

SB0063



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0063

Introduced 1/20/2023, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

225 ILCS 440/8

from Ch. 121, par. 508

Amends the Highway Advertising Control Act of 1971. Provides for updated procedures for the Department of Transportation to follow regarding signs permitted by the Act. Provides that upon change of sign ownership, the new owner of the sign shall notify the Department and supply the necessary information on a form provided by the Department to transfer the permit for such sign at no cost within 120 days (rather than 60 days) after the change of ownership. Provides that the Department shall acknowledge to the new sign owner the receipt of such request within 14 calendar days. Provides that when a sign owner intends to convert a legal conforming sign from a static sign face to a digital sign face, a new permit shall not be required. Effective immediately.

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A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Highway Advertising Control Act of 1971 is
5 amended by changing Section 8 as follows:

6 (225 ILCS 440/8) (from Ch. 121, par. 508)

7 Sec. 8. Within 90 days after the effective date of this
8 Act, each sign, except signs described by Sections 4.01, 4.02,
9 and 4.03, must be registered with the Department by the owner
10 of the sign, on forms obtained from the Department. Within 90
11 days after the effective date of this amendatory Act of 1975,
12 each sign located beyond 660 feet of the right-of-way located
13 outside of urban areas, visible from the main-traveled way of
14 the highway and erected with the purpose of the message being
15 read from such traveled way, must be registered with the
16 Department by the owner of the sign on forms obtained from the
17 Department. The Department shall require reasonable
18 information to be furnished including the name of the owner of
19 the land on which the sign is located and a statement that the
20 owner has consented to the erection or maintenance of the
21 sign. Registration must be made of each sign and shall be
22 accompanied by a registration fee of \$5.

23 No sign, except signs described by Sections 4.01, 4.02,

1 and 4.03, may be erected after the effective date of this Act
2 without first obtaining a permit from the Department. The
3 application for permit shall be on a form provided by the
4 Department and shall contain such information as the
5 Department may reasonably require. Upon receipt of an
6 application ~~containing all required information and~~
7 ~~appropriately executed~~ and upon payment of the fee required
8 under this Section, the Department shall have up to 30 days to
9 complete its review and approve the permit application or
10 notify the applicant of any and all deficiencies necessary for
11 the Department's approval. The applicant shall have 45 days to
12 correct the noted deficiencies, and the Department shall have
13 30 days from receipt of corrected deficiencies to make a final
14 determination. If the application for permit has been denied,
15 written notice of the decision shall state in detail why the
16 application was denied. If the Department fails to respond
17 within the 30-day approval period, the pending permit shall
18 automatically be approved ~~then issues a permit to the~~
19 ~~applicant for the erection of the sign, provided such sign~~
20 ~~will not violate any provision of this Act.~~ The application
21 fee shall be as follows:

22 (1) for signs of less than 150 square feet, \$50;

23 (2) for signs of at least 150 but less than 300 square
24 feet, \$100; and

25 (3) for signs of 300 or more square feet, \$200.

26 In determining the appropriateness of issuing a permit for

1 a municipal network sign, the Department shall waive any
2 provision or requirement of this Act or administrative rule
3 adopted under the authority of this Act to the extent that the
4 waiver does not contravene the federal Highway Beautification
5 Act of 1965, 23 U.S.C. 131, and the regulations promulgated
6 under that Act by the Secretary of the United States
7 Department of Transportation. Any municipal network sign
8 applications pending on May 1, 2013 that are not affected by
9 compliance with the federal Highway Beautification Act of 1965
10 shall be issued within 10 days after the effective date of this
11 amendatory Act of the 98th General Assembly. The determination
12 of the balance of pending municipal network sign applications
13 and issuance of approved permits shall be completed within 30
14 days after the effective date of this amendatory Act of the
15 98th General Assembly. To the extent that the Secretary of the
16 United States Department of Transportation or any court finds
17 any permit granted pursuant to such a waiver to be
18 inconsistent with or preempted by the federal Highway
19 Beautification Act of 1965, 23 U.S.C. 131, and the regulations
20 promulgated under that Act, that permit shall be void.

21 Upon change of sign ownership the new owner of the sign
22 shall notify the Department and supply the necessary
23 information on a form provided by the Department to transfer
24 ~~to renew~~ the permit for such sign at no cost within 120 ~~60~~ days
25 after the change of ownership. The Department shall
26 acknowledge to the new sign owner, in writing or by electronic

1 communication, the receipt of such request within 14 calendar
2 days. Failure of the new sign owner to submit a request to
3 transfer the name of sign ownership on a sign permit within 120
4 calendar days may subject the permit to revocation. The
5 Department shall issue a notice to the sign owner of failure to
6 notify. This notice shall be titled as the "Notice of Intent to
7 Revoke Permit" and shall inform the sign owner that the sign
8 owner has 30 calendar days from receipt of the Notice to
9 contest or provide the documentation required for the transfer
10 of ownership. Any permit not so renewed shall become void.

11 Owners of registered signs shall be issued an identifying
12 tag, which must remain securely affixed to the front face of
13 the sign or sign structure in a conspicuous position by the
14 owner within 60 days after receipt of the tag; owners of signs
15 erected by permit shall be issued an identifying tag which
16 must remain securely affixed to the front face of the sign or
17 sign structure in a conspicuous position by the owner upon
18 completion of the sign erection or within 10 days after
19 receipt of the tag, whichever is the later.

20 When a sign owner intends to convert a legal conforming
21 sign from a static sign face to a digital sign face, a new
22 permit shall not be required. The Department may require
23 notification of the conversion of the sign on a Department
24 provided form to update its records.

25 (Source: P.A. 98-56, eff. 7-5-13.)

26 Section 99. Effective date. This Act takes effect upon

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1 becoming law.