**Section 541.60 Application, Fees, and Other Regulations**

a) Application

1) Application forms will be available from the Department (see Section 541.Appendix A – District Offices and Counties for a listing of District addresses and phone numbers) for all businesses that could qualify to have business signs included in this program. If a business wishes to participate in this program, it must complete an application form and submit it to the Department by the deadline indicated in the newspaper notice. Applications received after the indicated date will be considered if space is still available at the State highway intersection in question.

2) Where the Department determines from the initial application that the business meets the criteria listed in this Part and space is available, the application will be approved and returned to the business along with instructions concerning payment of the annual fee.

3) Applications for qualifying businesses desiring spaces subsequent to the initial installation will be considered on a first come-first served basis as spaces become available. Applications will be taken for spaces that may become available at some future date when there are no spaces available at the time the applications are submitted. In such cases, the processing fee will be returned to the applicant and the applicant's name will be kept on file. When a space becomes available, the qualifying businesses that are on file will be notified by mail in the order of their initial application date to see if they are still interested in the space. The applicant who desires to have the available space and whose application has been on file the longest, providing the processing fee is submitted within 45 days after the written notification, shall be given the available space with the remaining businesses being retained on file. Priority for two or more applicants with the same initial application date shall be based on the distance from the State highway with the business closest to the highway having the highest priority.

b) Fees

1) A $100 nonrefundable processing fee must be submitted by the business establishment to the Department with the application. A $100 nonrefundable processing fee will also be charged when a business reapplies for signing after its signs have been removed due to late rental payments or temporary withdrawal from the program, or when the type of operation of a business changes.

2) An annual fee of $70, sufficient to offset the cost of this program, will be charged for each business sign displayed on the State highway system. This fee is based on recovering the Department's costs for the program based on a six year life for posts and signs and includes the placement of new signs as necessary. The Department will periodically adjust the fees to reflect the current cost of maintaining the signing system. Fee adjustments are subject to rulemaking. Fees will be collected on an annual basis. When a business establishment makes an annual payment, it will be guaranteed participation in the program for the entire year, as long as it continues to meet the criteria under this Part. Any business closing or withdrawing from the program after making its annual payment will not be given a refund. A prorated fee will be charged for signs initially installed after the beginning of a calendar year. No proration will be given for seasonal closings.

3) When payment is not received by the Department within 30 days after the due date, the business signs will be removed by the Department and the business will lose its signing priority to the next business desiring the space. When the fee is received after the business sign is removed, and space is still available on the panel, a fee of $100 will be charged for reprocessing as provided for in Section 541.60(b)(1), in addition to the annual fee for the remainder of the calendar year, as well as that portion of the annual fee owed for the period of time between the end of the preceding calendar year and the date the signs were removed.

4) A fee of $200 for each business sign will be charged for a business requesting that its signs be replaced with new signs because of a change in the name of the business, or a change in the days or months of operation. When replacement is requested, all business signs for the specific business on the State highway system will be replaced at the same time. Also, any business signs that are tampered with by the business by altering the name, changing the days or months of operation, or adding a logo, symbol or any other wording subsequent to their installation will be removed by the Department. If the business wishes to continue in the program, it shall pay a fee of $200 per sign.

c) Placing and Maintaining Business Signs

1) The Department will erect the signs on the State highway system after approval of the application for a business and proof that trailblazer signs, where required, are in place on highways under the jurisdiction of local agencies. Only the Department will place, maintain, remove or alter the business signs on the State highway system.

2) Businesses will be required to certify on the application that they meet the established criteria. When the Department receives a complaint that a business may not comply, the suspected business will be contacted by the Department to determine if it meets the established criteria. If it is determined the facility fails to qualify, the business must change its operation so as to comply or its business signs will be removed and no refund will be made of any portion of the annual fees already paid.

(Source: Amended at 34 Ill. Reg. 3025, effective February 19, 2010)