



Rep. Sue Scherer

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09800HB2764ham001

LRB098 10755 MGM 44343 a

1 AMENDMENT TO HOUSE BILL 2764

2 AMENDMENT NO. _____. Amend House Bill 2764 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Highway Advertising Control Act of 1971 is
5 amended by changing Sections 3.12, 4.02, 4.03, 4.04, 5, and 8
6 and by adding Sections 3.17, 3.18, and 3.19 as follows:

7 (225 ILCS 440/3.12) (from Ch. 121, par. 503.12)

8 Sec. 3.12. Business area. ~~(a)~~ "Business area" means any
9 part of an area adjacent to and within 660 feet of the
10 right-of-way which is ~~at any time~~ zoned for business,
11 commercial or industrial activities under the authority of any
12 law of this State; or not so zoned, but which constitutes an
13 unzoned commercial or industrial area as defined in Section
14 3.11. ~~However, as to signs along Interstate highways, the term~~
15 ~~"business area" includes only areas which are within~~
16 ~~incorporated limits of any city, village, or incorporated town,~~

1 ~~as such limits existed on September 21, 1959, and which are~~
2 ~~zoned for industrial or commercial use, or both, or to portions~~
3 ~~of Interstate highways which traverse other areas where the~~
4 ~~land use, as of September 21, 1959, was established by State~~
5 ~~law as industrial or commercial, or both.~~

6 ~~With respect to signs owned or leased by the State or a~~
7 ~~political subdivision, an area zoned for business, commercial,~~
8 ~~or industrial activities that is adjacent to and within 660~~
9 ~~feet of an Interstate highway and that is in Township 41 North,~~
10 ~~Range 10 East of the Third Principal Meridian, shall be deemed~~
11 ~~a "business area" for purposes of this Act. This zoning must~~
12 ~~have been a part of comprehensive zoning and not have been~~
13 ~~created primarily to permit outdoor advertising structures as~~
14 ~~described in 23 CFR 750.~~

15 ~~(b) The changes to this Section made by this amendatory Act~~
16 ~~of the 95th General Assembly are intended to comply with the~~
17 ~~federal Highway Beautification Act of 1965, 23 U.S.C. 131, and~~
18 ~~the regulations promulgated thereunder by the Secretary of the~~
19 ~~United States Department of Transportation. To the extent that~~
20 ~~the Secretary of the United States Department of Transportation~~
21 ~~or any court finds the changes to this Section made by this~~
22 ~~amendatory Act to be inconsistent with or preempted by such law~~
23 ~~or regulations, the changes shall be repealed to the extent~~
24 ~~necessary to cure such inconsistency or preemption.~~

25 ~~(c) The provisions of this amendatory Act of the 95th~~
26 ~~General Assembly shall not be applicable if such application~~

1 ~~would impact the receipt, use, or reimbursement of federal~~
2 ~~funds by the Illinois Department of Transportation.~~

3 (Source: P.A. 95-340, eff. 1-1-08.)

4 (225 ILCS 440/3.17 new)

5 Sec. 3.17. On-premise signs. "On-premise sign" means any
6 sign advertising a business or activity conducted on the
7 property on which they are located.

8 (225 ILCS 440/3.18 new)

9 Sec. 3.18. Off-premise signs. "Off-premise sign" means any
10 sign advertising a business or activity not being conducted on
11 the same property as the sign.

12 (225 ILCS 440/3.19 new)

13 Sec. 3.19. Real estate signs. "Real estate sign" means any
14 sign advertising solely the sale or lease of the property on
15 which the sign is located.

