



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1821

Introduced 1/28/2025, by Rep. Barbara Hernandez

#### SYNOPSIS AS INTRODUCED:

225 ILCS 440/8	from Ch. 121, par. 508
225 ILCS 440/8.1 new	
225 ILCS 440/8.2 new	
225 ILCS 440/14.01	from Ch. 121, par. 514.01

Amends the Highway Advertising Control Act of 1971. Provides that the Department of Transportation shall adopt rules specifying the standards for registration of certain signs under the Act. Adds the failure of the Department to act upon any permit within the designated time limit under the Act or the rules adopted by the Department to reasons a person can appeal a decision by the Department. Provides that a hearing for an appeal shall commence within 30 days after the receipt of the appeal request. Adds requirements for a hearing conducted under the Act and requires an administrative law judge to present a written proposal that contains findings of fact, conclusions of law, and recommendations for a final decision to the Secretary of Transportation within 30 days after conclusion of a hearing. Adopts and incorporates the Illinois Administrative Procedure Act. Requires the Department to adopt rules regarding the implementation and enforcement of the Act (rather than permits the Department to establish rules and regulations). Effective immediately.

LRB104 07314 AAS 17353 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 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  
17 being read from such traveled way, must be registered with the  
18 Department by the owner of the sign on forms obtained from the  
19 Department. The Department shall adopt rules specifying the  
20 standards for such registration, which may require reasonable  
21 information to be furnished including the name of the owner of  
22 the land on which the sign is located and a statement that the  
23 owner has consented to the erection or maintenance of the

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

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

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

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

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

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

7        In determining the appropriateness of issuing a permit for  
8        a municipal network sign, the Department shall waive any  
9        provision or requirement of this Act or administrative rule  
10       adopted under the authority of this Act to the extent that the  
11       waiver does not contravene the federal Highway Beautification  
12       Act of 1965, 23 U.S.C. 131, and the regulations promulgated  
13       under that Act by the Secretary of the United States  
14       Department of Transportation. Any municipal network sign  
15       applications pending on May 1, 2013 that are not affected by  
16       compliance with the federal Highway Beautification Act of 1965  
17       shall be issued within 10 days after the effective date of this  
18       amendatory Act of the 98th General Assembly. The determination  
19       of the balance of pending municipal network sign applications  
20       and issuance of approved permits shall be completed within 30  
21       days after the effective date of this amendatory Act of the  
22       98th General Assembly. To the extent that the Secretary of the  
23       United States Department of Transportation or any court finds  
24       any permit granted pursuant to such a waiver to be  
25       inconsistent with or preempted by the federal Highway  
26       Beautification Act of 1965, 23 U.S.C. 131, and the regulations

1 promulgated under that Act, that permit shall be void.

2       Upon change of ownership of a sign permit or sign  
3 registration, the new owner of the sign permit or sign  
4 registration shall notify the Department to confirm the change  
5 of ownership and supply the necessary information in writing  
6 or on a form provided by the Department to transfer the permit  
7 or registration for such sign at no cost within 120 days after  
8 the change of ownership. The Department shall acknowledge to  
9 the new sign owner, in writing or by electronic communication,  
10 the receipt of such request within 14 calendar days after  
11 receiving the necessary information and shall record the  
12 transferee as the new owner. Failure of the new sign owner to  
13 submit the necessary information to transfer the name of sign  
14 ownership on a sign permit within 120 calendar days may  
15 subject the permit to revocation. The Department shall issue a  
16 notice to the sign owner of failure to notify and inform the  
17 transferee of ownership that the transferee has 30 calendar  
18 days from receipt of notice to provide the necessary  
19 information required for the transfer of ownership.

20       Owners of registered signs shall be issued an identifying  
21 tag, which must remain securely affixed to the front face of  
22 the sign or sign structure in a conspicuous position by the  
23 owner within 60 days after receipt of the tag; owners of signs  
24 erected by permit shall be issued an identifying tag which  
25 must remain securely affixed to the front face of the sign or  
26 sign structure in a conspicuous position by the owner upon

1 completion of the sign erection or within 10 days after  
2 receipt of the tag, whichever is the later.

