



Rep. Barbara Hernandez

**Filed: 4/8/2025**

10400HB1821ham001

LRB104 07314 AAS 25143 a

1 AMENDMENT TO HOUSE BILL 1821

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1821 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 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

1 being read from such traveled way, must be registered with the  
2 Department by the owner of the sign on forms obtained from the  
3 Department. The Department shall adopt rules specifying the  
4 standards for such registration, which may require reasonable  
5 information to be furnished including, but not limited to, the  
6 name of the owner of the land on which the sign is located and  
7 a statement that the owner has consented to the erection or  
8 maintenance of the sign. Registration must be made of each  
9 sign and shall be accompanied by a registration fee of \$5.

10 No sign, except signs described by Sections 4.01, 4.02,  
11 and 4.03, may be erected after the effective date of this Act  
12 without first obtaining a permit from the Department. The  
13 application for permit shall be on a form provided by the  
14 Department and shall contain such information as the  
15 Department may reasonably require. Upon receipt of an  
16 application and upon payment of the fee required under this  
17 Section, the Department then issues a permit to the applicant  
18 for the erection of the sign, provided such sign will not  
19 violate any provision of this Act. The Department shall have  
20 up to 45 days to complete its review and approve the permit  
21 application or notify the applicant of any and all  
22 deficiencies necessary for the Department's approval. The  
23 applicant shall then have 45 days to correct the noted  
24 deficiencies, and the Department shall have 30 days from  
25 receipt of the notice of corrected deficiencies to make a  
26 final determination. If the application for permit has been

1 denied, written notice of the decision shall cite the specific  
2 federal law, State law, Illinois Administrative Code section,  
3 or Code of Federal Regulations section related to the denial  
4 and state in detail why the application was denied. The  
5 application fee shall be as follows:

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

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

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

10 If a permit application is for a sign within an area  
11 subject to the Airport Zoning Act, the Department shall notify  
12 the applicant in writing that the review process will exceed  
13 the timelines set forth in the Section. Notwithstanding, the  
14 Department shall complete its own review of the permit  
15 application pending approval under the Airport Zoning Act.

16 In determining the appropriateness of issuing a permit for  
17 a municipal network sign, the Department shall waive any  
18 provision or requirement of this Act or administrative rule  
19 adopted under the authority of this Act to the extent that the  
20 waiver does not contravene the federal Highway Beautification  
21 Act of 1965, 23 U.S.C. 131, and the regulations promulgated  
22 under that Act by the Secretary of the United States  
23 Department of Transportation. Any municipal network sign  
24 applications pending on May 1, 2013 that are not affected by  
25 compliance with the federal Highway Beautification Act of 1965  
26 shall be issued within 10 days after the effective date of this

1 amendatory Act of the 98th General Assembly. The determination  
2 of the balance of pending municipal network sign applications  
3 and issuance of approved permits shall be completed within 30  
4 days after the effective date of this amendatory Act of the  
5 98th General Assembly. To the extent that the Secretary of the  
6 United States Department of Transportation or any court finds  
7 any permit granted pursuant to such a waiver to be  
8 inconsistent with or preempted by the federal Highway  
9 Beautification Act of 1965, 23 U.S.C. 131, and the regulations  
10 promulgated under that Act, that permit shall be void.

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

1 inform the transferee of ownership that the transferee has 30  
2 calendar days from receipt of notice to provide the necessary  
3 information required for the transfer of ownership.

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

13 When a sign owner intends to upgrade an existing legal  
14 permitted sign to a multiple message sign with a digital  
15 display, the Department shall not require a new sign permit. A  
16 permit addendum application requesting authorization for the  
17 upgrade shall be made on a form provided by the Department and  
18 shall be accompanied by a \$200 fee, which shall not be subject  
19 to return upon rejection of the permit addendum application.  
20 As part of the permit addendum application, the Department  
21 shall not require a new land survey or other documentation  
22 that has previously been submitted and approved and is on file  
23 for the existing permit of the legal permitted sign. Upon  
24 receipt of the permit addendum application, the Department  
25 shall have up to 30 days to complete its initial review and  
26 either approve the addendum to the existing permit or notify

1 the applicant of any and all deficiencies necessary for the  
2 Department's approval. The applicant shall have 30 days to  
3 correct the noted deficiencies, upon which the Department  
4 shall have 30 days after receipt of the notice of corrected  
5 deficiencies to make a final determination. If the permit  
6 application addendum is denied, written notice of the decision  
7 shall cite the specific federal law, State law, Illinois  
8 Administrative Code section, or Code of Federal Regulations  
9 section related to the denial and state in detail why the  
10 application was denied. For purposes of this Section, legal  
11 nonconforming sign structures are not eligible for this  
12 upgrade.

