



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

See Index

Amends the Liquor Control Act of 1934. Creates 2 new types of licenses, to be known as the beer and wine distributors license and the beer and wine importing distributors license. Provides that a beer and wine distributors license authorizes its holder to engage in purchasing, storing, possessing, or warehousing beer or wine for resale or reselling at wholesale, within or without Illinois. Provides that a beer and wine importing distributor's license authorizes its holder to import into Illinois, from any point in the United States outside of Illinois, whether for himself or for another, any beer or wine for sale or resale and to import into Illinois, from any point in the United States outside of Illinois, for consumption in any one calendar year, more than one gallon of beer and wine.

LRB093 18566 LRD 44287 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning alcoholic liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 1-3.05, 1-3.15, 1-3.16, 1-3.21, 1-3.27,
6 1-3.29, 1-3.33, 3-12, 3-14, 4-4, 5-1, 5-3, 6-2, 6-4, 6-5, 6-6,
7 6-6.5, 6-7, 6-8, 6-9, 6-9.1, 6-17, 6-17.1, 6-21, 6-22, 6-29,
8 6-29.1, 6-31, 7-1, 7-6, 8-1, 8-2, 8-5, 8-10, 9-13, 10-1, and
9 10-7.1 and by adding Sections 1-3.38 and 1-3.39 as follows:

10 (235 ILCS 5/1-3.05) (from Ch. 43, par. 95.05)

11 Sec. 1-3.05. "Alcoholic liquor" includes alcohol, spirits,
12 wine and beer, and every liquid or solid, patented or not,
13 containing alcohol, spirits, wine or beer, and capable of being
14 consumed as a beverage by a human being. The provisions of this
15 Act shall not apply to alcohol used in the manufacture of
16 denatured alcohol produced in accordance with Acts of Congress
17 and regulations promulgated thereunder, nor to any liquid or
18 solid containing 0.5% ~~one-half of one per cent~~, or less, of
19 alcohol by volume. No tax provided for in Article VIII of this
20 Act shall apply to wine intended for use and used by any church
21 or religious organization for sacramental purposes, provided
22 that such wine shall be purchased from a licensed manufacturer,
23 ~~or~~ importing distributor, or beer and wine importing
24 distributor under this Act.

25 (Source: P.A. 82-783.)

26 (235 ILCS 5/1-3.15) (from Ch. 43, par. 95.15)

27 Sec. 1-3.15. "Distributor" means any person, other than a
28 manufacturer, ~~or~~ non-resident dealer, or beer and wine
29 distributor licensed under this Act, who is engaged in this
30 State in purchasing, storing, possessing or warehousing any
31 alcoholic liquors for resale or reselling at wholesale, whether

1 within or without this State.

2 (Source: P.A. 83-1254.)

3 (235 ILCS 5/1-3.16) (from Ch. 43, par. 95.16)

4 Sec. 1-3.16. "Importing distributor" means any person
5 other than a non-resident dealer or beer and wine importing
6 distributor licensed under this Act who imports into this
7 State, from any point in the United States outside this State,
8 whether for himself or for another, any alcoholic liquors for
9 sale or resale, or for use in the manufacture, preparation or
10 compounding of products other than alcoholic liquors, or who
11 imports into this State, from any point in the United States
12 outside this State, for consumption in any one calendar year,
13 more than one gallon of such liquors.

14 (Source: P.A. 83-1254.)

15 (235 ILCS 5/1-3.21) (from Ch. 43, par. 95.21)

16 Sec. 1-3.21. "Sale" means any transfer, exchange or barter
17 in any manner, or by any means whatsoever, including the
18 transfer of alcoholic liquors by and through the transfer or
19 negotiation of warehouse receipts or certificates, and
20 includes and means all sales made by any person, whether
21 principal, proprietor, agent, servant or employee. The term
22 "sale" includes any transfer of alcoholic liquor from a foreign
23 importer's license to an importing distributor's license even
24 if both licenses are held by the same person and any transfer
25 of beer or wine from a foreign importer's license to a beer and
26 wine importing distributor's license even if both licenses are
27 held by the same person.

28 (Source: P.A. 82-783.)

29 (235 ILCS 5/1-3.27) (from Ch. 43, par. 95.27)

30 Sec. 1-3.27. "Foreign importer" means anyone other than a
31 non-resident dealer licensed under this Act who imports into
32 this State, from any point outside the United States, any
33 alcoholic liquors other than in bulk for sale to a licensed

1 importing distributor or licensed beer and wine importing
2 distributor.

3 (Source: P.A. 83-1254.)

4 (235 ILCS 5/1-3.29) (from Ch. 43, par. 95.29)

5 Sec. 1-3.29. "Non-resident dealer" means any person, firm,
6 partnership, corporation or other legal business entity who or
7 which exports into this State, from any point outside of this
8 State, any alcoholic liquors for sale to Illinois licensed
9 foreign importers, ~~or~~ importing distributors, or beer and wine
10 importing distributors. Such license shall be restricted to the
11 actual manufacturer of such alcoholic liquors or the primary
12 United States importer of such alcoholic liquors, if
13 manufactured outside of the United States, or the duly
14 registered agent of such manufacturer or importer.
15 Registration of such agent with the State Commission, in such
16 manner and form as it may prescribe, shall be a prerequisite to
17 the issuance of such license to an agent.

18 Any licensed Illinois manufacturer of Class 1, Class 2, or
19 Class 3 may obtain a Non-Resident Dealer's License at no fee. A
20 manufacturer whose production of alcoholic liquor is less than
21 500,000 gallons per year may obtain a Non-Resident Dealer's
22 License for an annual fee of \$75.

23 (Source: P.A. 82-783.)

24 (235 ILCS 5/1-3.33)

25 Sec. 1-3.33. "Brew Pub" means a person who manufactures
26 beer only at a designated premises to make sales to importing
27 distributors, distributors, beer and wine importing
28 distributors, beer and wine distributors, and to non-licensees
29 for use and consumption only, who stores beer at the designated
30 premises, and who is allowed to sell at retail from the
31 licensed premises, provided that a brew pub licensee shall not
32 sell for off-premises consumption more than 50,000 gallons per
33 year.

34 (Source: P.A. 90-432, eff. 1-1-98.)

1 (235 ILCS 5/1-3.38 new)

2 Sec. 1-3.38. Beer and wine distributor. "Beer and wine
3 distributor" means any person, other than a manufacturer,
4 distributor, or non-resident dealer licensed under this Act,
5 who is engaged in this State in purchasing, storing,
6 possessing, or warehousing any beer or wine for resale or
7 reselling at wholesale, whether within or without this State.

