



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0064

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

SYNOPSIS AS INTRODUCED:

225 ILCS 440/3.07	from Ch. 121, par. 503.07
225 ILCS 440/3.08	from Ch. 121, par. 503.08
225 ILCS 440/3.21 new	
225 ILCS 440/8	from Ch. 121, par. 508
225 ILCS 440/3.17 rep.	
225 ILCS 440/3.18 rep.	
225 ILCS 440/3.19 rep.	
225 ILCS 440/4.01 rep.	
225 ILCS 440/4.02 rep.	
225 ILCS 440/4.03 rep.	
225 ILCS 440/4.04 rep.	
225 ILCS 440/4.06 rep.	

Amends the Highway Advertising Control Act of 1971. Defines "sign" as any outdoor sign, display, device, notice, figure painting, drawing, message, placard, poster, billboard, or other thing, which is operated or owned by a person or entity where any person or entity is paying or earning remuneration directly or indirectly for (i) the existence or placement of the outdoor sign or (ii) the placement of the message on the outdoor sign (rather than any outdoor sign which is designated, intended, or used to advertise or inform, and of which any part of the existing or intended advertising or informative content) is capable of being visible from any place on the main-traveled way of any portion of any Interstate or primary highway and which is within 660 feet of the nearest edge of the right-of-way of such highway. Provides that for purposes of the definition of "erect", attaching a vinyl substrate medium to a sign structure or wall surface shall constitute normal maintenance or repair of a sign or sign structure. Defines "remuneration". Removes the definitions of "on premise sign", "off premise sign", and "real estate sign". Removes language providing that registration must be made of each sign and shall be accompanied by a registration fee of \$5. Removes provisions concerning directional and other official signs, real estate signs, on premise signs, off premise signs, and signs affixed by public utilities. Makes corresponding changes. Effective immediately.

LRB103 06008 AMQ 51032 b

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 Sections 3.07, 3.08, and 8 and by adding
6 Section 3.21 as follows:

7 (225 ILCS 440/3.07) (from Ch. 121, par. 503.07)

8 Sec. 3.07. "Sign" means any outdoor sign, display, device,
9 notice, figure painting, drawing, message, placard, poster,
10 billboard, or other thing, which is operated or owned by a
11 person or entity where any person or entity is paying or
12 earning remuneration directly or indirectly for (i) the
13 existence or placement of the outdoor sign or (ii) the
14 placement of the message on the outdoor sign and is capable of
15 being designated, intended, or used to advertise or inform,
16 and of which any part of the existing or intended advertising
17 or informative contents is or will be visible from any place on
18 the main-traveled way of any portion of an Interstate or
19 primary highway and which is within 660 feet of the nearest
20 edge of the right-of-way of such highway.

21 "Sign" also means any sign described in paragraph one of
22 this Section which is more than 660 feet from the nearest edge
23 of such highway, outside of an urban area, visible from any

1 place on the main-traveled way of any portion of such highway
2 and erected with the purpose of its message being read from
3 such main-traveled way.

4 (Source: P.A. 79-1009.)

5 (225 ILCS 440/3.08) (from Ch. 121, par. 503.08)

6 Sec. 3.08. "Erect" means to construct, build, raise,
7 assemble, place, affix, attach, create, paint, draw or in any
8 other way bring into being or establish; but does not include
9 any of the foregoing activities when performed as an incident
10 to the change of advertising message or normal maintenance or
11 repair of a sign or sign structure. For the purposes of this
12 definition, the following shall not constitute normal
13 maintenance or repair of a sign or sign structure: replacing
14 more than 60% of the uprights, in whole or in part, of a wooden
15 sign structure; replacing more than 30% of the length above
16 ground of each broken, bent, or twisted support of a metal sign
17 structure; raising the height above ground of a sign or sign
18 structure; making a sign bigger; adding lighting; or similar
19 activities that substantially change a sign or make a sign
20 more valuable. For purposes of this definition, attaching a
21 vinyl substrate medium to a sign structure or wall surface,
22 which may contain advertising or other information, shall
23 constitute normal maintenance or repair of a sign or sign
24 structure. The Department shall accord lawful status to any
25 sign structure or wall surface that attaches a vinyl substrate

1 medium to a sign structure or wall surface and allow for its
2 continued usage.

3 (Source: P.A. 96-919, eff. 6-9-10.)

4 (225 ILCS 440/3.21 new)

5 Sec. 3.21. "Remuneration" means the exchange of anything
6 of value, including money, securities, real property
7 interests, personal property interests, goods or services,
8 promise of future development, or forbearance of debt.

9 (225 ILCS 440/8) (from Ch. 121, par. 508)

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

1 ~~accompanied by a registration fee of \$5.~~

2 No sign, ~~except signs described by Sections 4.01, 4.02,~~
3 ~~and 4.03,~~ may be erected after the effective date of this Act
4 without first obtaining a permit from the Department. The
5 application for permit shall be on a form provided by the
6 Department and shall contain such information as the
7 Department may reasonably require. Upon receipt of an
8 application containing all required information and
9 appropriately executed and upon payment of the fee required
10 under this Section, the Department then issues a permit to the
11 applicant for the erection of the sign, provided such sign
12 will not violate any provision of this Act. The application
13 fee shall be as follows:

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

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

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

18 In determining the appropriateness of issuing a permit for
19 a municipal network sign, the Department shall waive any
20 provision or requirement of this Act or administrative rule
21 adopted under the authority of this Act to the extent that the
22 waiver does not contravene the federal Highway Beautification
23 Act of 1965, 23 U.S.C. 131, and the regulations promulgated
24 under that Act by the Secretary of the United States
25 Department of Transportation. Any municipal network sign
26 applications pending on May 1, 2013 that are not affected by

1 compliance with the federal Highway Beautification Act of 1965
2 shall be issued within 10 days after the effective date of this
3 amendatory Act of the 98th General Assembly. The determination
4 of the balance of pending municipal network sign applications
5 and issuance of approved permits shall be completed within 30
6 days after the effective date of this amendatory Act of the
7 98th General Assembly. To the extent that the Secretary of the
8 United States Department of Transportation or any court finds
9 any permit granted pursuant to such a waiver to be
10 inconsistent with or preempted by the federal Highway
11 Beautification Act of 1965, 23 U.S.C. 131, and the regulations
12 promulgated under that Act, that permit shall be void.

13 Upon change of sign ownership the new owner of the sign
14 shall notify the Department and supply the necessary
15 information to renew the permit for such sign at no cost within
16 60 days after the change of ownership. Any permit not so
17 renewed shall become void.

18 Owners of registered signs shall be issued an identifying
19 tag, which must remain securely affixed to the front face of
20 the sign or sign structure in a conspicuous position by the
21 owner within 60 days after receipt of the tag; owners of signs
22 erected by permit shall be issued an identifying tag which
23 must remain securely affixed to the front face of the sign or
24 sign structure in a conspicuous position by the owner upon
25 completion of the sign erection or within 10 days after
26 receipt of the tag, whichever is the later.

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

2 (225 ILCS 440/3.17 rep.)

3 (225 ILCS 440/3.18 rep.)

4 (225 ILCS 440/3.19 rep.)

5 (225 ILCS 440/4.01 rep.)

6 (225 ILCS 440/4.02 rep.)

7 (225 ILCS 440/4.03 rep.)

8 (225 ILCS 440/4.04 rep.)

9 (225 ILCS 440/4.06 rep.)

10 Section 10. The Highway Advertising Control Act of 1971 is
11 amended by repealing Sections 3.17, 3.18, 3.19, 4.01, 4.02,
12 4.03, 4.04, and 4.06.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.