



Rep. Jay Hoffman

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10400HB2458ham001

LRB104 06291 RTM 25179 a

1 AMENDMENT TO HOUSE BILL 2458

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2458 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act is in response to the Illinois  
5 Supreme Court opinion in Cammacho v. City of Joliet, 2024 IL  
6 129263, and serves to clarify that Division 2.1 of Article 1 of  
7 the Illinois Municipal Code divests a home rule municipality  
8 of 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

1 provide a basis to divest a county of jurisdiction to hold an  
2 administrative hearing to determine whether its ordinances  
3 have been violated or to impose a fine in accordance with its  
4 ordinances for (i) any offense under the Illinois Vehicle Code  
5 that is a traffic regulation governing the movement of  
6 vehicles or is a reportable offense under Section 6-204 of the  
7 Illinois Vehicle Code or (ii) a similar offense under a county  
8 ordinance.

9 Section 5. The Counties Code is amended by changing  
10 Section 5-43010 as follows:

11 (55 ILCS 5/5-43010)

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

14 (a) Any county may provide by ordinance for a system of  
15 administrative adjudication of county code violations to the  
16 extent permitted by the Illinois Constitution.

17 (b) Any county may provide by ordinance for a system of  
18 administrative adjudication of violations of ordinances  
19 enacted by a participating unit of local government only  
20 where: (i) the unit of local government is engaging in  
21 governmental activities or providing services within the  
22 boundaries of the county; (ii) the unit of local government  
23 has no system of administrative adjudication; and (iii) the  
24 violation occurred within the boundaries of the county.

1       (b-5) Counties, including home rule counties, may not use  
2 a system of administrative adjudication to adjudicate (i) any  
3 offense under the Illinois Vehicle Code that is a traffic  
4 regulation governing the movement of vehicles or is a  
5 reportable offense under Section 6-204 of the Illinois Vehicle  
6 Code or (ii) a similar offense under a county ordinance. This  
7 subsection is a denial and limitation of home rule powers and  
8 functions under subsection (g) of Section 6 of Article VII of  
9 the Illinois Constitution.

10       (c) As used in this Division:

11       "Participating unit of local government" means a unit of  
12 local government which has entered into an intergovernmental  
13 agreement or contract with a county for the administrative  
14 adjudication of violations of its ordinances by the county  
15 pursuant to this Division.

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

26       "Unit of local government" has the meaning as defined in

1 the Illinois Constitution of 1970 and also includes a  
2 not-for-profit corporation organized for the purpose of  
3 conducting public business including, but not limited to, the  
4 Northeast Illinois Regional Commuter Railroad Corporation.

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

6 Section 10. The Illinois Municipal Code is amended by  
7 changing Section 1-2.1-10 as follows:

8 (65 ILCS 5/1-2.1-10)

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

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

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

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