



Rep. Sue Scherer

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09800HB2764ham003

LRB098 10755 CEL 44788 a

1 AMENDMENT TO HOUSE BILL 2764

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

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

8 (225 ILCS 440/3.12) (from Ch. 121, par. 503.12)

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

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

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

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

26 ~~(c) The provisions of this amendatory Act of the 95th~~

1 ~~General Assembly shall not be applicable if such application~~
2 ~~would impact the receipt, use, or reimbursement of federal~~
3 ~~funds by the Illinois Department of Transportation.~~

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

5 (225 ILCS 440/3.17 new)

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

9 (225 ILCS 440/3.18 new)

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

13 (225 ILCS 440/3.19 new)

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

17 (225 ILCS 440/4.02) (from Ch. 121, par. 504.02)

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

1 ~~"business area", comply with the following requirements:~~

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

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

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

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

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

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

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

1 ~~or other natural features.~~

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

3 (225 ILCS 440/4.03) (from Ch. 121, par. 504.03)

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

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

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

24 ~~(c) No such sign in excess of 20 feet in length, width or~~
25 ~~height, or 150 square feet in area, including border and trim,~~

1 ~~but excluding supports, may be erected or maintained more than~~
2 ~~50 feet from the activities conducted upon the property where~~
3 ~~the sign is located;~~

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

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 except those which may~~
9 ~~be changed at reasonable intervals by electronic process or by~~
10 ~~remote control as long as these do not interfere with the~~
11 ~~effectiveness of an official traffic control device.~~

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

13 (225 ILCS 440/4.04) (from Ch. 121, par. 504.04)

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

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

19 (225 ILCS 440/5) (from Ch. 121, par. 505)

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

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

1 view of official signs and approaching or merging traffic;
2 ~~Imitates or resembles an official traffic sign, signal or~~
3 ~~device;~~

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

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

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

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

24 (d) is ~~is~~ erected adjacent to a scenic byway that is a
25 primary or Interstate highway after the effective date of this
26 amendatory Act of 1996, except those signs described in

1 Sections 4.01, 4.02, 4.03, 4.06, and 4.08 of this Act.

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

3 (225 ILCS 440/8) (from Ch. 121, par. 508)

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

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

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

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

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

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

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

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

26 (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.".