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*By Opinion Committee at 8:31 am, Jun 18, 2025*

**RQ-0603-KP**

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**Via Certified U.S. Mail Return Receipt Requested**

Office of the Attorney General  
Opinions Division  
P.O. Box 12548  
Austin, Texas 78711-2548

To Whom it May Concern:

Pursuant to the authority to issue advisory opinions given to the Attorney General in § 22 of Article IV of the Texas Constitution and §402.041, et seq, Texas Government Code, this correspondence is being sent to request an opinion regarding the interpretation of §683.072 of the Transportation Code.

**BACKGROUND FACTS**

The Washington County Environmental Department ("Environmental Department") is investigating numerous alleged public nuisance vehicles on a single privately owned property located in Washington County, Texas. The Environmental Department has been working with the property owner to have the vehicles removed and employees from the Environmental Department have met with the property owner at the property on multiple occasions, at least 30 days apart. On May 21<sup>st</sup>, 2025, after a visit to the property, the Environmental Department deemed 21 vehicles to be "junked vehicles" within the definition of §683.071 of the Transportation Code.

At this point, the Environmental Department would like to send a Notice of Violation letter and declare the 21 vehicles to be a public nuisance under §683.072 of the Transportation Governments Code prior to initiating misdemeanor and abatement proceedings. However, this has led to questions regarding the construction and interpretation of §683.072 of the Transportation Code.

### **QUESTIONS PRESENTED**

1. Is §683.072 of the Transportation Code to be interpreted as a declaration that all junked vehicles that are visible from a public place or right of way are a public nuisance? Or does there need to be a showing that the junked vehicle meets all seven subsections of §683.072 of the Transportation Code prior to being declared a public nuisance?

### **LEGAL AUTHORITIES**

§683.072 of the Transportation Code states:

JUNKED VEHICLE DECLARED TO BE PUBLIC NUISANCE. A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) is detrimental to the safety and welfare of the public;
- (2) tends to reduce the value of private property;
- (3) invites vandalism;
- (4) creates a fire hazard;
- (5) is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) is a public nuisance.

One way of interpreting this statute is that a junked vehicle that is visible from a public place or public right-of-way is declared to be a public nuisance, among other things. Language used in an Attorney General Opinion, No. GA-0034, seems to agree with this interpretation, however, interpretation of §683.072 of the Transportation Code was not the subject of that Opinion.

Another way of interpreting the statute is that there needs to be a showing that the junked vehicle meets all seven subsections, prior to declaring that the junked vehicle is a public nuisance. This is because of the conjunctive "and" as well as the listing of the seven elements after the colon. The punctuation used in §683.072 of the Transportation Code is similar to other code sections in the Transportation Code that require a showing of each listed item.

Thank you for your assistance in this matter.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Renee Mueller", written in a cursive style.

Renee Mueller  
County Attorney  
Washington County, Texas