13 A person aggrieved by any action of the Department in  
14 denying an application, ~~or~~ revoking a permit or registration,  
15 or failing to act upon any permit within the designated time  
16 limit under this Act or the rules adopted by the Department may  
17 appeal such action to the Department. The appeal shall be  
18 filed ~~under this Act may,~~ within 30 days after receipt of the  
19 notice of denial or revocation or 30 days after the expiration  
20 of any deadline for action by the Department. Proceedings for  
21 the appeal shall commence within 30 days after the receipt of  
22 the appeal request unless the time limit is extended by  
23 agreement of the parties or granted by the administrative law  
24 judge upon a showing of good cause. If an appeal is filed due  
25 to the Department's failure to act upon a permit or other  
26 request within the designated time limit, the application or

1 other request for action shall be denied and any other  
2 determination shall be adverse to the party seeking a decision  
3 under the Act. The record that is reviewed in cases of the  
4 Department's failure to act timely shall be limited to the  
5 communications between the parties, any documentation  
6 submitted or exchanged, and testimony of the parties. The  
7 administrative law judge's proposal may (i) remand the  
8 decision back to the Department for a decision to be made not  
9 inconsistent with the administrative law judge's findings and  
10 rulings or (ii) propose a final decision on the action  
11 requested., ~~apply to the Department for an administrative~~  
12 ~~hearing pursuant to the Administrative Review Law.~~

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

14 (225 ILCS 440/8.1 new)

15 Sec. 8.1. Hearing; findings and recommendations.

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

25 (b) A copy of the proposal shall be served upon the

1 applicant or licensee by the Department, in accordance with  
2 the notice provisions in rules adopted by the Department  
3 pursuant to Section 14.01. The applicant or licensee may  
4 present a response to the proposal to the Department no later  
5 than 30 calendar days after service. The Department shall have  
6 30 days after the date of receipt of an applicant's or  
7 licensee's response to the proposal issued by the  
8 administrative law judge to submit a reply and serve the reply  
9 upon the applicant or licensee. Once 30 calendar days after  
10 service of a reply or the time limit provided for the  
11 Department to submit a reply has elapsed, the Secretary may  
12 enter a decision, supported by law and the record, and serve  
13 the decision upon the applicant or licensee and the  
14 Department. If the Secretary disagrees with the proposal of  
15 the administrative law judge, the Secretary may issue an order  
16 contrary to the proposal that includes specific findings of  
17 fact supported by the record.

18 (c) The Secretary shall issue an order on the proposed  
19 decision no later than 60 days after the submission of the  
20 decision by the administrative law judge. The time limits in  
21 this Section are mandatory and shall not be interpreted to be  
22 discretionary. The order of the Secretary is a final  
23 administrative decision within the Department's administrative  
24 appeals process. Once the Secretary issues an order pursuant  
25 to this Section, there is no further ability to appeal or a  
26 right for reconsideration within the Department.

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

3           (225 ILCS 440/8.2 new)

4       Sec. 8.2. Administrative review. All final administrative  
5 decisions of the Department are subject to judicial review  
6 pursuant to the provisions of the Administrative Review Law  
7 and all rules adopted under the Administrative Review Law. The  
8 term "administrative decision" is defined as in Section 3-101  
9 of the Code of Civil Procedure.

10       Proceedings for judicial review shall be commenced in  
11 either Sangamon County or Cook County.

12           (225 ILCS 440/14.01) (from Ch. 121, par. 514.01)

13       Sec. 14.01. The Department shall adopt ~~may establish~~ rules  
14 ~~and regulations~~ regarding implementation and enforcement of  
15 this Act, which rules ~~regulations~~ are not inconsistent with  
16 the terms of this Act; provided however, that the Department  
17 shall ~~may~~ not add to, or increase the severity of the  
18 regulatory standards set forth in Section 6 of this ~~the~~ Act, ~~as~~  
19 ~~now or hereafter amended.~~

20       The Illinois Administrative Procedure Act is hereby  
21 expressly adopted and incorporated herein as if all of the  
22 provisions of such Act were included in this Act. For the  
23 purposes of this Act, the notice required under Section 10-25  
24 of the Illinois Administrative Procedure Act is deemed

1 sufficient when mailed to the address of record of a party.

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

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".