

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 8 and 14.01 and by adding
6 Sections 8.1 and 8.2 as follows:

7 (225 ILCS 440/8) (from Ch. 121, par. 508)

8 Sec. 8. Within 90 days of July 1, 1972, or the owner being
9 notified of a new controlled route subject to this Act being
10 added, each sign, except signs described by Sections 4.01,
11 4.02, and 4.03, must be registered with the Department by the
12 owner of the sign, on forms obtained from the Department.
13 Within 90 days after the effective date of this amendatory Act
14 of 1975, each sign located beyond 660 feet of the right-of-way
15 located outside of urban areas, visible from the main-traveled
16 way of the highway and erected with the purpose of the message
17 being read from such traveled way, must be registered with the
18 Department by the owner of the sign on forms obtained from the
19 Department. The Department shall adopt rules specifying the
20 standards for such registration, which may require reasonable
21 information to be furnished including, but not limited to, the
22 name of the owner of the land on which the sign is located and
23 a statement that the owner has consented to the erection or

1 maintenance of the sign. Registration must be made of each
2 sign and shall be accompanied by a registration fee of \$5.

3 No sign, except signs described by Sections 4.01, 4.02,
4 and 4.03, may be erected after the effective date of this Act
5 without first obtaining a permit from the Department. The
6 application for permit shall be on a form provided by the
7 Department and shall contain such information as the
8 Department may reasonably require. Upon receipt of an
9 application and upon payment of the fee required under this
10 Section, the Department then issues a permit to the applicant
11 for the erection of the sign, provided such sign will not
12 violate any provision of this Act. The Department shall have
13 up to 45 days to complete its review and approve the permit
14 application or notify the applicant of any and all
15 deficiencies necessary for the Department's approval. The
16 applicant shall then have 45 days to correct the noted
17 deficiencies, and the Department shall have 30 days from
18 receipt of the notice of corrected deficiencies to make a
19 final determination. If the application for permit has been
20 denied, written notice of the decision shall cite the specific
21 federal law, State law, Illinois Administrative Code section,
22 or Code of Federal Regulations section related to the denial
23 and state in detail why the application was denied. The
24 application fee shall be as follows:

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

26 (2) for signs of at least 150 but less than 300 square

1 feet, \$100; and

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

3 If a permit application is for a sign within an area
4 subject to the Airport Zoning Act, the Department shall notify
5 the applicant in writing that the review process will exceed
6 the timelines set forth in the Section. Notwithstanding, the
7 Department shall complete its own review of the permit
8 application pending approval under the Airport Zoning Act.

9 In determining the appropriateness of issuing a permit for
10 a municipal network sign, the Department shall waive any
11 provision or requirement of this Act or administrative rule
12 adopted under the authority of this Act to the extent that the
13 waiver does not contravene the federal Highway Beautification
14 Act of 1965, 23 U.S.C. 131, and the regulations promulgated
15 under that Act by the Secretary of the United States
16 Department of Transportation. Any municipal network sign
17 applications pending on May 1, 2013 that are not affected by
18 compliance with the federal Highway Beautification Act of 1965
19 shall be issued within 10 days after the effective date of this
20 amendatory Act of the 98th General Assembly. The determination
21 of the balance of pending municipal network sign applications
22 and issuance of approved permits shall be completed within 30
23 days after the effective date of this amendatory Act of the
24 98th General Assembly. To the extent that the Secretary of the
25 United States Department of Transportation or any court finds
26 any permit granted pursuant to such a waiver to be

1 inconsistent with or preempted by the federal Highway
2 Beautification Act of 1965, 23 U.S.C. 131, and the regulations
3 promulgated under that Act, that permit shall be void.

4 Upon change of ownership of a sign permit or sign
5 registration, the new owner of the sign permit or sign
6 registration shall notify the Department to confirm the change
7 of ownership and supply the necessary information in writing
8 or on a form provided by the Department to transfer the permit
9 or registration for such sign at no cost within 120 days after
10 the change of ownership. The Department shall acknowledge to
11 the new sign owner, in writing or by electronic communication,
12 the receipt of such request within 14 calendar days after
13 receiving the necessary information and shall complete the
14 transfer and record the transferee as the new owner within 60
15 days after receiving the necessary information. Failure of the
16 new sign owner to submit the necessary information to transfer
17 the name of sign ownership on a sign permit within 120 calendar
18 days may subject the permit to revocation. The Department
19 shall issue a notice to the sign owner of failure to notify and
20 inform the transferee of ownership that the transferee has 30
21 calendar days from receipt of notice to provide the necessary
22 information required for the transfer of ownership.

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

1 erected by permit shall be issued an identifying tag which
2 must remain securely affixed to the front face of the sign or
3 sign structure in a conspicuous position by the owner upon
4 completion of the sign erection or within 10 days after
5 receipt of the tag, whichever is the later.

