

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 3.12, 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,
17 as such limits existed on September 21, 1959, and which are
18 zoned for industrial or commercial use, or both, or to portions
19 of Interstate highways which traverse other areas where the
20 land use, as of September 21, 1959, was established by State
21 law as industrial or commercial, or both.

22 With respect to signs owned or leased by the State or a
23 political subdivision, an area zoned for business, commercial,

1 or industrial activities that is adjacent to and within 660
2 feet of an Interstate highway and that is in Township 41 North,
3 Range 10 East of the Third Principal Meridian, shall be deemed
4 a "business area" for purposes of this Act. This zoning must
5 have been a part of comprehensive zoning and not have been
6 created primarily to permit outdoor advertising structures as
7 described in 23 CFR 750.

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16 ~~or regulations, the changes shall be repealed to the extent~~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

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

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

23 (225 ILCS 440/3.17 new)

24 Sec. 3.17. On-premise signs. "On-premise sign" means any
25 sign advertising a business or activity conducted on the

1 property on which they are located.

2 (225 ILCS 440/3.18 new)

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

6 (225 ILCS 440/3.19 new)

7 Sec. 3.19. Real estate signs. "Real estate sign" means any
8 sign advertising solely the sale or lease of the property on
9 which the sign is located.

10 (225 ILCS 440/4.02) (from Ch. 121, par. 504.02)

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

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

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

21 ~~(c) No such sign may be erected or maintained which~~
22 ~~attempts or appears to attempt to direct the movement of~~
23 ~~traffic or which interferes with, indicates or resembles any~~

1 ~~official traffic sign, signal or device;~~

2 ~~(d) No such sign may be erected or maintained which~~
3 ~~prevents the driver of a vehicle from having a clear and~~
4 ~~unobstructed view of official signs and approaching or merging~~
5 ~~traffic;~~

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

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

16 ~~(g) No such sign may be erected or maintained which moves~~
17 ~~or has any animated or moving parts and no such sign may be~~
18 ~~erected or maintained upon trees or painted or drawn upon rocks~~
19 ~~or other natural features.~~

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

21 (225 ILCS 440/4.03) (from Ch. 121, par. 504.03)

22 Sec. 4.03. On-premise signs. On-premise signs as defined in
23 Section 3.17 of this Act. However, on-premise signs must comply
24 only with the provisions in Section 5 of this Act. Signs
25 advertising activities conducted on the property on which they

1 ~~are located; which, if along Interstate highways outside a~~
2 ~~"business area" comply with the following requirements:~~

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

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

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

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

24 ~~(e) No such sign may be erected or maintained which~~
25 ~~contains, includes, or is illuminated by any flashing,~~
26 ~~intermittent or moving light or lights except those which may~~

1 ~~be changed at reasonable intervals by electronic process or by~~
2 ~~remote control as long as these do not interfere with the~~
3 ~~effectiveness of an official traffic control device.~~

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

5 (225 ILCS 440/4.04) (from Ch. 121, par. 504.04)

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

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

11 (225 ILCS 440/5) (from Ch. 121, par. 505)

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

13 (a) attempts or appears to attempt to direct the movement
14 of traffic or which interferes with, indicates, or resembles
15 any official traffic sign, signal, or device, or which prevents
16 the driver of a vehicle from having a clear and unobstructed
17 view of official signs and approaching or merging traffic;
18 ~~Imitates or resembles an official traffic sign, signal or~~
19 ~~device;~~

20 (a-5) contains, includes, or is illuminated by any
21 flashing, intermittent, or moving light or lights, except those
22 changed at reasonable intervals by electronic process or by
23 remote control, as long as they do not interfere with the
24 effectiveness of an official traffic control device, or those

1 giving public service information, such as, without
2 limitation, time, weather, date, and temperature; no lighting
3 may be used in any way in connection with any sign, unless it
4 is so effectively shielded as to prevent beams or rays of light
5 from being directed at any portion of the main-traveled way of
6 the highway, or is of such low intensity or brilliance as not
7 to cause glare or to impair the vision of the driver of any
8 motor vehicle or to otherwise interfere with any driver's
9 operation of a motor vehicle;

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

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

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

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

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

21 (225 ILCS 440/8) (from Ch. 121, par. 508)

22 Sec. 8. Within 90 days after the effective date of this
23 Act, each sign, except signs described by Sections ~~Section~~
24 4.01, ~~and signs along primary highways described by Sections~~
25 4.02, and 4.03, must be registered with the Department by the

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

14 No sign, except signs described by Sections ~~Section~~ 4.01,
15 ~~and signs along primary highways described by Sections~~ 4.02,
16 and 4.03, may be erected after the effective date of this Act
17 without first obtaining a permit from the Department. The
18 application for permit shall be on a form provided by the
19 Department and shall contain such information as the Department
20 may reasonably require. Upon receipt of an application
21 containing all required information and appropriately executed
22 and upon payment of the fee required under this Section, the
23 Department then issues a permit to the applicant for the
24 erection of the sign, provided such sign will not violate any
25 provision of this Act. The application fee shall be as follows:

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

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

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

4 Upon change of sign ownership the new owner of the sign
5 shall notify the Department and supply the necessary
6 information to renew the permit for such sign at no cost within
7 60 days after the change of ownership. Any permit not so
8 renewed shall become void.

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

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

19 (225 ILCS 440/4.07 rep.)

20 Section 10. The Highway Advertising Control Act of 1971 is
21 amended by repealing Section 4.07.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.