

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

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

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

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

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

- (1) for signs of less than 150 square feet, \$50;
- (2) for signs of at least 150 but less than 300 square

feet, \$100; and

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

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

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

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

Upon change of ownership of a sign permit or sign registration, the new owner of the sign permit or sign registration shall notify the Department to confirm the change of ownership and supply the necessary information in writing or on a form provided by the Department to transfer the permit or registration for such sign at no cost within 120 days after the change of ownership. The Department shall acknowledge to the new sign owner, in writing or by electronic communication, the receipt of such request within 14 calendar days after receiving the necessary information and shall complete the transfer and record the transferee as the new owner within 60 days after receiving the necessary information. Failure of the new sign owner to submit the necessary information to transfer the name of sign ownership on a sign permit within 120 calendar days may subject the permit to revocation. The Department shall issue a notice to the sign owner of failure to notify and inform the transferee of ownership that the transferee has 30 calendar days from receipt of notice to provide the necessary information required for the transfer of ownership.

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

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

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

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

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

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

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

(225 ILCS 440/8.1 new)

Sec. 8.1. Hearing; findings and recommendations.

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

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

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

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

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

(225 ILCS 440/8.2 new)

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

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

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

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

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

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

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

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