8 (235 ILCS 5/1-3.39 new)

9 Sec. 1-3.39. Beer and wine importing distributor. "Beer and
10 wine importing distributor" means any person other than a
11 non-resident dealer or importing distributor licensed under
12 this Act who imports into this State, from any point in the
13 United States outside this State, whether for himself or for
14 another, any beer or wine for sale or resale or who imports
15 into this State, from any point in the United States outside
16 this State, for consumption in any one calendar year, more than
17 one gallon of beer and wine.

18 (235 ILCS 5/3-12) (from Ch. 43, par. 108)

19 Sec. 3-12. Powers and duties of State Commission.

20 (a) The State commission shall have the following powers,
21 functions and duties:

22 (1) To receive applications and to issue licenses to
23 manufacturers, foreign importers, importing distributors,
24 beer and wine importing distributors, beer and wine
25 distributors, distributors, non-resident dealers, on
26 premise consumption retailers, off premise sale retailers,
27 special event retailer licensees, special use permit
28 licenses, auction liquor licenses, brew pubs, caterer
29 retailers, non-beverage users, railroads, including owners
30 and lessees of sleeping, dining and cafe cars, airplanes,
31 boats, brokers, and wine maker's premises licensees in
32 accordance with the provisions of this Act, and to suspend
33 or revoke such licenses upon the State commission's

1 determination, upon notice after hearing, that a licensee
2 has violated any provision of this Act or any rule or
3 regulation issued pursuant thereto and in effect for 30
4 days prior to such violation.

5 In lieu of suspending or revoking a license, the
6 commission may impose a fine, upon the State commission's
7 determination and notice after hearing, that a licensee has
8 violated any provision of this Act or any rule or
9 regulation issued pursuant thereto and in effect for 30
10 days prior to such violation. The fine imposed under this
11 paragraph may not exceed \$500 for each violation. Each day
12 that the activity, which gave rise to the original fine,
13 continues is a separate violation. The maximum fine that
14 may be levied against any licensee, for the period of the
15 license, shall not exceed \$20,000. The maximum penalty that
16 may be imposed on a licensee for selling a bottle of
17 alcoholic liquor with a foreign object in it or serving
18 from a bottle of alcoholic liquor with a foreign object in
19 it shall be the destruction of that bottle of alcoholic
20 liquor for the first 10 bottles so sold or served from by
21 the licensee. For the eleventh bottle of alcoholic liquor
22 and for each third bottle thereafter sold or served from by
23 the licensee with a foreign object in it, the maximum
24 penalty that may be imposed on the licensee is the
25 destruction of the bottle of alcoholic liquor and a fine of
26 up to \$50.

27 (2) To adopt such rules and regulations consistent with
28 the provisions of this Act which shall be necessary to
29 carry on its functions and duties to the end that the
30 health, safety and welfare of the People of the State of
31 Illinois shall be protected and temperance in the
32 consumption of alcoholic liquors shall be fostered and
33 promoted and to distribute copies of such rules and
34 regulations to all licensees affected thereby.

35 (3) To call upon other administrative departments of
36 the State, county and municipal governments, county and

1 city police departments and upon prosecuting officers for
2 such information and assistance as it deems necessary in
3 the performance of its duties.

4 (4) To recommend to local commissioners rules and
5 regulations, not inconsistent with the law, for the
6 distribution and sale of alcoholic liquors throughout the
7 State.

8 (5) To inspect, or cause to be inspected, any premises
9 in this State where alcoholic liquors are manufactured,
10 distributed, warehoused, or sold.

11 (5.1) Upon receipt of a complaint or upon having
12 knowledge that any person is engaged in business as a
13 manufacturer, importing distributor, distributor, beer and
14 wine importing distributor, beer and wine distributor, or
15 retailer without a license or valid license, to notify the
16 local liquor authority, file a complaint with the State's
17 Attorney's Office of the county where the incident
18 occurred, or initiate an investigation with the
19 appropriate law enforcement officials.

20 (5.2) To issue a cease and desist notice to persons
21 shipping alcoholic liquor into this State from a point
22 outside of this State if the shipment is in violation of
23 this Act.

24 (5.3) To receive complaints from licensees, local
25 officials, law enforcement agencies, organizations, and
26 persons stating that any licensee has been or is violating
27 any provision of this Act or the rules and regulations
28 issued pursuant to this Act. Such complaints shall be in
29 writing, signed and sworn to by the person making the
30 complaint, and shall state with specificity the facts in
31 relation to the alleged violation. If the Commission has
32 reasonable grounds to believe that the complaint
33 substantially alleges a violation of this Act or rules and
34 regulations adopted pursuant to this Act, it shall conduct
35 an investigation. If, after conducting an investigation,
36 the Commission is satisfied that the alleged violation did

1 occur, it shall proceed with disciplinary action against
2 the licensee as provided in this Act.

3 (6) To hear and determine appeals from orders of a
4 local commission in accordance with the provisions of this
5 Act, as hereinafter set forth. Hearings under this
6 subsection shall be held in Springfield or Chicago, at
7 whichever location is the more convenient for the majority
8 of persons who are parties to the hearing.

9 (7) The commission shall establish uniform systems of
10 accounts to be kept by all retail licensees having more
11 than 4 employees, and for this purpose the commission may
12 classify all retail licensees having more than 4 employees
13 and establish a uniform system of accounts for each class
14 and prescribe the manner in which such accounts shall be
15 kept. The commission may also prescribe the forms of
16 accounts to be kept by all retail licensees having more
17 than 4 employees, including but not limited to accounts of
18 earnings and expenses and any distribution, payment, or
19 other distribution of earnings or assets, and any other
20 forms, records and memoranda which in the judgment of the
21 commission may be necessary or appropriate to carry out any
22 of the provisions of this Act, including but not limited to
23 such forms, records and memoranda as will readily and
24 accurately disclose at all times the beneficial ownership
25 of such retail licensed business. The accounts, forms,
26 records and memoranda shall be available at all reasonable
27 times for inspection by authorized representatives of the
28 State commission or by any local liquor control
29 commissioner or his or her authorized representative. The
30 commission, may, from time to time, alter, amend or repeal,
31 in whole or in part, any uniform system of accounts, or the
32 form and manner of keeping accounts.

