



Sen. Antonio Muñoz

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09800HB2764sam002

LRB098 10755 MGM 45828 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, 3.19, and 15 as follows:

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

8 Sec. 3.12. Business area.

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

1 incorporated town, as such limits existed on September 21,
2 1959, and which are zoned for industrial or commercial use, or
3 both, or to portions of Interstate highways which traverse
4 other areas where the land use, as of September 21, 1959, was
5 established by State 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 Department of Transportation shall carry out an
16 impact study in cooperation with the Outdoor Advertising
17 Association of Illinois recommending any possible changes to
18 Section 3.12 of this Act. The Department of Transportation
19 shall provide its findings to the General Assembly within 2
20 years after the effective date of this amendatory Act. The
21 ~~changes to this Section made by this amendatory Act of the 95th~~
22 ~~General Assembly are intended to comply with the federal~~
23 ~~Highway Beautification Act of 1965, 23 U.S.C. 131, and the~~
24 ~~regulations promulgated thereunder by the Secretary of the~~
25 ~~United States Department of Transportation. To the extent that~~
26 ~~the Secretary of the United States Department of Transportation~~

1 ~~or any court finds the changes to this Section made by this~~
2 ~~amendatory Act to be inconsistent with or preempted by such law~~
3 ~~or regulations, the changes shall be repealed to the extent~~
4 ~~necessary to cure such inconsistency or preemption.~~

5 ~~(c) The provisions of this amendatory Act of the 95th~~
6 ~~General Assembly shall not be applicable if such application~~
7 ~~would impact the receipt, use, or reimbursement of federal~~
8 ~~funds by the Illinois Department of Transportation.~~

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

10 (225 ILCS 440/3.17 new)

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

14 (225 ILCS 440/3.18 new)

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

18 (225 ILCS 440/3.19 new)

19 Sec. 3.19. Real estate signs. "Real estate sign" means any
20 sign advertising solely the sale or lease of the property on
21 which the sign is located.

22 (225 ILCS 440/4.02) (from Ch. 121, par. 504.02)

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

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

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

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

15 ~~(d) No such sign may be erected or maintained which~~
16 ~~prevents the driver of a vehicle from having a clear and~~
17 ~~unobstructed view of official signs and approaching or merging~~
18 ~~traffic;~~

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

22 ~~(f) No lighting may be used in any way, in connection with~~
23 ~~any such sign, unless it is so effectively shielded as to~~
24 ~~prevent beams or rays of light from being directed at any~~
25 ~~portion of the main traveled way of the highway, or is of such~~
26 ~~low intensity or brilliance as not to cause glare or to impair~~

1 ~~the vision of the driver of any motor vehicle, or to otherwise~~
2 ~~interfere with any driver's operation of a motor vehicle;~~

3 ~~(g) No such sign may be erected or maintained which moves~~
4 ~~or has any animated or moving parts and no such sign may be~~
5 ~~erected or maintained upon trees or painted or drawn upon rocks~~
6 ~~or other natural features.~~

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

8 (225 ILCS 440/4.03) (from Ch. 121, par. 504.03)

9 Sec. 4.03. On-premise signs. On-premise signs as defined in
10 Section 3.17 of this Act. However, on-premise signs must comply
11 only with the provisions in Section 5 of this Act. Signs
12 ~~advertising activities conducted on the property on which they~~
13 ~~are located; which, if along Interstate highways outside a~~
14 ~~"business area" comply with the following requirements:~~

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

18 ~~(b) No such sign visible to traffic on an Interstate~~
19 ~~highway and located more than 50 feet from such activity, which~~
20 ~~displays any trade name referring to or identifying any service~~
21 ~~rendered or any product sold, used or otherwise handled, may be~~
22 ~~permitted unless the name of the advertised activity is~~
23 ~~displayed as conspicuously as such trade name. This restriction~~
24 ~~does not apply if the trade name identifies or characterizes~~
25 ~~places for lodging, eating, telephone facilities, vehicle~~