3 When a sign owner intends to upgrade an existing legal  
4 permitted sign to a multiple message sign with a digital  
5 display, the Department shall not require a new sign permit. A  
6 permit addendum application requesting authorization for the  
7 upgrade shall be made on a form provided by the Department and  
8 shall be accompanied by a \$200 fee, which shall not be subject  
9 to return upon rejection of the permit addendum application.  
10 As part of the permit addendum application, the Department  
11 shall not require a new land survey or other documentation  
12 that has previously been submitted and approved and is on file  
13 for the existing permit of the legal permitted sign. Upon  
14 receipt of the permit addendum application, the Department  
15 shall have up to 30 days to complete its initial review and  
16 either approve the addendum to the existing permit or notify  
17 the applicant of any and all deficiencies necessary for the  
18 Department's approval. The applicant shall have 30 days to  
19 correct the noted deficiencies, upon which the Department  
20 shall have 30 days after receipt of the notice of corrected  
21 deficiencies to make a final determination. If the permit  
22 application addendum is denied, written notice of the decision  
23 shall state in detail why the application was denied. For  
24 purposes of this Section, legal nonconforming sign structures  
25 are not eligible for this upgrade.

26 A person aggrieved by any action of the Department in

1 denying an application, ~~or~~ or revoking a permit or registration,  
2 or failing to act upon any permit within the designated time  
3 limit under this Act or the rules adopted by the Department may  
4 appeal such action to the Department. The appeal shall be  
5 filed ~~under this Act may,~~ within 30 days after receipt of the  
6 notice of denial or revocation or 30 days after the expiration  
7 of any deadline for action by the Department. A hearing for  
8 appeal shall commence within 30 days after the receipt of the  
9 appeal request. ~~, apply to the Department for an administrative~~  
10 ~~hearing pursuant to the Administrative Review Law.~~

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

12 (225 ILCS 440/8.1 new)

13 Sec. 8.1. Hearing; findings and recommendations.

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

23 (b) A copy of the proposal shall be served upon the  
24 applicant or licensee by the Department, in accordance with  
25 the notice provisions in rules adopted by the Department

1 pursuant to Section 14.01. The applicant or licensee may  
2 present a response to the proposal to the Department no later  
3 than 14 calendar days after service. Once 14 calendar days  
4 after service have elapsed, the Secretary may enter a  
5 decision, supported by law and the record, on the proposal. If  
6 the Secretary disagrees with the proposal, the Secretary may  
7 issue an order contrary to the proposal that includes specific  
8 findings of fact supported by the record.

9 (c) The Secretary shall issue a decision on the proposal  
10 no later than 45 days after the submission of the proposal by  
11 the administrative law judge. The time limits in this Section  
12 are mandatory and shall not be interpreted to be directory or  
13 discretionary. The decision of the Secretary is a final  
14 administrative decision within the Department's administrative  
15 appeals process. Once the Secretary issues a decision pursuant  
16 to this Section, there is no further ability to appeal or a  
17 right for reconsideration within the Department.

18 (d) All proceedings under this Section are matters of  
19 public record and shall be preserved.

20 (225 ILCS 440/8.2 new)

21 Sec. 8.2. Administrative review. All final administrative  
22 decisions of the Department are subject to judicial review  
23 pursuant to the provisions of the Administrative Review Law  
24 and all rules adopted under the Administrative Review Law. The  
25 term "administrative decision" is defined as in Section 3-101



1 of the Code of Civil Procedure.

2 Proceedings for judicial review shall be commenced in the  
3 circuit court of the county in which the party applying for  
4 review resides. If the party is not a resident of this State,  
5 the venue shall be either Sangamon County or Cook County.

6 (225 ILCS 440/14.01) (from Ch. 121, par. 514.01)

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

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

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

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