

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

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

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

With respect to signs owned or leased by the State or a political subdivision, an area zoned for business, commercial, or industrial activities that is adjacent to and within 660

feet of an Interstate highway and that is in Township 41 North, Range 10 East of the Third Principal Meridian, shall be deemed a "business area" for purposes of this Act. This zoning must have been a part of comprehensive zoning and not have been created primarily to permit outdoor advertising structures as described in 23 CFR 750.

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made by this amendatory Act to be inconsistent with or preempted by such law or regulations, the changes shall be repealed to the extent necessary to cure such inconsistency or preemption.

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

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