16 (225 ILCS 440/4.02) (from Ch. 121, par. 504.02)

17 Sec. 4.02. Real estate signs. Real estate signs as defined
18 in Section 3.19 of this Act. However, real estate signs must
19 comply only with the provisions in Section 5 of this Act. Signs
20 advertising the sale or lease of property on which they are
21 located, which signs, if along Interstate highways outside a
22 "business area", comply with the following requirements:

1 ~~(a) There may not be more than one such sign designed to~~
2 ~~attract traffic on the Interstate highway proceeding in any one~~
3 ~~direction;~~

4 ~~(b) The sign may not exceed 150 square feet in size;~~

5 ~~(c) No such sign may be erected or maintained which~~
6 ~~attempts or appears to attempt to direct the movement of~~
7 ~~traffic or which interferes with, indicates or resembles any~~
8 ~~official traffic sign, signal or device;~~

9 ~~(d) No such sign may be erected or maintained which~~
10 ~~prevents the driver of a vehicle from having a clear and~~
11 ~~unobstructed view of official signs and approaching or merging~~
12 ~~traffic;~~

13 ~~(e) No such sign may be erected or maintained which~~
14 ~~contains, includes, or is illuminated by any flashing,~~
15 ~~intermittent or moving light or lights;~~

16 ~~(f) No lighting may be used in any way, in connection with~~
17 ~~any such sign, unless it is so effectively shielded as to~~
18 ~~prevent beams or rays of light from being directed at any~~
19 ~~portion of the main traveled way of the highway, or is of such~~
20 ~~low intensity or brilliance as not to cause glare or to impair~~
21 ~~the vision of the driver of any motor vehicle, or to otherwise~~
22 ~~interfere with any driver's operation of a motor vehicle;~~

23 ~~(g) No such sign may be erected or maintained which moves~~
24 ~~or has any animated or moving parts and no such sign may be~~
25 ~~erected or maintained upon trees or painted or drawn upon rocks~~
26 ~~or other natural features.~~

1 (Source: P.A. 77-1815.)

2 (225 ILCS 440/4.03) (from Ch. 121, par. 504.03)

3 Sec. 4.03. On-premise signs. On-premise signs as defined in
4 Section 3.17 of this Act. However, on-premise signs must comply
5 only with the provisions in Section 5 of this Act. Signs
6 advertising activities conducted on the property on which they
7 are located; which, if along Interstate highways outside a
8 "business area" comply with the following requirements:

9 ~~(a) There may not be more than one such sign located more~~
10 ~~than 50 feet from such activity designed to attract traffic on~~
11 ~~the Interstate highway proceeding in any one direction;~~

12 ~~(b) No such sign visible to traffic on an Interstate~~
13 ~~highway and located more than 50 feet from such activity, which~~
14 ~~displays any trade name referring to or identifying any service~~
15 ~~rendered or any product sold, used or otherwise handled, may be~~
16 ~~permitted unless the name of the advertised activity is~~
17 ~~displayed as conspicuously as such trade name. This restriction~~
18 ~~does not apply if the trade name identifies or characterizes~~
19 ~~places for lodging, eating, telephone facilities, vehicle~~
20 ~~service and repair, or identifies vehicle equipment, parts,~~
21 ~~accessories, fuels, oils or lubricants being offered for sale~~
22 ~~at such places;~~

23 ~~(c) No such sign in excess of 20 feet in length, width or~~
24 ~~height, or 150 square feet in area, including border and trim,~~
25 ~~but excluding supports, may be erected or maintained more than~~

1 ~~50 feet from the activities conducted upon the property where~~
2 ~~the sign is located;~~

3 ~~(d) The sign must comply with subparagraphs (c), (d), (f)~~
4 ~~and (g) of Section 4.02;~~

5 ~~(e) No such sign may be erected or maintained which~~
6 ~~contains, includes, or is illuminated by any flashing,~~
7 ~~intermittent or moving light or lights except those which may~~
8 ~~be changed at reasonable intervals by electronic process or by~~
9 ~~remote control as long as these do not interfere with the~~
10 ~~effectiveness of an official traffic control device.~~

11 (Source: P.A. 81-550.)