6 When a sign owner intends to upgrade an existing legal
7 permitted sign to a multiple message sign with a digital
8 display, the Department shall not require a new sign permit. A
9 permit addendum application requesting authorization for the
10 upgrade shall be made on a form provided by the Department and
11 shall be accompanied by a \$200 fee, which shall not be subject
12 to return upon rejection of the permit addendum application.
13 As part of the permit addendum application, the Department
14 shall not require a new land survey or other documentation
15 that has previously been submitted and approved and is on file
16 for the existing permit of the legal permitted sign. Upon
17 receipt of the permit addendum application, the Department
18 shall have up to 30 days to complete its initial review and
19 either approve the addendum to the existing permit or notify
20 the applicant of any and all deficiencies necessary for the
21 Department's approval. The applicant shall have 30 days to
22 correct the noted deficiencies, upon which the Department
23 shall have 30 days after receipt of the notice of corrected
24 deficiencies to make a final determination. If the permit
25 application addendum is denied, written notice of the decision
26 shall cite the specific federal law, State law, Illinois

1 Administrative Code section, or Code of Federal Regulations
2 section related to the denial and state in detail why the
3 application was denied. For purposes of this Section, legal
4 nonconforming sign structures are not eligible for this
5 upgrade.

6 A person aggrieved by any action of the Department in
7 denying an application, ~~or~~ revoking a permit or registration,
8 or failing to act upon any permit within the designated time
9 limit under this Act or the rules adopted by the Department may
10 appeal such action to the Department. The appeal shall be
11 filed under this Act may, within 30 days after receipt of the
12 notice of denial or revocation or 30 days after the expiration
13 of any deadline for action by the Department. Proceedings for
14 the appeal shall commence within 30 days after the receipt of
15 the appeal request unless the time limit is extended by
16 agreement of the parties or granted by the administrative law
17 judge upon a showing of good cause. If an appeal is filed due
18 to the Department's failure to act upon a permit or other
19 request within the designated time limit, the application or
20 other request for action shall be denied and any other
21 determination shall be adverse to the party seeking a decision
22 under the Act. The record that is reviewed in cases of the
23 Department's failure to act timely shall be limited to the
24 communications between the parties, any documentation
25 submitted or exchanged, and testimony of the parties. The
26 administrative law judge's proposal may (i) remand the

1 decision back to the Department for a decision to be made not
2 inconsistent with the administrative law judge's findings and
3 rulings or (ii) propose a final decision on the action
4 requested. ~~apply to the Department for an administrative~~
5 ~~hearing pursuant to the Administrative Review Law.~~

6 (Source: P.A. 103-471, eff. 8-4-23.)

7 (225 ILCS 440/8.1 new)

8 Sec. 8.1. Hearing; findings and recommendations.

9 (a) All hearings under this Act shall be conducted by an
10 administrative law judge, appointed by the Secretary, who
11 shall hear evidence relating to an application, a denial of a
12 permit, a revocation of a permit, or other determinations by
13 the Department as authorized in this Act. Within 30 days after
14 the conclusion of the final hearing, the administrative law
15 judge shall present to the Secretary a written proposal that
16 contains findings of fact, conclusions of law, and
17 recommendations for a final decision by the Secretary.

18 (b) A copy of the proposal shall be served upon the
19 applicant or licensee by the Department in accordance with the
20 notice provisions in rules adopted by the Department pursuant
21 to Section 14.01. The applicant or licensee may present a
22 response to the proposal to the Department no later than 30
23 calendar days after service. The Department shall have 30 days
24 after the date of receipt of an applicant's or licensee's
25 response to the proposal issued by the administrative law

1 judge to submit a reply and serve the reply upon the applicant
2 or licensee. Once 30 calendar days after service of a reply or
3 the time limit provided for the Department to submit a reply
4 has elapsed, the Secretary may enter a decision, supported by
5 law and the record, and serve the decision upon the applicant
6 or licensee and the Department. If the Secretary disagrees
7 with the proposal of the administrative law judge, the
8 Secretary may issue an order contrary to the proposal that
9 includes specific findings of fact supported by the record.

10 (c) The Secretary shall issue an order on the proposed
11 decision no later than 60 days after the submission of the
12 decision by the administrative law judge. The time limits in
13 this Section are mandatory and shall not be interpreted to be
14 discretionary. The order of the Secretary is a final
15 administrative decision within the Department's administrative
16 appeals process. Once the Secretary issues an order pursuant
17 to this Section, there is no further ability to appeal or a
18 right for reconsideration within the Department.

19 (d) All substantive hearings under this Section are
20 matters of public record and shall be preserved.

21 (225 ILCS 440/8.2 new)

22 Sec. 8.2. Administrative review. All final administrative
23 decisions of the Department are subject to judicial review
24 pursuant to the provisions of the Administrative Review Law
25 and all rules adopted under the Administrative Review Law. The

1 term "administrative decision" is defined as in Section 3-101
2 of the Code of Civil Procedure.

3 Proceedings for judicial review shall be commenced in
4 either Sangamon County or Cook County.

5 (225 ILCS 440/14.01) (from Ch. 121, par. 514.01)

6 Sec. 14.01. The Department shall adopt ~~may establish~~ rules
7 ~~and regulations~~ regarding implementation and enforcement of
8 this Act, which rules ~~regulations~~ are not inconsistent with
9 the terms of this Act; provided however, that the Department
10 shall ~~may~~ not add to, or increase the severity of the
11 regulatory standards set forth in Section 6 of this ~~the~~ Act, ~~as~~
12 ~~now or hereafter amended.~~

13 The Illinois Administrative Procedure Act is hereby
14 expressly adopted and incorporated herein as if all of the
15 provisions of such Act were included in this Act. For the
16 purposes of this Act, the notice required under Section 10-25
17 of the Illinois Administrative Procedure Act is deemed
18 sufficient when mailed to the address of record of a party.

19 (Source: P.A. 79-1009.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.