

THE ATTORNEY GENERAL

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An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0533-KP

Requestor:

The Honorable Glenn Hegar

Texas Comptroller of Public Accounts

Post Office Box 13528

Austin, Texas 78711-3528

Re: Application of conflict-of-interest rules to grants awarded by the Texas Opioid Abatement Fund Council (RQ-0533-KP)

Briefs requested by April 3, 2024

RQ-0534-KP

Requestor:

The Honorable Jenny P. Dorsey

Nueces County Attorney

901 Leopard Street, Room 207

Corpus Christi, Texas 78401-3689

Re: Whether a member of the board of managers of the Nueces County Hospital District may simultaneously serve as a member of the board of directors of the Corpus Christi Regional Transit Authority (RQ-0534-KP)

Briefs requested by April 3, 2024

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202400970

Justin Gordon

General Counsel

Office of the Attorney General

Filed: March 5, 2024

Opinions

Opinion No. KP-0458

Ms. Jacky Cockerham

Aransas County Auditor

2840 Highway 35 North

Rockport, Texas 78382

Re: Authority of a deputy sheriff under Transportation Code section 621.402 to operate a fixed motor vehicle weigh station for all commercial vehicles (RQ-0005-AC)

S U M M A R Y

The Transportation Code grants the State broad powers regarding the inspection of commercial trucks on Texas highways: chapter 621 regulates the weight and size of all vehicles, while chapter 644 sets forth safety standards for commercial vehicles. A court would likely conclude that neither subsections 621.402(a) nor 644.103(a) authorize a deputy sheriff from Aransas County to operate a fixed commercial vehicle weigh station directing all commercial vehicles to exit a highway to be weighed. Accordingly, we do not determine whether the Fourth Amendment to the U.S. Constitution would permit the particular scenario as proposed.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202400969

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