

In Brief

APPELLATE COURT DETERMINES VEHICLE IMPOUNDMENT FINE IS ACTUALLY A “FEE”

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The Fifth District Appellate Court recently decided the case of *Saladrigas v. City of O’Fallon*, 2020 IL App (5th) 190466, a class action lawsuit challenging the validity of a City of O’Fallon Ordinance authorizing the impoundment of motor vehicles used to commit certain offenses, including DUI, driving while license revoked and driving while license suspended. The City’s Ordinance provided that the City could impound the motor vehicle used in the listed offenses and charge \$500 to the owner of the vehicle impounded under the Ordinance. The Ordinance further provided that towing, storage fees and penalties could also be imposed. The question raised was whether the amount imposed was a “fine” that was imposed as a penalty to deter criminal behavior or a “fee” to recoup costs. The Ordinance specifically stated that “*the administrative fees are based upon the amount of resources expended by members of the O’Fallon Police Department and designated to help the police department recoup costs associated with processing certain arrests.*” The trial court initially granted the City’s motion for summary judgment, finding that the Ordinance provided for a \$500 fine. The Plaintiff then filed an appeal.

The Appellate Court found that “the best indicator of the intent of the ordinance is the plain language used by the municipality in creating the ordinance.” In its Ordinance, the City expressly labeled the \$500 monetary charge in its ordinance as an “administrative fee.” In addition, the City further stated in its Ordinance that the Ordinance’s purpose was to “recoup costs associated with processing certain arrests.” The Appellate Court found that this language describes the purpose of a fee, not a fine. Also significant for the Appellate Court was the fact that the City made no mention of punishment or crime deterrence in setting out the purpose for imposing the “administrative fee.” As a result, the Appellate Court held that the \$500 charge was a fee, rather than a fine. Due process requires that a fee be in an amount that bears some reasonable relationship to the actual costs the fee is intended to recoup. The Appellate Court held that the trial court erred in granting summary judgment for the City on the basis that the Ordinance provided for a fine, reversed the decision of the trial court and remanded the case for further proceedings.

If you have any questions about this case or how it impacts your municipality, please do not hesitate to contact a Robbins Schwartz attorney.