12 (225 ILCS 440/4.04) (from Ch. 121, par. 504.04)

13 Sec. 4.04. Off-premise signs. ~~Off-premise signs~~ ~~Signs~~
14 which are erected in business areas after the effective date of
15 this Act and which comply, when erected, with Sections 5, 6
16 (subject to provisions of Section 7) and 8 of this Act.

17 (Source: P.A. 77-1815.)

18 (225 ILCS 440/5) (from Ch. 121, par. 505)

19 Sec. 5. No sign may be erected or maintained that:

20 (a) attempts or appears to attempt to direct the movement
21 of traffic or which interferes with, indicates, or resembles
22 any official traffic sign, signal, or device, or which prevents
23 the driver of a vehicle from having a clear and unobstructed
24 view of official signs and approaching or merging traffic;

1 ~~Imitates or resembles an official traffic sign, signal or~~
2 ~~device;~~

3 (a-5) contains, includes, or is illuminated by any
4 flashing, intermittent, or moving light or lights, except those
5 changed at reasonable intervals by electronic process or by
6 remote control, as long as they do not interfere with the
7 effectiveness of an official traffic control device or those
8 giving public service information, such as, without
9 limitation, time, weather, date, and temperature; no lighting
10 may be used in any way in connection with any sign, unless it
11 is so effectively shielded as to prevent beams or rays of light
12 from being directed at any portion of the main-traveled way of
13 the highway, or is of such low intensity or brilliance as not
14 to cause glare or to impair the vision of the driver of any
15 motor vehicle or to otherwise interfere with any driver's
16 operation of a motor vehicle;

17 (b) is ~~is~~ erected, painted or drawn upon trees, rocks, or
18 other natural features;

19 (c) is ~~is~~ structurally unsafe or in disrepair;

20 (c-5) advertises or promotes activities that are illegal
21 under federal or State law in effect at the location of those
22 signs or activities; or

23 (d) is ~~is~~ erected adjacent to a scenic byway that is a
24 primary or Interstate highway after the effective date of this
25 amendatory Act of 1996, except those signs described in
26 Sections 4.01, 4.02, 4.03, 4.06, and 4.08 of this Act.

1 (Source: P.A. 89-605, eff. 8-2-96.)

2 (225 ILCS 440/8) (from Ch. 121, par. 508)

3 Sec. 8. Within 90 days after the effective date of this
4 Act, each sign, except signs described by Sections ~~Section~~
5 4.01, ~~and signs along primary highways described by Sections~~
6 4.02, and 4.03, must be registered with the Department by the
7 owner of the sign, on forms obtained from the Department.
8 Within 90 days after the effective date of this amendatory Act
9 of 1975, each sign located beyond 660 feet of the right-of-way
10 located outside of urban areas, visible from the main-traveled
11 way of the highway and erected with the purpose of the message
12 being read from such traveled way, must be registered with the
13 Department by the owner of the sign on forms obtained from the
14 Department. The Department shall require reasonable
15 information to be furnished including the name of the owner of
16 the land on which the sign is located and a statement that the
17 owner has consented to the erection or maintenance of the sign.
18 Registration must be made of each sign and shall be accompanied
19 by a registration fee of \$5.

20 No sign, except signs described by Section 4.01 and signs
21 along primary highways described by Sections 4.02 and 4.03, may
22 be erected after the effective date of this Act without first
23 obtaining a permit from the Department. The application for
24 permit shall be on a form provided by the Department and shall
25 contain such information as the Department may reasonably

1 require. Upon receipt of an application containing all required
2 information and appropriately executed and upon payment of the
3 fee required under this Section, the Department then issues a
4 permit to the applicant for the erection of the sign, provided
5 such sign will not violate any provision of this Act. The
6 application fee shall be as follows:

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

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

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

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

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

25 (Source: P.A. 87-1205.)

1 (225 ILCS 440/4.07 rep.)

2 Section 10. The Highway Advertising Control Act of 1971 is
3 amended by repealing Section 4.07.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".