



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3319

Introduced 2/24/2011, by Rep. Michael P. McAuliffe - Daniel J. Burke

SYNOPSIS AS INTRODUCED:

225 ILCS 440/3.12

from Ch. 121, par. 503.12

Amends the Highway Advertising Control Act of 1971. Provides that with respect to signs owned or leased by the State or a political subdivision or on property for which either the State or a political subdivision determines a benefit, an area zoned for business, commercial, or industrial activities that is adjacent to and within 660 feet of (i) an Interstate highway and that is in Township 41 North, Range 10 East of the Third Principal Meridian, or (ii) a toll highway in the Cities of Des Plaines and Elmhurst or in the Villages of Hoffman Estates, Rosemont, and Indian Head Park, shall be deemed a "business area" for purposes of the Act. Effective immediately.

LRB097 10764 CEL 51173 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 5. The Highway Advertising Control Act of 1971 is
5 amended by changing Section 3.12 as follows:

6 (225 ILCS 440/3.12) (from Ch. 121, par. 503.12)

7 Sec. 3.12. (a) "Business area" means any part of an area
8 adjacent to and within 660 feet of the right-of-way which is at
9 any time zoned for business, commercial or industrial
10 activities under the authority of any law of this State; or not
11 so zoned, but which constitutes an unzoned commercial or
12 industrial area as defined in Section 3.11. However, as to
13 signs along Interstate highways, the term "business area"
14 includes only areas which are within incorporated limits of any
15 city, village, or incorporated town, as such limits existed on
16 September 21, 1959, and which are zoned for industrial or
17 commercial use, or both, or to portions of Interstate highways
18 which traverse other areas where the land use, as of September
19 21, 1959, was established by State law as industrial or
20 commercial, or both.

21 With respect to signs owned or leased by the State or a
22 political subdivision or on property for which either the State
23 or a political subdivision determines a benefit, an area zoned

1 for business, commercial, or industrial activities that is
2 adjacent to and within 660 feet of (i) an Interstate highway
3 and that is in Township 41 North, Range 10 East of the Third
4 Principal Meridian, or (ii) a toll highway in the Cities of Des
5 Plaines and Elmhurst or in the Villages of Hoffman Estates,
6 Rosemont, and Indian Head Park, shall be deemed a "business
7 area" for purposes of this Act. This zoning must have been a
8 part of comprehensive zoning and not have been created
9 primarily to permit outdoor advertising structures as
10 described in 23 CFR 750.

11 (b) The changes to this Section made by this amendatory Act
12 of the 95th General Assembly are intended to comply with the
13 federal Highway Beautification Act of 1965, 23 U.S.C. 131, and
14 the regulations promulgated thereunder by the Secretary of the
15 United States Department of Transportation. To the extent that
16 the Secretary of the United States Department of Transportation
17 or any court finds the changes to this Section made by this
18 amendatory Act to be inconsistent with or preempted by such law
19 or regulations, the changes shall be repealed to the extent
20 necessary to cure such inconsistency or preemption.

21 (c) The provisions of this amendatory Act of the 95th
22 General Assembly shall not be applicable if such application
23 would impact the receipt, use, or reimbursement of federal
24 funds by the Illinois Department of Transportation.

25 (Source: P.A. 95-340, eff. 1-1-08.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.