

CLIENT ALERT

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Illinois Appellate Court Finds that Municipalities Lack Jurisdiction to Enforce Offenses that Govern the Movement of Vehicles

by Joseph S. Davidson

On November 15, 2022, the Illinois Appellate Court for the Third Judicial District issued a decision in *Robert Cammacho Jr., et al. v. City of Joliet*, 2022 IL App (3d) 210591-U, and ruled that the City of Joliet lacked jurisdiction to enforce overweight vehicle ordinance through administrative adjudication.

Background

The City enacted Ordinance 19-21, which provides: "[u]nless authorized in this division, it is unlawful to operate any vehicle in excess of twenty-four thousand (24,000) pounds (twelve (12) tons), or any vehicle with a gross vehicle weight rating greater than twenty-four thousand (24,000) pounds (12 tons), on any non-designated city road." Joliet Municipal Code § 19-21. The City enforced this ordinance through a system of administrative adjudication.

Several commercial truck drivers drove semitruck trailers on the City's roadways in violation of the posted weight limit. The administrative hearing officer found them liable for the violations and imposed a fine.

The drivers filed a complaint for administrative review in the trial court. They argued that the City lacked jurisdiction to adjudicate administrative compliance tickets for overweight offenses and the violations at issue were not subject to administrative adjudication under the Illinois Municipal Code. 65 ILCS 5/1-2.1-2. The trial court affirmed the administrative hearing officer's decision, so the drivers appealed.

Analysis

As a home rule unit of local government, the City "possess[es] the same powers as the state government, except where such powers are limited by the General Assembly." *Johnson v. Halloran*, 194 Ill. 2d 493, 496-97 (2000). The City "may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive." Ill. Const. 1970, art VII, § 6(i). Section 1-2.1-2 of the Illinois Municipal Code authorizes systems of administrative adjudication of local code violations within the home rule authority of municipalities. 65 ILCS 5/1-2.1-2. See, e.g., *Catom Trucking, Inc v. City of Chicago*, 2011 IL App (1st) 101146, ¶ 18. However, section 1-2.1-2 limits that authority by providing:

Any municipality may provide by ordinance for a system of administrative adjudication of municipal code violations to the extent permitted by the Illinois Constitution. A "system of administrative adjudication" means the adjudication of any violation of a municipal ordinance, except for (i) proceedings not within the statutory or the home rule authority of municipalities; and (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code. 65 ILCS 5/1-2.1-2.

At issue here is subsection (ii), which creates an exception to the general authority that a municipality has to create a system of administrative adjudication. Indeed, it prohibits a municipality from creating an administrative adjudication system for "any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code." *Id.*

The Court considered whether the overweight ordinance governs "any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles." Upon review, the Court found the City's overweight vehicle ordinance governs the movement of vehicles. Consequently, the City lacked jurisdiction to administratively adjudicate violations of this ordinance.

Significance

Although *Cammacho* may be subject to further challenge, the decision is significant as it provides the first Illinois appellate court guidance as to municipalities' jurisdiction to administratively adjudicate violations of overweight vehicle ordinances. Although *Cammacho* is unpublished and non-precedential, plaintiffs counsel may be emboldened in their efforts to identify and file suit seeking cancellation and disgorgement of fines and penalties collected through administrative adjudication. Accordingly, it is imperative that offenses under the Illinois Vehicle Code or similar offenses that are traffic regulations governing the movement of vehicles are no longer enforced through a system of administrative adjudication. Absent this immediate change, municipalities will continue to face significant exposure from potential litigation.

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