

# SB1152



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1152

Introduced 2/5/2019, by Sen. Laura M. Murphy

### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-43010  
65 ILCS 5/1-2.1-2  
65 ILCS 5/1-2.2-10

Amends the Counties Code and Illinois Municipal Code. Provides that a county or municipal administrative hearing unit or code hearing unit may adjudicate of a violation of a county (or a participating unit of local government) ordinance or municipal ordinance of specified offenses relating to distracted driving, red light violations, and violations caught on automated traffic law enforcement systems or similar local offenses. Effective immediately.

LRB101 08307 AWJ 53375 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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

6 (55 ILCS 5/5-43010)

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

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

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

20 (c) As used in this Division:

21 "Participating unit of local government" means a unit of  
22 local government which has entered into an intergovernmental  
23 agreement or contract with a county for the administrative

1 adjudication of violations of its ordinances by the county  
2 pursuant to this Division.

3 "System of administrative adjudication" means the  
4 adjudication of any violation of a county ordinance or of a  
5 participating unit of local government's ordinance, except for  
6 (i) proceedings not within the statutory or the home rule  
7 authority of counties or a participating unit of local  
8 government; and (ii) any offense under the Illinois Vehicle  
9 Code (or a similar offense that is a traffic regulation  
10 governing the movement of vehicles and except for any  
11 reportable offense under Section 6-204 of the Illinois Vehicle  
12 Code). Notwithstanding the exceptions listed in this  
13 definition, "system of administrative adjudication" includes  
14 adjudication of a violation of a county ordinance or of a  
15 participating unit of local government's ordinance of offenses  
16 listed under Section 11-208.6, 11-306, 12-610.1, 12-610.2,  
17 6-526, or 6-527 of the Illinois Vehicle Code or similar county  
18 or unit of local government offenses.

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

1 changing Sections 1-2.1-2 and 1-2.2-10 as follows:

2 (65 ILCS 5/1-2.1-2)

3 Sec. 1-2.1-2. Administrative adjudication of municipal  
4 code violations. Any municipality may provide by ordinance for  
5 a system of administrative adjudication of municipal code  
6 violations to the extent permitted by the Illinois  
7 Constitution.

8 A "system of administrative adjudication" means the  
9 adjudication of any violation of a municipal ordinance, except  
10 for (i) proceedings not within the statutory or the home rule  
11 authority of municipalities; and (ii) any offense under the  
12 Illinois Vehicle Code or a similar offense that is a traffic  
13 regulation governing the movement of vehicles and except for  
14 any reportable offense under Section 6-204 of the Illinois  
15 Vehicle Code. Notwithstanding the exceptions listed in this  
16 paragraph, "system of administrative adjudication" includes  
17 adjudication of a violation of a municipal ordinance of  
18 offenses listed under Section 11-208.6, 11-306, 12-610.1,  
19 12-610.2, 6-526, or 6-527 of the Illinois Vehicle Code or  
20 similar municipal offenses.

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

22 (65 ILCS 5/1-2.2-10)

23 Sec. 1-2.2-10. Code hearing department. The corporate  
24 authorities of any municipality may adopt this Division and

1 establish a code hearing department within an existing code  
2 enforcement agency or as a separate and independent agency in  
3 the municipal government. The function of the hearing  
4 department is to expedite the prosecution and correction of  
5 code violations in the manner set forth in this Division.

6 The code hearing department may adjudicate any violation of  
7 a municipal ordinance except for (i) building code violations  
8 that must be adjudicated pursuant to Division 31.1 of Article  
9 11 of this Act and (ii) any offense under the Illinois Vehicle  
10 Code or similar offense that is a traffic regulation governing  
11 the movement of vehicles and except for any reportable offense  
12 under Section 6-204 of the Illinois Vehicle Code.  
13 Notwithstanding the exceptions listed in this paragraph, the  
14 code hearing department may adjudicate a violation of a  
15 municipal ordinance of offenses listed under Section 11-208.6,  
16 11-306, 12-610.1, 12-610.2, 6-526, or 6-527 of the Illinois  
17 Vehicle Code or similar municipal offenses.

18 (Source: P.A. 90-777, eff. 1-1-99.)

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