33 (8) In the conduct of any hearing authorized to be held
34 by the commission, to appoint, at the commission's
35 discretion, hearing officers to conduct hearings involving
36 complex issues or issues that will require a protracted

1 period of time to resolve, to examine, or cause to be
2 examined, under oath, any licensee, and to examine or cause
3 to be examined the books and records of such licensee; to
4 hear testimony and take proof material for its information
5 in the discharge of its duties hereunder; to administer or
6 cause to be administered oaths; for any such purpose to
7 issue subpoena or subpoenas to require the attendance of
8 witnesses and the production of books, which shall be
9 effective in any part of this State, and to adopt rules to
10 implement its powers under this paragraph (8).

11 Any Circuit Court may by order duly entered, require
12 the attendance of witnesses and the production of relevant
13 books subpoenaed by the State commission and the court may
14 compel obedience to its order by proceedings for contempt.

15 (9) To investigate the administration of laws in
16 relation to alcoholic liquors in this and other states and
17 any foreign countries, and to recommend from time to time
18 to the Governor and through him or her to the legislature
19 of this State, such amendments to this Act, if any, as it
20 may think desirable and as will serve to further the
21 general broad purposes contained in Section 1-2 hereof.

22 (10) To adopt such rules and regulations consistent
23 with the provisions of this Act which shall be necessary
24 for the control, sale or disposition of alcoholic liquor
25 damaged as a result of an accident, wreck, flood, fire or
26 other similar occurrence.

27 (11) To develop industry educational programs related
28 to responsible serving and selling, particularly in the
29 areas of overserving consumers and illegal underage
30 purchasing and consumption of alcoholic beverages.

31 (11.1) To license persons providing education and
32 training to alcohol beverage sellers and servers under the
33 Beverage Alcohol Sellers and Servers Education and
34 Training (BASSET) programs and to develop and administer a
35 public awareness program in Illinois to reduce or eliminate
36 the illegal purchase and consumption of alcoholic beverage

1 products by persons under the age of 21. Application for a
2 license shall be made on forms provided by the State
3 Commission.

4 (12) To develop and maintain a repository of license
5 and regulatory information.

6 (13) On or before January 15, 1994, the Commission
7 shall issue a written report to the Governor and General
8 Assembly that is to be based on a comprehensive study of
9 the impact on and implications for the State of Illinois of
10 Section 1926 of the Federal ADAMHA Reorganization Act of
11 1992 (Public Law 102-321). This study shall address the
12 extent to which Illinois currently complies with the
13 provisions of P.L. 102-321 and the rules promulgated
14 pursuant thereto.

15 As part of its report, the Commission shall provide the
16 following essential information:

17 (i) the number of retail distributors of tobacco
18 products, by type and geographic area, in the State;

19 (ii) the number of reported citations and
20 successful convictions, categorized by type and
21 location of retail distributor, for violation of the
22 Sale of Tobacco to Minors Act and the Smokeless Tobacco
23 Limitation Act;

24 (iii) the extent and nature of organized
25 educational and governmental activities that are
26 intended to promote, encourage or otherwise secure
27 compliance with any Illinois laws that prohibit the
28 sale or distribution of tobacco products to minors; and

29 (iv) the level of access and availability of
30 tobacco products to individuals under the age of 18.

31 To obtain the data necessary to comply with the provisions
32 of P.L. 102-321 and the requirements of this report, the
33 Commission shall conduct random, unannounced inspections of a
34 geographically and scientifically representative sample of the
35 State's retail tobacco distributors.

36 The Commission shall consult with the Department of Public

1 Health, the Department of Human Services, the Illinois State
2 Police and any other executive branch agency, and private
3 organizations that may have information relevant to this
4 report.

5 The Commission may contract with the Food and Drug
6 Administration of the U.S. Department of Health and Human
7 Services to conduct unannounced investigations of Illinois
8 tobacco vendors to determine compliance with federal laws
9 relating to the illegal sale of cigarettes and smokeless
10 tobacco products to persons under the age of 18.

11 (b) On or before April 30, 1999, the Commission shall
12 present a written report to the Governor and the General
13 Assembly that shall be based on a study of the impact of this
14 amendatory Act of 1998 on the business of soliciting, selling,
15 and shipping alcoholic liquor from outside of this State
16 directly to residents of this State.

17 As part of its report, the Commission shall provide the
18 following information:

19 (i) the amount of State excise and sales tax revenues
20 generated as a result of this amendatory Act of 1998;

21 (ii) the amount of licensing fees received as a result
22 of this amendatory Act of 1998;

23 (iii) the number of reported violations, the number of
24 cease and desist notices issued by the Commission, the
25 number of notices of violations issued to the Department of
26 Revenue, and the number of notices and complaints of
27 violations to law enforcement officials.

28 (Source: P.A. 91-553, eff. 8-14-99; 91-922, eff. 7-7-00;
29 92-378, eff. 8-16-01; 92-813, eff. 8-21-02.)

30 (235 ILCS 5/3-14) (from Ch. 43, par. 109)

31 Sec. 3-14. Issuance of license by Commission. Nothing
32 contained in this Act shall, however, be construed to permit
33 the State Commission to issue any license, other than
34 manufacturer's, foreign importer's, importing distributor's,
35 beer and wine importing distributor's, non-resident dealer's,

1 and distributor's, beer and wine distributor's, broker's and
2 non-beverage user's license for any premises in any prohibited
3 territory, or to issue any license other than manufacturer's,
4 foreign importer's, importing distributor's, beer and wine
5 importing distributor's, non-resident dealer's, distributor's,
6 beer and wine distributor's, railroad's, airplane's, boat's,
7 or broker's license, auction liquor license, or non-beverage
8 user's license, unless the person applying for such license
9 shall have obtained a local license for the same premises. When
10 such person has obtained a local license and has made
11 application to the State Commission in conformity with this Act
12 and paid the license fee provided, it shall be the duty of the
13 State Commission to issue a retailer's license to him;
14 provided, however, that the State Commission may refuse the
15 issuance or renewal of a retailer's license, upon notice and
16 after hearing, upon the grounds authorized in Section 6-3 of
17 this Act, and, provided further, that the issuance of such
18 license shall not prejudice the State Commission's action in
19 subsequently suspending or revoking such license if it is
20 determined by the State Commission, upon notice and after
21 hearing, that the licensee has, within the same or the
22 preceding license period, violated any provision of this Act or
23 any rule or regulation issued pursuant thereto and in effect
24 for 30 days prior to such violation. The Commission may also
25 refuse to renew a license if the licensee has failed to pay an
26 offer in compromise, pre-disciplinary settlement, or a fine
27 imposed by order.

28 (Source: P.A. 89-250, eff. 1-1-96.)

