



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3911

by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Sexually Oriented Business Advertising Act. Requires any billboard within this State, otherwise allowed by law or ordinance, which is visible from a freeway, Interstate highway, main-traveled way, primary highway, or secondary highway, that advertises a sexually oriented business shall display only words or numbers on the billboard and may display the registered trademark of the business. The words or numbers on the billboard shall not describe or relate to a specified sexual activity or specified anatomical area. A person who violates this Section shall be subject to a civil fine of not less than \$5,000 or more than \$10,000 for each day of violation. Defines terms.

LRB099 10514 MRW 30741 b

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 1. Short title. This Act shall be known and may be  
5 cited as the Sexually Oriented Business Advertising Act.

6 Section 5. Definitions.

7 As used in this Section:

8 "Billboard" means a sign separate from a premises erected  
9 for the purpose of advertising a product, event, person, or  
10 subject not related to the premises on which the sign is  
11 located. Off-premises directional signs as permitted in this  
12 Act shall not be considered billboards for the purpose of this  
13 Section.

14 "Freeway" means a divided highway of not less than 2 lanes  
15 in each direction to which owners or occupants of abutting  
16 property or the public do not have a right of ingress or egress  
17 to, from, or across the highway, except at points determined by  
18 or as otherwise provided by the authorities responsible for the  
19 highway.

20 "Interstate highway" means any highway designated by the  
21 Department of Transportation and approved by the United States  
22 Department of Transportation as a part of the National System  
23 of Interstate and Defense Highways.

1 "Main-traveled way" means the traveled way of a highway on  
2 which through traffic is carried. In the case of a divided  
3 highway, the traveled way of each of the separated roadways for  
4 traffic in opposite directions is a main-traveled way. It does  
5 not include facilities such as frontage roads, turning  
6 roadways, or parking areas.

7 "Primary highway" means any highway, other than an  
8 Interstate highway, designated by the Department of  
9 Transportation and approved by the United States Department of  
10 Transportation as a part of the Federal-Aid Primary System in  
11 existence on June 1, 1991 or any highway other than an  
12 Interstate highway that is not on such system that is on the  
13 National Highway System.

14 "Secondary highway" means a State secondary road or county  
15 primary road.

16 "Sexually oriented business" includes, but is not limited  
17 to, an adult bookstore, adult video store, adult cabaret, adult  
18 motion picture theater, sexual device store, sexual encounter  
19 center, or an establishment that regularly feature live  
20 performances characterized by the exposure of a specific  
21 anatomical area or by specific sexual activity or in which  
22 persons appear in a state of nudity or seminudity in the  
23 performance of their duties. A "sexually oriented business"  
24 does not include a business solely because it shows, sells, or  
25 rents materials that may depict sex.

26 "Specified anatomical area" means less than completely and

1 opaquely covered human genitals, pubic region, buttocks, or  
2 female breasts below a point immediately above the top of the  
3 areola; or human male genitals in a discernibly turgid state,  
4 even if covered.

5 "Specified sexually activity" means the fondling or other  
6 erotic touching of covered or uncovered human genitals, pubic  
7 region, buttocks, or female breasts.

8 "Seminudity" means a state of dress in which opaque  
9 clothing fails to cover genitals, anus, anal cleft or cleavage,  
10 pubic area, vulva, or nipple and areola of the female breast.

11 "Visible" means capable of being seen (whether or not  
12 legible) without visual aid by persons of normal visual acuity.

13 Section 10. Sexually oriented business advertising.  
14 Any billboard within this State, otherwise allowed by law or  
15 ordinance, which is visible from a freeway, Interstate highway,  
16 main-traveled way, primary highway, or secondary highway, that  
17 advertises a sexually oriented business shall display only  
18 words or numbers on the billboard and may display the  
19 registered trademark of the business. The words or numbers on  
20 the billboard shall not describe or relate to a specified  
21 sexual activity or specified anatomical area.

22 Section 15. Penalty. A person who violates this Section  
23 shall be subject to a civil fine of not less than \$5,000 or  
24 more than \$10,000 for each day of violation.