

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.

18:13-112.17 (Teachers' Pension and Annuity Fund). Since this increase is an increase in the regular retirement allowance, there is no reason to treat it in a manner different from that used to compute regular retirement credit. In other words, since the retirant is receiving a regular allowance based on a specific number of years of service, his increased allowance should be based on the same years of service.

2. If an individual who is eligible for an increased pension under this statute dies during the month, is the accrued portion of the increase payable to his estate or beneficiary?

You have advised that with respect to regular retirement allowances the accrued portion of an allowance of an individual who dies during the month is paid to the estate or beneficiary of the decedent. It is our opinion that the accrued portion of this increase should be paid to the estate or beneficiary of the decedent in accordance with the rules and regulations of the respective funds. As stated above, the increase provided for by Chapter 143, P.L. 1958 is an increase in the regular retirement allowance and consequently the same procedure should be followed in making payment of this increase as is followed in making payment of the regular retirement allowance.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: ROBERT S. MILLER
Deputy Attorney General

AUGUST 9, 1961

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

MEMORANDUM OPINION—P-15

DEAR DIRECTOR PARSEKIAN:

We have been asked whether constructor registration plates may be issued to tractors and semi-trailers as individual units, as well as in combinations known as "wedded units." R.S. 39:3-20 provides for the issuance of constructor registration plates for vehicles which may exceed the limitation on the weight of loaded commercial vehicles. The use of such plates is narrowly restricted. The Director must be satisfied by proof that the applicant is actually engaged in construction or supplying of material for construction. Vehicles so registered may not be operated more than 30 miles from the headquarters of the particular construction operation in which they are involved. Special restrictions are placed on their speed.

The law has always intended that a set of constructor plates be identified with a particular vehicle or a particular combination of vehicles. This is indicated by the statutory provision that the maximum lawful loaded weight of a particular vehicle or a particular combination of vehicles is limited by the gross weight recorded on its registration certificate, id., and by absence of any express provision for interchange