29 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

30 Sec. 4-4. Each local liquor control commissioner shall also
31 have the following powers, functions and duties with respect to
32 licenses, other than licenses to manufacturers, importing
33 distributors, beer and wine importing distributors,
34 distributors, beer and wine distributors, foreign importers,
35 non-resident dealers, non-beverage users, brokers, railroads,

1 airplanes and boats.

2 1. To grant and or suspend for not more than thirty
3 days or revoke for cause all local licenses issued to
4 persons for premises within his jurisdiction;

5 2. To enter or to authorize any law enforcing officer
6 to enter at any time upon any premises licensed hereunder
7 to determine whether any of the provisions of this Act or
8 any rules or regulations adopted by him or by the State
9 Commission have been or are being violated, and at such
10 time to examine said premises of said licensee in
11 connection therewith;

12 3. To notify the Secretary of State where a club
13 incorporated under the General Not for Profit Corporation
14 Act of 1986 or a foreign corporation functioning as a club
15 in this State under a certificate of authority issued under
16 that Act has violated this Act by selling or offering for
17 sale at retail alcoholic liquors without a retailer's
18 license;

19 4. To receive complaint from any citizen within his
20 jurisdiction that any of the provisions of this Act, or any
21 rules or regulations adopted pursuant hereto, have been or
22 are being violated and to act upon such complaints in the
23 manner hereinafter provided;

24 5. To receive local license fees and pay the same
25 forthwith to the city, village, town or county treasurer as
26 the case may be.

27 Each local liquor commissioner also has the duty to notify
28 the Secretary of State of any convictions for a violation of
29 Section 6-20 of this Act or a similar provision of a local
30 ordinance.

31 In counties and municipalities, the local liquor control
32 commissioners shall also have the power to levy fines in
33 accordance with Section 7-5 of this Act.

34 (Source: P.A. 91-357, eff. 7-29-99; 92-804, eff. 1-1-03.)

35 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

1 Sec. 5-1. Licenses issued by the Illinois Liquor Control
2 Commission shall be of the following classes:

3 (a) Manufacturer's license - Class 1. Distiller, Class 2.
4 Rectifier, Class 3. Brewer, Class 4. First Class Wine
5 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
6 First Class Winemaker, Class 7. Second Class Winemaker, Class
7 8. Limited Wine Manufacturer,

8 (b) Distributor's license,

9 (b-1) Beer and Wine Distributor's license,

10 (c) Importing Distributor's license,

11 (c-1) Beer and Wine Importing Distributor's license,

12 (d) Retailer's license,

13 (e) Special Event Retailer's license (not-for-profit),

14 (f) Railroad license,

15 (g) Boat license,

16 (h) Non-Beverage User's license,

17 (i) Wine-maker's premises license,

18 (j) Airplane license,

19 (k) Foreign importer's license,

20 (l) Broker's license,

21 (m) Non-resident dealer's license,

22 (n) Brew Pub license,

23 (o) Auction liquor license,

24 (p) Caterer retailer license,

25 (q) Special use permit license.

26 No person, firm, partnership, corporation, or other legal
27 business entity that is engaged in the manufacturing of wine
28 may concurrently obtain and hold a wine-maker's license and a
29 wine manufacturer's license.

30 (a) A manufacturer's license shall allow the manufacture,
31 importation in bulk, storage, distribution and sale of
32 alcoholic liquor to persons without the State, as may be
33 permitted by law and to licensees in this State as follows:

34 Class 1. A Distiller may make sales and deliveries of
35 alcoholic liquor to distillers, rectifiers, importing
36 distributors, distributors and non-beverage users and may make

1 sales and deliveries of wine and beer to beer and wine
2 importing distributors and beer and wine distributors and to no
3 other licensees.

4 Class 2. A Rectifier, who is not a distiller, as defined
5 herein, may make sales and deliveries of alcoholic liquor to
6 rectifiers, importing distributors, distributors, retailers
7 and non-beverage users and may make sales and deliveries of
8 wine and beer to beer and wine importing distributors and beer
9 and wine distributors and to no other licensees.

10 Class 3. A Brewer may make sales and deliveries of beer to
11 importing distributors, beer and wine importing distributors,
12 distributors, beer and wine distributors, and to
13 non-licensees, and to retailers provided the brewer obtains an
14 importing distributor's license, beer and wine importing
15 distributor's license, ~~or~~ distributor's license, or beer and
16 wine distributor's license in accordance with the provisions of
17 this Act.

18 Class 4. A first class wine-manufacturer may make sales and
19 deliveries of up to 50,000 gallons of wine to manufacturers,
20 importing distributors, beer and wine importing distributors,
21 ~~and~~ distributors, and beer and wine distributors and to no
22 other licensees.

23 Class 5. A second class Wine manufacturer may make sales
24 and deliveries of more than 50,000 gallons of wine to
25 manufacturers, importing distributors, beer and wine importing
26 distributors, ~~and~~ distributors, and beer and wine distributors
27 and to no other licensees.

28 Class 6. A first-class wine-maker's license shall allow the
29 manufacture of up to 50,000 gallons of wine per year, and the
30 storage and sale of such wine to distributors and beer and wine
31 distributors in the State and to persons without the State, as
32 may be permitted by law. A first-class wine-maker's license
33 shall allow the sale of no more than 5,000 gallons of the
34 licensee's wine to retailers. The State Commission shall issue
35 only one first-class wine-maker's license to any person, firm,
36 partnership, corporation, or other legal business entity that

1 is engaged in the making of less than 50,000 gallons of wine
2 annually that applies for a first-class wine-maker's license.
3 No subsidiary or affiliate thereof, nor any officer, associate,
4 member, partner, representative, employee, agent, or
5 shareholder may be issued an additional wine-maker's license by
6 the State Commission.

7 Class 7. A second-class wine-maker's license shall allow
8 the manufacture of between 50,000 and 100,000 gallons of wine
9 per year, and the storage and sale of such wine to distributors
10 and beer and wine distributors in this State and to persons
11 without the State, as may be permitted by law. A second-class
12 wine-maker's license shall allow the sale of no more than
13 10,000 gallons of the licensee's wine directly to retailers.
14 The State Commission shall issue only one second-class
15 wine-maker's license to any person, firm, partnership,
16 corporation, or other legal business entity that is engaged in
17 the making of less than 100,000 gallons of wine annually that
18 applies for a second-class wine-maker's license. No subsidiary
19 or affiliate thereof, or any officer, associate, member,
20 partner, representative, employee, agent, or shareholder may
21 be issued an additional wine-maker's license by the State
22 Commission.

