



Sen. Cristina Castro

**Filed: 3/28/2023**

10300SB0064sam001

LRB103 06008 SPS 60064 a

1 AMENDMENT TO SENATE BILL 64

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 64 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Highway Advertising Control Act of 1971 is  
5 amended by changing Sections 3.07, 3.08, and 8 and by adding  
6 Section 3.21 as follows:

7 (225 ILCS 440/3.07) (from Ch. 121, par. 503.07)

8 Sec. 3.07. "Sign" means any outdoor sign, display, device,  
9 notice, figure painting, drawing, message, placard, poster,  
10 billboard, or other thing, which is designed ~~designated~~,  
11 intended, or used to advertise or inform, and of which any part  
12 of the existing or intended advertising or informative  
13 contents is or will be visible from any place on the  
14 main-traveled way of a controlled ~~any~~ portion of an Interstate  
15 or primary highway, and which is within 660 feet of the nearest  
16 edge of the right-of-way of such highway, and which is

1 operated or owned by a person or entity earning remuneration  
2 directly or indirectly for the existence or placement of the  
3 outdoor sign or for the placement of the message on the outdoor  
4 sign.

5 "Sign" also means any sign described in paragraph one of  
6 this Section which is more than 660 feet from the nearest edge  
7 of such highway, outside of an urban area, visible from any  
8 place on the main-traveled way of any portion of such highway  
9 and erected with the purpose of its message being read from  
10 such main-traveled way.

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

12 (225 ILCS 440/3.08) (from Ch. 121, par. 503.08)

13 Sec. 3.08. "Erect" means to construct, build, raise,  
14 assemble, place, affix, attach, create, paint, draw or in any  
15 other way bring into being or establish; but does not include  
16 any of the foregoing activities when performed as an incident  
17 to the change of advertising message or normal maintenance or  
18 repair of a sign or sign structure. For the purposes of this  
19 definition, the following shall not constitute normal  
20 maintenance or repair of a sign or sign structure: replacing  
21 more than 60% of the uprights, in whole or in part, of a wooden  
22 sign structure; replacing more than 30% of the length above  
23 ground of each broken, bent, or twisted support of a metal sign  
24 structure; raising the height above ground of a sign or sign  
25 structure; making a sign bigger; adding lighting; or similar

1 activities that substantially change a sign or make a sign  
2 more valuable. "Erect" does not include the attachment of a  
3 vinyl substrate to a sign that was permitted or registered to  
4 display, in another medium, advertising or other information  
5 and that does not cause a substantial change or modification  
6 that would terminate nonconforming rights.

7 The Department shall accord lawful status to the  
8 registered sign (registered sign number 1-03520) at issue in  
9 the decision of the Illinois Appellate Court captioned as  
10 Image Media Advertising, Inc., v. Illinois Department of  
11 Transportation, No. 1-20-0830, which was issued on December  
12 21, 2021 and bears the legal citation of 2021 IL App (1st)  
13 200830-U. The Department shall also allow for the continued  
14 usage of that sign by the owner of the building or its  
15 authorized agent without requiring a new permit or  
16 registration.

17 (Source: P.A. 96-919, eff. 6-9-10.)

18 (225 ILCS 440/3.21 new)

19 Sec. 3.21. Remuneration. "Remuneration" means the exchange  
20 of anything of value, including money, securities, real  
21 property interests, personal property interests, goods or  
22 services, promises of future development, or forbearances of  
23 debt.

24 (225 ILCS 440/8) (from Ch. 121, par. 508)

1           Sec. 8. Within 90 days after the effective date of this  
2 Act, each sign, ~~except signs described by Sections 4.01, 4.02,~~  
3 ~~and 4.03,~~ must be registered with the Department by the owner  
4 of the sign, on forms obtained from the Department. Within 90  
5 days after the effective date of this amendatory Act of 1975,  
6 each sign located beyond 660 feet of the right-of-way located  
7 outside of urban areas, visible from the main-traveled way of  
8 the highway and erected with the purpose of the message being  
9 read from such traveled way, must be registered with the  
10 Department by the owner of the sign on forms obtained from the  
11 Department. The Department shall require reasonable  
12 information to be furnished including the name of the owner of  
13 the land on which the sign is located and a statement that the  
14 owner has consented to the erection or maintenance of the  
15 sign. ~~Registration must be made of each sign and shall be~~  
16 ~~accompanied by a registration fee of \$5.~~

17           No sign, ~~except signs described by Sections 4.01, 4.02,~~  
18 ~~and 4.03,~~ may be erected after the effective date of this Act  
19 without first obtaining a permit from the Department. The  
20 application for permit shall be on a form provided by the  
21 Department and shall contain such information as the  
22 Department may reasonably require. Upon receipt of an  
23 application containing all required information and  
24 appropriately executed and upon payment of the fee required  
25 under this Section, the Department then issues a permit to the  
26 applicant for the erection of the sign, provided such sign

1 will not violate any provision of this Act. The application  
2 fee shall be as follows:

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

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

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

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 sign ownership the new owner of the sign  
3 shall notify the Department and supply the necessary  
4 information to renew the permit for such sign at no cost within  
5 60 days after the change of ownership. Any permit not so  
6 renewed shall become void.

7 Owners of registered signs shall be issued an identifying  
8 tag, which must remain securely affixed to the front face of  
9 the sign or sign structure in a conspicuous position by the  
10 owner within 60 days after receipt of the tag; owners of signs  
11 erected by permit shall be issued an identifying tag which  
12 must remain securely affixed to the front face of the sign or  
13 sign structure in a conspicuous position by the owner upon  
14 completion of the sign erection or within 10 days after  
15 receipt of the tag, whichever is the later.

16 (Source: P.A. 98-56, eff. 7-5-13.)

17 (225 ILCS 440/3.17 rep.)

18 (225 ILCS 440/3.18 rep.)

19 (225 ILCS 440/3.19 rep.)

20 (225 ILCS 440/4.01 rep.)

21 (225 ILCS 440/4.02 rep.)

22 (225 ILCS 440/4.03 rep.)

23 (225 ILCS 440/4.04 rep.)

24 (225 ILCS 440/4.06 rep.)

25 (225 ILCS 440/6.04 rep.)

1           Section 10. The Highway Advertising Control Act of 1971 is  
2 amended by repealing Sections 3.17, 3.18, 3.19, 4.01, 4.02,  
3 4.03, 4.04, 4.06, and 6.04.

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