Amend **CSHB 599** as follows:

(1) On page 1, between lines 4 and 5, insert the following appropriately numbered sections and renumber the remaining sections of the bill appropriately:

SECTION ____. Section 391.031(a), Transportation Code, is amended to read as follows:

(a) A person commits an offense if the person [wilfully] erects or maintains outdoor advertising, or allows outdoor advertising to be erected or maintained on property owned by the person:

(1) within 660 feet of the nearest edge of a right-of-way if the advertising is visible from the main-traveled way of the interstate or primary system; or

(2) outside an urban area if the advertising is located more than 660 feet from the nearest edge of a right-of-way, is visible from the main-traveled way of the interstate or primary system, and is erected for the purpose of having its message seen from the main-traveled way of the interstate or primary system.

SECTION ____. The heading to Section 391.034, Transportation Code, is amended to read as follows:

Sec. 391.034. [REMOVAL OF] NUISANCE OUTDOOR ADVERTISING; INJUNCTION [BY COMMISSION].

SECTION ____. Sections 391.035(a) and (c), Transportation Code, are amended to read as follows:

(a) In addition to being subject to a criminal penalty or injunctive action, a person who intentionally violates this subchapter or Subchapter C is liable to the state for a civil penalty. The attorney general or a district or county attorney of the county in which the violation is alleged to have occurred may sue to collect the penalty.

(c) A penalty collected under this section shall be deposited to the credit of the state highway fund if collected by the attorney general, and to the credit of the county road and bridge fund of the county in which the violation occurred if collected by a district or county attorney.

SECTION ____. Subchapter B, Chapter 391, Transportation Code, is amended by adding Sections 391.038 and 391.039 to read as

follows:

Sec. 391.038. ADMINISTRATIVE PENALTY. (a) In lieu of a suit to collect a civil penalty, the commission, after notice and an opportunity for a hearing before the department, may impose an administrative penalty against a person who intentionally violates this chapter or a rule adopted by the commission under this chapter. Each day a violation continues is a separate violation.

(b) The amount of the administrative penalty may not exceed the maximum amount of a civil penalty under Section 391.035.

(c) A proceeding under this section is a contested case under Chapter 2001, Government Code.

(d) An administrative penalty collected under this section shall be deposited to the credit of the state highway fund.

Sec. 391.039. REVOCATION OF PERMIT IN ADDITION TO OTHER PENALTY. (a) A court shall order the revocation of the permit issued under Section 391.068 that a person holds for a location at which a violation under this chapter occurs if it is shown at the trial of the person for the collection of a civil penalty under Section 391.035 or at an appeal of an administrative penalty under Section 391.038 that a judgment for a civil penalty, the imposition of an administrative penalty, or a final order for an administrative penalty that was not timely appealed was previously imposed under this chapter against the person.

(b) The revocation of a permit under this section is in addition to any other penalty that may be imposed under this chapter.

(2) On page 3, following line 27, add the following appropriately numbered section and renumber the remaining sections appropriately:

SECTION ____. (a) The change in law made by this Act to Section 391.031, Transportation Code, applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.