23 Class 8. A limited wine-manufacturer may make sales and
24 deliveries not to exceed 40,000 gallons of wine per year to
25 distributors, beer and wine distributors, and ~~to~~ non-licensees
26 in accordance with the provisions of this Act.

27 (a-1) A manufacturer which is licensed in this State to
28 make sales or deliveries of alcoholic liquor and which enlists
29 agents, representatives, or individuals acting on its behalf
30 who contact licensed retailers on a regular and continual basis
31 in this State must register those agents, representatives, or
32 persons acting on its behalf with the State Commission.

33 Registration of agents, representatives, or persons acting
34 on behalf of a manufacturer is fulfilled by submitting a form
35 to the Commission. The form shall be developed by the
36 Commission and shall include the name and address of the

1 applicant, the name and address of the manufacturer he or she
2 represents, the territory or areas assigned to sell to or
3 discuss pricing terms of alcoholic liquor, and any other
4 questions deemed appropriate and necessary. All statements in
5 the forms required to be made by law or by rule shall be deemed
6 material, and any person who knowingly misstates any material
7 fact under oath in an application is guilty of a Class B
8 misdemeanor. Fraud, misrepresentation, false statements,
9 misleading statements, evasions, or suppression of material
10 facts in the securing of a registration are grounds for
11 suspension or revocation of the registration.

12 (b) A distributor's license shall allow the wholesale
13 purchase and storage of alcoholic liquors and sale of alcoholic
14 liquors to licensees in this State and to persons without the
15 State, as may be permitted by law.

16 (b-1) A beer and wine distributor's license shall allow the
17 wholesale purchase and storage of beer and wine and sale of
18 beer and wine to licensees in this State and to persons without
19 the State, as may be permitted by law.

20 (c) An importing distributor's license may be issued to and
21 held by those only who are duly licensed distributors, upon the
22 filing of an application by a duly licensed distributor, with
23 the Commission and the Commission shall, without the payment of
24 any fee, immediately issue such importing distributor's
25 license to the applicant, which shall allow the importation of
26 alcoholic liquor by the importing distributor's licensee into
27 this State from any point in the United States outside this
28 State, and the purchase of alcoholic liquor in barrels, casks
29 or other bulk containers and the bottling of such alcoholic
30 liquors before resale thereof, but all bottles or containers so
31 filled shall be sealed, labeled, stamped and otherwise made to
32 comply with all provisions, rules and regulations governing
33 manufacturers in the preparation and bottling of alcoholic
34 liquors. The importing distributor's license shall permit such
35 licensee to purchase alcoholic liquor from Illinois licensed
36 non-resident dealers and foreign importers only.

1 (c-1) A beer and wine importing distributor's license may
2 be issued to and held by only those who are duly licensed beer
3 and wine distributors, upon the filing of an application by a
4 duly licensed beer and wine distributor, with the Commission;
5 and the Commission shall, without the payment of any fee,
6 immediately issue a beer and wine importing distributor's
7 license to the applicant, which shall allow the importation of
8 beer and wine by the beer and wine distributor's licensee into
9 this State from any point in the United States outside this
10 State, and the purchase of beer and wine in barrels, casks, or
11 other bulk containers and the bottling of beer and wine before
12 its resale, but all bottles or containers so filled shall be
13 sealed, labeled, stamped, and otherwise made to comply with all
14 provisions, rules, and regulations governing manufacturers in
15 the preparation and bottling of beer and wine. The beer and
16 wine importing distributor's license shall permit the licensee
17 to purchase beer and wine from Illinois licensed non-resident
18 dealers and foreign importers only.

19 (d) A retailer's license shall allow the licensee to sell
20 and offer for sale at retail, only in the premises specified in
21 such license, alcoholic liquor for use or consumption, but not
22 for resale in any form: Provided that any retail license issued
23 to a manufacturer shall only permit such manufacturer to sell
24 beer at retail on the premises actually occupied by such
25 manufacturer.

26 After January 1, 1995 there shall be 2 classes of licenses
27 issued under a retailers license.

28 (1) A "retailers on premise consumption license" shall
29 allow the licensee to sell and offer for sale at retail,
30 only on the premises specified in the license, alcoholic
31 liquor for use or consumption on the premises or on and off
32 the premises, but not for resale in any form.

33 (2) An "off premise sale license" shall allow the
34 licensee to sell, or offer for sale at retail, alcoholic
35 liquor intended only for off premise consumption and not
36 for resale in any form.

1 Notwithstanding any other provision of this subsection
2 (d), a retail licensee may sell alcoholic liquors to a special
3 event retailer licensee for resale to the extent permitted
4 under subsection (e).

5 (e) A special event retailer's license (not-for-profit)
6 shall permit the licensee to purchase alcoholic liquors from an
7 Illinois licensed distributor or beer and wine distributor
8 (unless the licensee purchases less than \$500 of alcoholic
9 liquors for the special event, in which case the licensee may
10 purchase the alcoholic liquors from a licensed retailer) and
11 shall allow the licensee to sell and offer for sale, at retail,
12 alcoholic liquors for use or consumption, but not for resale in
13 any form and only at the location and on the specific dates
14 designated for the special event in the license. An applicant
15 for a special event retailer license must (i) furnish with the
16 application: (A) a resale number issued under Section 2c of the
17 Retailers' Occupation Tax Act or evidence that the applicant is
18 registered under Section 2a of the Retailers' Occupation Tax
19 Act, (B) a current, valid exemption identification number
20 issued under Section 1g of the Retailers' Occupation Tax Act,
21 and a certification to the Commission that the purchase of
22 alcoholic liquors will be a tax-exempt purchase, or (C) a
23 statement that the applicant is not registered under Section 2a
24 of the Retailers' Occupation Tax Act, does not hold a resale
25 number under Section 2c of the Retailers' Occupation Tax Act,
26 and does not hold an exemption number under Section 1g of the
27 Retailers' Occupation Tax Act, in which event the Commission
28 shall set forth on the special event retailer's license a
29 statement to that effect; (ii) submit with the application
30 proof satisfactory to the State Commission that the applicant
31 will provide dram shop liability insurance in the maximum
32 limits; and (iii) show proof satisfactory to the State
33 Commission that the applicant has obtained local authority
34 approval.

