

OPINIONS

It is our opinion that you are required to exact from uninsured motorists the maximum U.C.J.F. fee under N.J.S.A. 39:6-63(d)(1) as a condition precedent to your invocation of your right to assess carriers under subsection (d)(2) thereof.

Very truly yours,

DAVID D. FURMAN
Attorney General

AUGUST 7, 1961

HONORABLE NED J. PARSEKIAN
Acting Director
Division of Motor Vehicles
25 South Montgomery Street
Trenton, New Jersey

MEMORANDUM OPINION—P-13

DEAR DIRECTOR PARSEKIAN :

You have requested our opinion as to whether R.S. 39:3-30, besides permitting transfers of vehicle registrations between weight classifications within the same category of vehicles, also permits transfers between differing categories of vehicles. For example, if a vehicle, which is registered commercially, is replaced by another vehicle not to be used for commercial purposes, may a transfer of registration to the non-commercial category be accomplished by payment of the \$1.00 transfer fee, provided for by R.S. 39:3-30.

In our opinion R.S. 39:3-30 only authorizes transfers within the category in which the preceding vehicle was registered. In pertinent part that statute provides as follows:

"Upon the transfer of ownership or the destruction of any motor vehicle its registration shall become void. If the motor vehicle is sold the original owner shall remove the license plates therefrom, and, within 48 hours, notify the director of the name and address of the purchaser.

"The original owner may, by proper sworn application on a form to be furnished by the division, register another motor vehicle for the unexpired portion of the registration period of the original vehicle, upon payment of a fee of \$1.00 if the vehicle is of a weight or other classification equal with or less than the one originally registered, or upon the payment of a fee of \$1.00 and the difference between the fee originally paid and that due of the new motor vehicle is properly registerable in a higher class. Unless the original license plates have been destroyed, the owner shall be assigned the license number previously issued to him and shall receive a new registration certificate. If the original license plates have been destroyed, replacement of the plates will be made under the provisions of section 39:3-32 of this Title * * *."

We would limit the applicability of transfers under this statute within the classification of original registration. The sections providing fees and registration identification contain differing standards sufficient to indicate that extension of R.S. 39:3-30

between categories of vehicles was not intended by the Legislature. Passenger automobiles are in three categories, based only upon the weight of the vehicle (R.S. 39:3-8). Commercial vehicles are registered under numerous categories whose basis is "gross weight of vehicle and load," (R.S. 39:3-20). Omnibuses and taxicabs are registered according to passenger carrying capacity (R.S. 39:3-19).

In addition, the registration plates for certain categories of motor vehicles must display various identifying letters or words as follows:

Commercial	X	R.S. 39:3-20
Trailer	T	R.S. 39:3-20
Omnibus	O	R.S. 39:3-19
Dealers' and Manufacturers'	D	R.S. 39:3-18
Farmer	Farmer	R.S. 39:3-25
Constructor	Constructor	R.S. 39:3-20

We thus advise that transfers of registration to replacement motor vehicles may be done only within the category for which the original motor vehicle was registered and that shifting registrations between categories of motor vehicles, for example passenger to commercial, is outside the statutory authority.

Very truly yours,

DAVID D. FURMAN
Attorney General

AUGUST 9, 1961

HONORABLE KATHARINE E. WHITE
State Treasurer
State House
Trenton, New Jersey

MEMORANDUM OPINION—P-14

DEAR MRS. WHITE:

You have requested our opinion as to the proper interpretation to be placed on specific sections of C. 143, P.L. 1958. N.J.S.A. 43:3B-1 et seq. P.L. 1958, C. 143 provides for an increase in the retirement allowance of certain retired public employees according to a legislative formula which is based on percentages determined by the calendar year in which the retirement became effective. The questions will be answered in the order asked.

1. In computing the years of service, may the Division base its computation on whole years of service and consider a fractional portion of six months or more equivalent to a full year of service, while disregarding any fractional portion of less than six months?

In computing years of service the retirant should be credited with the same credit which he has received from the system from which he is receiving his regular retirement allowance. In most systems the board of trustees is specifically empowered with the authority to fix and determine by appropriate rules and regulations how much service in any year shall equal a year of service and part of a year of service, e.g., N.J.S.A. 43:15-39 (Public Employees' Retirement System); N.J.S.A.