was extended. To that extent, the rights of the office continued until January 31, 1938, long after the withdrawal statute was enacted. Cf. *Formal Opinion No. 15—1958,* dealing with abandonment of state employment rights by persons in Military Service.

You are therefore advised that Mr. Charles may withdraw his contributions to the State Police Retirement Benevolent Fund, N.J.S.A. 53:5–1 et seq.

Very truly yours,
DAVID D. FURMAN
Attorney General

By: DAVID M. SATZ, JR.
Assistant Attorney General

July 28, 1960.

DR. ROSCOE P. KANDLE
Commissioner
Department of Health
State House
Trenton, New Jersey

MEMORANDUM OPINION—P-15

DEAR COMMISSIONER KANDLE:

We have been asked by the Visiting Homemaker Association of New Jersey, Inc. (an advisory committee to the Division of Chronic Illness Control of the State Department of Health) whether the individual Homemakers are immune from tort liability under Chapter 90 of the Laws of 1959 (N.J.S. 2A:53A–7 to 11).

The Act in question is entitled as follows:

> "An Act concerning *corporations, societies* and *associations* organized exclusively for religious, charitable or hospital purposes; providing that they shall not be liable to respond in damages, in certain cases; and providing for the application and operation of the act." (Emphasis supplied.)

In a Memorandum Opinion dated October 30, 1959, the Attorney General advised you that under the law in question the local Homemaker Service Groups are "charitable" associations within the meaning of the statute. The question now posed is whether the immunity extends to the individual Homemakers who may perform, at the request of a physician, some personal care services to patients.

This question must be answered in the negative. The title of the Act already quoted indicates that the immunity runs only to the associations, corporations or societies themselves. Any possible doubt is removed by the terms of the statute itself; the last sentence of section one provides in applicable part:

> "* * * but nothing herein contained shall be deemed to exempt the said agent or servant individually from their liability for any such negligence."

It is therefore clear from the terms of the statute itself, as well as from the statutory history, see *LaParre* v. *Y.M.C.A. of the Oranges,* 30 N.J. 225 (1959), that the servants and agents of the immune associations would be liable for their negligence

in a tort action. This means, of course, that the individual Homemakers, if negligent in performance of their duties, would not be immune from liability to any person who may be harmed. This result is in accord with judicial interpretation disfavoring the doctrine of charitable tort immunity. See *Collopy* v. *Newark Eye and Ear Infirmary,* 27 N.J. 29 (1958); *Benton* v. *Y.M.C.A.,* 27 N.J. 67 (1958); and *Dalton* v. *St. Luke's Catholic Church,* 27 N.J. 22 (1958).

Very truly yours,

DAVID D. FURMAN
Attorney General

By: ROBERT S. MILLER
Deputy Attorney General

July 28, 1960.

HON. EDWARD J. PATTEN
Secretary of State
State House
Trenton, New Jersey

MEMORANDUM OPINION—P-16

DEAR MR. PATTEN:

We have been asked whether the names of motels may be accepted for filing under Title 29, and whether the file of hotel (or motel) names compiled pursuant to Title 29 should be kept distinct from the file of names of corporations compiled pursuant to Title 14. In our opinion the names of motels may be accepted for filing pursuant to Title 29. The file provided by Title 29 for the names of hotels (or motels) is distinct from the file of names of corporations provided by Title 14.

R.S. 29:3–3 provides as follows:

> "Any person engaged in and conducting the business of an hotel in this state may register the name by which such hotel is known and designated in the manner hereinafter provided, and, upon compliance with the provisions of sections 29:3–4 to 29:3–6 of this title, shall have the right to the exclusive use of such name or designation for an hotel in this state."

R.S. 29:3–11 forbids the Secretary of State to register any name identical with or so similar to a previously filed name as to mislead the public. The purpose of these statutes is to prevent deception of the public and to prevent unfair competition. The statutes do not say that the same name may not be used for another type of business and the statutes should not be construed to give the person the exclusive right to use that name except for hotel business. Statutes should not be construed any more broadly nor be given any greater effect than their language requires. *Belfer* v. *Borrella,* 9 N.J. Super. 287 (App. Div. 1950).

There is no special statutory definition of the word "hotel" as it is used in R.S. 29:3–3. R.S. 29:1–11 contains a definition of the word "hotel," but this definition