35 (f) A railroad license shall permit the licensee to import
36 alcoholic liquors into this State from any point in the United

1 States outside this State and to store such alcoholic liquors
2 in this State; to make wholesale purchases of alcoholic liquors
3 directly from manufacturers, foreign importers, distributors
4 and importing distributors from within or outside this State;
5 to make wholesale purchases of beer and wine directly from beer
6 and wine distributors and beer and wine importing distributors
7 from within or outside this State; and to store such alcoholic
8 liquors in this State; provided that the above powers may be
9 exercised only in connection with the importation, purchase or
10 storage of alcoholic liquors to be sold or dispensed on a club,
11 buffet, lounge or dining car operated on an electric, gas or
12 steam railway in this State; and provided further, that
13 railroad licensees exercising the above powers shall be subject
14 to all provisions of Article VIII of this Act as applied to
15 importing distributors and beer and wine importing
16 distributors. A railroad license shall also permit the licensee
17 to sell or dispense alcoholic liquors on any club, buffet,
18 lounge or dining car operated on an electric, gas or steam
19 railway regularly operated by a common carrier in this State,
20 but shall not permit the sale for resale of any alcoholic
21 liquors to any licensee within this State. A license shall be
22 obtained for each car in which such sales are made.

23 (g) A boat license shall allow the sale of alcoholic liquor
24 in individual drinks, on any passenger boat regularly operated
25 as a common carrier on navigable waters in this State or on any
26 riverboat operated under the Riverboat Gambling Act, which boat
27 or riverboat maintains a public dining room or restaurant
28 thereon.

29 (h) A non-beverage user's license shall allow the licensee
30 to purchase alcoholic liquor from a licensed manufacturer or
31 importing distributor, without the imposition of any tax upon
32 the business of such licensed manufacturer or importing
33 distributor as to such alcoholic liquor to be used by such
34 licensee solely for the non-beverage purposes set forth in
35 ~~subsection (a) of Section 8-1 of this Act,~~ and such licenses
36 shall be divided and classified and shall permit the purchase,

1 possession and use of limited and stated quantities of
2 alcoholic liquor as follows:

- 3 Class 1, not to exceed 500 gallons
- 4 Class 2, not to exceed 1,000 gallons
- 5 Class 3, not to exceed 5,000 gallons
- 6 Class 4, not to exceed10,000 gallons
- 7 Class 5, not to exceed50,000 gallons

8 (i) A wine-maker's premises license shall allow a licensee
 9 that concurrently holds a first-class wine-maker's license to
 10 sell and offer for sale at retail in the premises specified in
 11 such license not more than 50,000 gallons of the first-class
 12 wine-maker's wine that is made at the first-class wine-maker's
 13 licensed premises per year for use or consumption, but not for
 14 resale in any form. A wine-maker's premises license shall allow
 15 a licensee who concurrently holds a second-class wine-maker's
 16 license to sell and offer for sale at retail in the premises
 17 specified in such license up to 100,000 gallons of the
 18 second-class wine-maker's wine that is made at the second-class
 19 wine-maker's licensed premises per year for use or consumption
 20 but not for resale in any form. Upon approval from the State
 21 Commission, a wine-maker's premises license shall allow the
 22 licensee to sell and offer for sale at (i) the wine-maker's
 23 licensed premises and (ii) at up to 2 additional locations for
 24 use and consumption and not for resale. Each location shall
 25 require additional licensing per location as specified in
 26 Section 5-3 of this Act.

27 (j) An airplane license shall permit the licensee to import
 28 alcoholic liquors into this State from any point in the United
 29 States outside this State and to store such alcoholic liquors
 30 in this State; to make wholesale purchases of alcoholic liquors
 31 directly from manufacturers, foreign importers, distributors
 32 and importing distributors from within or outside this State;
 33 to make wholesale purchases of beer and wine directly from beer
 34 and wine distributors and beer and wine importing distributors
 35 and to store such alcoholic liquors in this State; provided
 36 that the above powers may be exercised only in connection with

1 the importation, purchase or storage of alcoholic liquors to be
2 sold or dispensed on an airplane; and provided further, that
3 airplane licensees exercising the above powers shall be subject
4 to all provisions of Article VIII of this Act as applied to
5 importing distributors and beer and wine importing
6 distributors. An airplane licensee shall also permit the sale
7 or dispensing of alcoholic liquors on any passenger airplane
8 regularly operated by a common carrier in this State, but shall
9 not permit the sale for resale of any alcoholic liquors to any
10 licensee within this State. A single airplane license shall be
11 required of an airline company if liquor service is provided on
12 board aircraft in this State. The annual fee for such license
13 shall be as determined in Section 5-3.

14 (k) A foreign importer's license shall permit such licensee
15 to purchase alcoholic liquor from Illinois licensed
16 non-resident dealers only, and to import alcoholic liquor other
17 than in bulk from any point outside the United States and to
18 sell such alcoholic liquor to Illinois licensed importing
19 distributors and beer and wine importing distributors and to no
20 one else in Illinois; provided that the foreign importer
21 registers with the State Commission every brand of alcoholic
22 liquor that it proposes to sell to Illinois licensees during
23 the license period and provided further that the foreign
24 importer complies with all of the provisions of Section 6-9 of
25 this Act with respect to registration of such Illinois
26 licensees as may be granted the right to sell such brands at
27 wholesale.

28 (l) (i) A broker's license shall be required of all persons
29 who solicit orders for, offer to sell or offer to supply
30 alcoholic liquor to retailers in the State of Illinois, or who
31 offer to retailers to ship or cause to be shipped or to make
32 contact with distillers, rectifiers, brewers or manufacturers
33 or any other party within or without the State of Illinois in
34 order that alcoholic liquors be shipped to a distributor,
35 importing distributor, beer and wine importing distributor,
36 beer and wine distributor, or foreign importer, whether such

1 solicitation or offer is consummated within or without the
2 State of Illinois.

3 No holder of a retailer's license issued by the Illinois
4 Liquor Control Commission shall purchase or receive any
5 alcoholic liquor, the order for which was solicited or offered
6 for sale to such retailer by a broker unless the broker is the
7 holder of a valid broker's license.

8 The broker shall, upon the acceptance by a retailer of the
9 broker's solicitation of an order or offer to sell or supply or
10 deliver or have delivered alcoholic liquors, promptly forward
11 to the Illinois Liquor Control Commission a notification of
12 said transaction in such form as the Commission may by
13 regulations prescribe.

14 (ii) A broker's license shall be required of a person
15 within this State, other than a retail licensee, who, for a fee
16 or commission, promotes, solicits, or accepts orders for
17 alcoholic liquor, for use or consumption and not for resale, to
18 be shipped from this State and delivered to residents outside
19 of this State by an express company, common carrier, or
20 contract carrier. This Section does not apply to any person who
21 promotes, solicits, or accepts orders for wine as specifically
22 authorized in Section 6-29 of this Act.

