

vidually registered only as a constructor vehicle, it may only be used for constructor purposes and may not be used to draw a semi-trailer bearing commercial plates and engaged in ordinary commercial purposes; a semi-trailer individually registered only as a constructor vehicle may not be used for ordinary commercial purposes. Cf. *State v. Tucker*, 61 N.J. Super. 161 (App. Div. 1960).

Very truly yours,

DAVID D. FURMAN
Attorney General

By: WILLIAM L. BOYAN
Deputy Attorney General

AUGUST 10, 1961

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

MEMORANDUM OPINION—P-16

DEAR MRS. WHITE:

Former State Treasurer Kervick has asked whether the administrator of the estate of a deceased prison officer, who was an active member of the Prison Officers Pension Fund at the time of his death, is entitled to a refund of contributions in the event that the officer died leaving no widow, no minor children and no dependents.

We are of the opinion that the statute does not authorize a refund of contributions and therefore none can be paid. R.S. 43:7-15 provides for refunds whenever a prison officer is suspended, resigned, dropped or discharged from his employment. However, the statute specifically provides that "No other refund of assessments collected from the salaries of such pension [sic] officers shall be made."

R.S. 43:7-9 covers the situation where a prison officer dies in the performance of his duties. It provides certain pension benefits for the widow and children of the officer. It then goes on to state that "In the event that there is no widow and no children under the age of 16 years, at the time of the death of such prison officer, then such pension shall be paid to the dependent parent or parents, if any, of such deceased prison officer." This is all that the statute provides. There is no authority whatsoever for authorizing payment to the administrator of the estate in the event that there is no widow, dependent children or dependent parents.

This result differs from the result in the Public Employees' Retirement System, where, under N.J.S.A. 43:15A-49 and N.J.S.A. 43:15A-41(c), express provision is made for payment to the estate under these circumstances. The Prison Officers Pension Commission, however, has no statutory authority to comply with the administrator's request.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: ROBERT S. MILLER
Deputy Attorney General