

1 AN ACT concerning local government.

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

4 Section 1. This Act is in response to the Illinois Supreme
5 Court opinion in Cammacho v. City of Joliet, 2024 IL 129263,
6 and serves to clarify that Division 2.1 of Article 1 of the
7 Illinois Municipal Code divests a home rule municipality of
8 jurisdiction to hold administrative hearings to determine
9 whether its ordinances have been violated or to impose a fine
10 in accordance with its ordinances for (i) any offense under
11 the Illinois Vehicle Code that is a traffic regulation
12 governing the movement of vehicles or is a reportable offense
13 under Section 6-204 of the Illinois Vehicle Code or (ii) a
14 similar offense under a municipal ordinance. This Act also
15 serves to specifically provide that the exceptions set forth
16 in the definition of "system of administrative adjudication"
17 in subsection (c) of Section 5-43010 of the Counties Code
18 provide a basis to divest a county of jurisdiction to hold an
19 administrative hearing to determine whether its ordinances
20 have been violated or to impose a fine in accordance with its
21 ordinances for (i) any offense under the Illinois Vehicle Code
22 that is a traffic regulation governing the movement of
23 vehicles or is a reportable offense under Section 6-204 of the
24 Illinois Vehicle Code or (ii) a similar offense under a county

1 ordinance.

2 Section 5. The Counties Code is amended by changing
3 Section 5-43010 as follows:

4 (55 ILCS 5/5-43010)

5 Sec. 5-43010. Administrative adjudication of code and
6 ordinance violations; definitions.

7 (a) Any county may provide by ordinance for a system of
8 administrative adjudication of county code violations to the
9 extent permitted by the Illinois Constitution.

10 (b) Any county may provide by ordinance for a system of
11 administrative adjudication of violations of ordinances
12 enacted by a participating unit of local government only
13 where: (i) the unit of local government is engaging in
14 governmental activities or providing services within the
15 boundaries of the county; (ii) the unit of local government
16 has no system of administrative adjudication; and (iii) the
17 violation occurred within the boundaries of the county.

18 (b-5) Counties, including home rule counties, may not use
19 a system of administrative adjudication to adjudicate (i) any
20 offense under the Illinois Vehicle Code that is a traffic
21 regulation governing the movement of vehicles or is a
22 reportable offense under Section 6-204 of the Illinois Vehicle
23 Code or (ii) a similar offense under a county ordinance. This
24 subsection is a denial and limitation of home rule powers and

1 functions under subsection (g) of Section 6 of Article VII of
2 the Illinois Constitution.

3 (c) As used in this Division:

4 "Participating unit of local government" means a unit of
5 local government which has entered into an intergovernmental
6 agreement or contract with a county for the administrative
7 adjudication of violations of its ordinances by the county
8 pursuant to this Division.

9 "System of administrative adjudication" means the
10 adjudication of any violation of a county ordinance or of a
11 participating unit of local government's ordinance, except for
12 (i) proceedings not within the statutory or the home rule
13 authority of counties or a participating unit of local
14 government; and (ii) any offense under the Illinois Vehicle
15 Code (or a similar offense that is a traffic regulation
16 governing the movement of vehicles and except for any
17 reportable offense under Section 6-204 of the Illinois Vehicle
18 Code).

19 "Unit of local government" has the meaning as defined in
20 the Illinois Constitution of 1970 and also includes a
21 not-for-profit corporation organized for the purpose of
22 conducting public business including, but not limited to, the
23 Northeast Illinois Regional Commuter Railroad Corporation.

24 (Source: P.A. 99-754, eff. 1-1-17.)

25 Section 10. The Illinois Municipal Code is amended by

changing Section 1-2.1-10 as follows:

(65 ILCS 5/1-2.1-10)

Sec. 1-2.1-10. Impact on home rule authority.

(a) Except as provided under subsection (b), this ~~This~~
Division shall not preempt municipalities from adopting other
systems of administrative adjudication pursuant to their home
rule powers.

(b) Municipalities, including home rule municipalities,
may not use a system of administrative adjudication to
adjudicate (i) any offense under the Illinois Vehicle Code
that is a traffic regulation governing the movement of
vehicles or a reportable offense under Section 6-204 of the
Illinois Vehicle Code or (ii) a similar offense under a
municipal ordinance. This subsection is a denial and
limitation of home rule powers and functions under subsection
(g) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 90-516, eff. 1-1-98.)