23 A broker's license under this subsection (1) shall not
24 entitle the holder to buy or sell any alcoholic liquors for his
25 own account or to take or deliver title to such alcoholic
26 liquors.

27 This subsection (1) shall not apply to distributors, beer
28 and wine importing distributors, employees of distributors or
29 beer and wine importing distributors, or employees of a
30 manufacturer who has registered the trademark, brand or name of
31 the alcoholic liquor pursuant to Section 6-9 of this Act, and
32 who regularly sells such alcoholic liquor in the State of
33 Illinois only to its registrants thereunder.

34 Any agent, representative, or person subject to
35 registration pursuant to subsection (a-1) of this Section shall
36 not be eligible to receive a broker's license.

1 (m) A non-resident dealer's license shall permit such
2 licensee to ship into and warehouse alcoholic liquor into this
3 State from any point outside of this State, and to sell such
4 alcoholic liquor to Illinois licensed foreign importers, ~~and~~
5 importing distributors, beer and wine importing distributors
6 and to no one else in this State; provided that said
7 non-resident dealer shall register with the Illinois Liquor
8 Control Commission each and every brand of alcoholic liquor
9 which it proposes to sell to Illinois licensees during the
10 license period; and further provided that it shall comply with
11 all of the provisions of Section 6-9 hereof with respect to
12 registration of such Illinois licensees as may be granted the
13 right to sell such brands at wholesale.

14 (n) A brew pub license shall allow the licensee to
15 manufacture beer only on the premises specified in the license,
16 to make sales of the beer manufactured on the premises to
17 importing distributors, beer and wine importing distributors,
18 distributors, beer and wine distributors, and to non-licensees
19 for use and consumption, to store the beer upon the premises,
20 and to sell and offer for sale at retail from the licensed
21 premises, provided that a brew pub licensee shall not sell for
22 off-premises consumption more than 50,000 gallons per year.

23 (o) A caterer retailer license shall allow the holder to
24 serve alcoholic liquors as an incidental part of a food service
25 that serves prepared meals which excludes the serving of snacks
26 as the primary meal, either on or off-site whether licensed or
27 unlicensed.

28 (p) An auction liquor license shall allow the licensee to
29 sell and offer for sale at auction wine and spirits for use or
30 consumption, or for resale by an Illinois liquor licensee in
31 accordance with provisions of this Act. An auction liquor
32 license will be issued to a person and it will permit the
33 auction liquor licensee to hold the auction anywhere in the
34 State. An auction liquor license must be obtained for each
35 auction at least 14 days in advance of the auction date.

36 (q) A special use permit license shall allow an Illinois

1 licensed retailer to transfer a portion of its alcoholic liquor
 2 inventory from its retail licensed premises to the premises
 3 specified in the license hereby created, and to sell or offer
 4 for sale at retail, only in the premises specified in the
 5 license hereby created, the transferred alcoholic liquor for
 6 use or consumption, but not for resale in any form. A special
 7 use permit license may be granted for the following time
 8 periods: one day or less; 2 or more days to a maximum of 15 days
 9 per location in any 12 month period. An applicant for the
 10 special use permit license must also submit with the
 11 application proof satisfactory to the State Commission that the
 12 applicant will provide dram shop liability insurance to the
 13 maximum limits and have local authority approval.

14 (Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02;
 15 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff.
 16 7-16-02.)

17 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

18 Sec. 5-3. License fees. Except as otherwise provided
 19 herein, at the time application is made to the State Commission
 20 for a license of any class, the applicant shall pay to the
 21 State Commission the fee hereinafter provided for the kind of
 22 license applied for.

23 The fee for licenses issued by the State Commission shall
 24 be as follows:

25 For a manufacturer's license:

26	Class 1. Distiller	\$3,600
27	Class 2. Rectifier	3,600
28	Class 3. Brewer	900
29	Class 4. First-class Wine Manufacturer	600
30	Class 5. Second-class	
31	Wine Manufacturer	1,200
32	Class 6. First-class wine-maker	600
33	Class 7. Second-class wine-maker	1200
34	Class 8. Limited Wine Manufacturer	120
35	For a Brew Pub License	1,050

1	For a caterer retailer's license	200
2	For a foreign importer's license	25
3	For an importing distributor's license	25
4	<u>For a beer and wine importing</u>	
5	<u>distributor's license</u>	<u>25</u>
6	For a distributor's license	270
7	<u>For a beer and wine</u>	
8	<u>distributor's license</u>	<u>250</u>
9	For a non-resident dealer's license	
10	(500,000 gallons or over)	270
11	For a non-resident dealer's license	
12	(under 500,000 gallons)	90
13	For a wine-maker's premises license	100
14	For a wine-maker's premises license,	
15	second location	350
16	For a wine-maker's premises license,	
17	third location	350
18	For a retailer's license	500
19	For a special event retailer's license,	
20	(not-for-profit)	25
21	For a special use permit license,	
22	one day only	50
23	2 days or more	100
24	For a railroad license	60
25	For a boat license	180
26	For an airplane license, times the	
27	licensee's maximum number of aircraft	
28	in flight, serving liquor over the	
29	State at any given time, which either	
30	originate, terminate, or make	
31	an intermediate stop in the State	60
32	For a non-beverage user's license:	
33	Class 1	24
34	Class 2	60
35	Class 3	120
36	Class 4	240

1	Class 5	600
2	For a broker's license	600
3	For an auction liquor license	50

4 Fees collected under this Section shall be paid into the
5 Dram Shop Fund. On and after July 1, 2003, of the funds
6 received for a retailer's license, in addition to the first
7 \$175, an additional \$75 shall be paid into the Dram Shop Fund,
8 and \$250 shall be paid into the General Revenue Fund. Beginning
9 June 30, 1990 and on June 30 of each subsequent year through
10 June 29, 2003, any balance over \$5,000,000 remaining in the
11 Dram Shop Fund shall be credited to State liquor licensees and
12 applied against their fees for State liquor licenses for the
13 following year. The amount credited to each licensee shall be a
14 proportion of the balance in the Dram Fund that is the same as
15 the proportion of the license fee paid by the licensee under
16 this Section for the period in which the balance was
17 accumulated to the aggregate fees paid by all licensees during
18 that period.

19 No fee shall be paid for licenses issued by the State
20 Commission to the following non-beverage users:

21 (a) Hospitals, sanitariums, or clinics when their use
22 of alcoholic liquor is exclusively medicinal, mechanical
23 or scientific.

24 (b) Universities, colleges of learning or schools when
25 their use of alcoholic liquor is exclusively medicinal,
26 mechanical or scientific.

27 (c) Laboratories when their use is exclusively for the
28 purpose of scientific research.

