



Sen. Antonio Muñoz

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09800HB2764sam003

LRB098 10755 AMC 46613 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, and 8 and
6 by adding Sections 3.17, 3.18, 3.19, 3.20, and 15 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 sign. "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 sign. "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 sign. "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 440/3.20 new)

17 Sec. 3.20. Municipal network sign. "Municipal network
18 sign" means an official sign or a sign that:

19 (1) is located on property owned or controlled by a
20 local government that has a population of 2,000,000 or more
21 and that has adopted zoning regulations consistent with
22 this Act;

1 (2) is controlled under the direction of the local
2 government;

3 (3) complies with zoning regulations consistent with
4 this Act;

5 (4) is placed within a business area as defined in
6 Section 3.12 of this Act;

7 (5) is used to communicate emergency, public, and
8 commercial information; and

9 (6) is consistent with the intent of this Act and with
10 customary use of the local government as to the sign's
11 installation and operation, including the size, lighting,
12 and spacing of signs.

13 (225 ILCS 440/4.02) (from Ch. 121, par. 504.02)

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

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

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

24 ~~(c) No such sign may be erected or maintained which~~
25 ~~attempts or appears to attempt to direct the movement of~~

1 ~~traffic or which interferes with, indicates or resembles any~~
2 ~~official traffic sign, signal or device;~~

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

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

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

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

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

22 (225 ILCS 440/4.03) (from Ch. 121, par. 504.03)

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

1 ~~advertising activities conducted on the property on which they~~
2 ~~are located; which, if along Interstate highways outside a~~
3 ~~"business area" comply with the following requirements:~~

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

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

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

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

25 ~~(e) No such sign may be erected or maintained which~~
26 ~~contains, includes, or is illuminated by any flashing,~~

1 ~~intermittent or moving light or lights except those which may~~
2 ~~be changed at reasonable intervals by electronic process or by~~
3 ~~remote control as long as these do not interfere with the~~
4 ~~effectiveness of an official traffic control device.~~

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

6 (225 ILCS 440/4.04) (from Ch. 121, par. 504.04)

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

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

12 (225 ILCS 440/8) (from Ch. 121, par. 508)

13 Sec. 8. Within 90 days after the effective date of this
14 Act, each sign, except signs described by Sections ~~Section~~
15 ~~4.01,~~ ~~and signs along primary highways described by Sections~~
16 ~~4.02,~~ and 4.03, must be registered with the Department by the
17 owner of the sign, on forms obtained from the Department.
18 Within 90 days after the effective date of this amendatory Act
19 of 1975, each sign located beyond 660 feet of the right-of-way
20 located outside of urban areas, visible from the main-traveled
21 way of the highway and erected with the purpose of the message
22 being read from such traveled way, must be registered with the
23 Department by the owner of the sign on forms obtained from the
24 Department. The Department shall require reasonable

1 information to be furnished including the name of the owner of
2 the land on which the sign is located and a statement that the
3 owner has consented to the erection or maintenance of the sign.
4 Registration must be made of each sign and shall be accompanied
5 by a registration fee of \$5.

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

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

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

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

22 In determining the appropriateness of issuing a permit for
23 a municipal network sign, the Department shall waive any
24 provision or requirement of this Act or administrative rule
25 adopted under the authority of this Act to the extent that the
26 waiver does not contravene the federal Highway Beautification

1 Act of 1965, 23 U.S.C. 131, and the regulations promulgated
2 under that Act by the Secretary of the United States Department
3 of Transportation. Any municipal network sign applications
4 pending on May 1, 2013 that are not affected by compliance with
5 the federal Highway Beautification Act of 1965 shall be issued
6 within 10 days after the effective date of this amendatory Act
7 of the 98th General Assembly. The determination of the balance
8 of pending municipal network sign applications and issuance of
9 approved permits shall be completed within 30 days after the
10 effective date of this amendatory Act of the 98th General
11 Assembly. To the extent that the Secretary of the United States
12 Department of Transportation or any court finds any permit
13 granted pursuant to such a waiver to be inconsistent with or
14 preempted by the federal Highway Beautification Act of 1965, 23
15 U.S.C. 131, and the regulations promulgated under that Act,
16 that permit shall be void.

17 Upon change of sign ownership the new owner of the sign
18 shall notify the Department and supply the necessary
19 information to renew the permit for such sign at no cost within
20 60 days after the change of ownership. Any permit not so
21 renewed shall become void.

22 Owners of registered signs shall be issued an identifying
23 tag, which must remain ~~be~~ securely affixed to the front face of
24 the sign or sign structure in a conspicuous position by the
25 owner within 60 days after receipt of the tag; owners of signs
26 erected by permit shall be issued an identifying tag which must

1 remain ~~be~~ securely affixed to the front face of the sign or
2 sign structure in a conspicuous position by the owner upon
3 completion of the sign erection or within 10 days after receipt
4 of the tag, whichever is the later.

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

6 (225 ILCS 440/15 new)

7 Sec. 15. Applicability. The changes made to this Act by
8 this amendatory Act of the 98th General Assembly shall not be
9 applicable if the application would impact the receipt, use, or
10 reimbursement of federal funds by the Illinois Department of
11 Transportation other than the reimbursement of Bonus Agreement
12 funds. Any permit granted pursuant to an inapplicable provision
13 is void.

14 (225 ILCS 440/4.07 rep.)

15 Section 10. The Highway Advertising Control Act of 1971 is
16 amended by repealing Section 4.07.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."