1 ~~service and repair, or identifies vehicle equipment, parts,~~
2 ~~accessories, fuels, oils or lubricants being offered for sale~~
3 ~~at such places;~~

4 ~~(c) No such sign in excess of 20 feet in length, width or~~
5 ~~height, or 150 square feet in area, including border and trim,~~
6 ~~but excluding supports, may be erected or maintained more than~~
7 ~~50 feet from the activities conducted upon the property where~~
8 ~~the sign is located;~~

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

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

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

18 (225 ILCS 440/4.04) (from Ch. 121, par. 504.04)

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

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

24 (225 ILCS 440/5) (from Ch. 121, par. 505)

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

2 (a) attempts or appears to attempt to direct the movement
3 of traffic or which interferes with, indicates, or resembles
4 any official traffic sign, signal, or device, or which prevents
5 the driver of a vehicle from having a clear and unobstructed
6 view of official signs and approaching or merging traffic;
7 ~~imitates or resembles an official traffic sign, signal or~~
8 ~~device;~~

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

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

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

26 (c-5) advertises or promotes activities that are illegal

1 under federal or State law in effect at the location of those
2 signs or activities; or

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

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

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

9 Sec. 8. Within 90 days after the effective date of this
10 Act, each sign, except signs described by Sections ~~Section~~
11 4.01, ~~and signs along primary highways described by Sections~~
12 4.02, and 4.03, must be registered with the Department by the
13 owner of the sign, on forms obtained from the Department.
14 Within 90 days after the effective date of this amendatory Act
15 of 1975, each sign located beyond 660 feet of the right-of-way
16 located outside of urban areas, visible from the main-traveled
17 way of the highway and erected with the purpose of the message
18 being 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 sign.
24 Registration must be made of each sign and shall be accompanied
25 by a registration fee of \$5.

1 No sign, except signs described by Sections ~~Section~~ 4.01,
2 ~~and signs along primary highways described by Sections~~ 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 Department
7 may reasonably require. Upon receipt of an application
8 containing all required information and appropriately executed
9 and upon payment of the fee required under this Section, the
10 Department shall have up to 60 days to approve and issue a
11 permit to the applicant for the erection of the sign, provided
12 the sign does not violate any provision of this Act. In the
13 event the Department intends to deny an application for a
14 permit, the Department shall have 60 days after receipt of the
15 application to provide notice of the intent to deny, which
16 shall include in detail an explanation of the basis for their
17 decision. The applicant shall have 30 days to respond and
18 perfect any deficiencies stated in the notice for intent to
19 deny, and thereafter the Department shall have 30 days to
20 respond with a final notice of determination. ~~then issues a~~
21 ~~permit to the applicant for the erection of the sign, provided~~
22 ~~such sign will not violate any provision of this Act.~~

23 The Department shall not withhold approval of a permit by
24 requesting information that is not necessary for making the
25 decision of granting the permit.

26 The application fee shall be as follows:

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

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

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

5 Upon change of sign ownership after the effective date of
6 this amendatory Act of the 98th General Assembly, the new owner
7 of the sign shall notify the Department and supply the
8 necessary information to transfer ~~renew~~ the permit for such
9 sign at no cost within 60 days after the change of ownership.

10 The Department shall then have 30 days to respond and
11 acknowledge the receipt of request for transfer of ownership.

12 Any permit not so transferred ~~renewed~~ shall become revocable
13 void.

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

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

24 (225 ILCS 440/15 new)

25 Sec. 15. Highway Beautification Act funding. If, as a

1 result of the changes made by this amendatory Act of the 98th
2 General Assembly, the State is required to pay back or
3 reimburse federal funding received under subsection (j) of 23
4 U.S.C. 131, then no additional fees or fines shall be levied on
5 the owners of signs to reimburse the federal government.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".