29 (Source: P.A. 92-378, eff. 8-16-01; 93-22, eff. 6-20-03.)

30 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

31 Sec. 6-4. (a) No person licensed by any licensing authority
32 as a distiller, or a wine manufacturer, or any subsidiary or
33 affiliate thereof, or any officer, associate, member, partner,
34 representative, employee, agent or shareholder owning more
35 than 5% of the outstanding shares of such person shall be

1 issued an importing distributor's, beer and wine importing
2 distributor's, ~~or~~ distributor's, or beer and wine
3 distributor's license, nor shall any person licensed by any
4 licensing authority as an importing distributor, beer and wine
5 importing distributor, distributor, beer and wine distributor,
6 or retailer, or any subsidiary or affiliate thereof, or any
7 officer or associate, member, partner, representative,
8 employee, agent or shareholder owning more than 5% of the
9 outstanding shares of such person be issued a distiller's
10 license or a wine manufacturer's license; and no person or
11 persons licensed as a distiller by any licensing authority
12 shall have any interest, directly or indirectly, with such
13 distributor, beer and wine importing distributor, ~~or~~ importing
14 distributor, or beer and wine distributor.

15 However, an importing distributor or distributor, which on
16 January 1, 1985 is owned by a brewer, or any subsidiary or
17 affiliate thereof or any officer, associate, member, partner,
18 representative, employee, agent or shareholder owning more
19 than 5% of the outstanding shares of the importing distributor
20 or distributor referred to in this paragraph, may own or
21 acquire an ownership interest of more than 5% of the
22 outstanding shares of a wine manufacturer and be issued a wine
23 manufacturer's license by any licensing authority.

24 (b) The foregoing provisions shall not apply to any person
25 licensed by any licensing authority as a distiller or wine
26 manufacturer, or to any subsidiary or affiliate of any
27 distiller or wine manufacturer who shall have been heretofore
28 licensed by the State Commission as either an importing
29 distributor or distributor during the annual licensing period
30 expiring June 30, 1947, and shall actually have made sales
31 regularly to retailers.

32 (c) Provided, however, that in such instances where a
33 distributor's or importing distributor's license has been
34 issued to any distiller or wine manufacturer or to any
35 subsidiary or affiliate of any distiller or wine manufacturer
36 who has, during the licensing period ending June 30, 1947, sold

1 or distributed as such licensed distributor or importing
2 distributor alcoholic liquors and wines to retailers, such
3 distiller or wine manufacturer or any subsidiary or affiliate
4 of any distiller or wine manufacturer holding such
5 distributor's or importing distributor's license may continue
6 to sell or distribute to retailers such alcoholic liquors and
7 wines which are manufactured, distilled, processed or marketed
8 by distillers and wine manufacturers whose products it sold or
9 distributed to retailers during the whole or any part of its
10 licensing periods; and such additional brands and additional
11 products may be added to the line of such distributor or
12 importing distributor, provided, that such brands and such
13 products were not sold or distributed by any distributor or
14 importing distributor licensed by the State Commission during
15 the licensing period ending June 30, 1947, but can not sell or
16 distribute to retailers any other alcoholic liquors or wines.

17 (d) It shall be unlawful for any distiller licensed
18 anywhere to have any stock ownership or interest in any
19 distributor's or importing distributor's license wherein any
20 other person has an interest therein who is not a distiller and
21 does not own more than 5% of any stock in any distillery.
22 Nothing herein contained shall apply to such distillers or
23 their subsidiaries or affiliates, who had a distributor's or
24 importing distributor's license during the licensing period
25 ending June 30, 1947, which license was owned in whole by such
26 distiller, or subsidiaries or affiliates of such distiller.

27 (e) Any person having been licensed as a manufacturer shall
28 be permitted to receive one retailer's license for the premises
29 in which he actually conducts such business, permitting the
30 sale of beer only on such premises, but no such person shall be
31 entitled to more than one retailer's license in any event, and,
32 other than a manufacturer of beer as stated above, no
33 manufacturer or distributor, beer and wine distributor, ~~or~~
34 importing distributor, or beer and wine importing distributor,
35 excluding airplane licensees exercising powers provided in
36 paragraph (i) of Section 5-1 of this Act, or any subsidiary or

1 affiliate thereof, or any officer, associate, member, partner,
2 representative, employee or agent, or shareholder shall be
3 issued a retailer's license, nor shall any person having a
4 retailer's license, excluding airplane licensees exercising
5 powers provided in paragraph (i) of Section 5-1 of this Act, or
6 any subsidiary or affiliate thereof, or any officer, associate,
7 member, partner, representative or agent, or shareholder be
8 issued a manufacturer's license, importing distributor's
9 license, or beer and wine importing distributor's license.

10 (f) However, the foregoing prohibitions against any person
11 licensed as a distiller or wine manufacturer being issued a
12 retailer's license shall not apply:

13 (i) to any hotel, motel or restaurant whose principal
14 business is not the sale of alcoholic liquors if said
15 retailer's sales of any alcoholic liquors manufactured,
16 sold, distributed or controlled, directly or indirectly,
17 by any affiliate, subsidiary, officer, associate, member,
18 partner, representative, employee, agent or shareholder
19 owning more than 5% of the outstanding shares of such
20 person does not exceed 10% of the total alcoholic liquor
21 sales of said retail licensee; and

22 (ii) where the Commission determines, having
23 considered the public welfare, the economic impact upon the
24 State and the entirety of the facts and circumstances
25 involved, that the purpose and intent of this Section would
26 not be violated by granting an exemption.

27 (g) Notwithstanding any of the foregoing prohibitions, a
28 limited wine manufacturer may sell at retail at its
29 manufacturing site for on or off premises consumption and may
30 sell to distributors and beer and wine distributors.

31 (Source: P.A. 86-858.)

32 (235 ILCS 5/6-5) (from Ch. 43, par. 122)

33 Sec. 6-5. Except as otherwise provided in this Section, it
34 is unlawful for any person having a retailer's license or any
35 officer, associate, member, representative or agent of such

1 licensee to accept, receive or borrow money, or anything else
2 of value, or accept or receive credit (other than merchandising
3 credit in the ordinary course of business for a period not to
4 exceed 30 days) directly or indirectly from any manufacturer,
5 importing distributor, beer and wine importing distributor, ~~or~~
6 distributor, or beer and wine distributor of alcoholic liquor,
7 or from any person connected with or in any way representing,
8 or from any member of the family of, such manufacturer,
9 importing distributor, beer and wine importing distributor,
10 distributor, beer and wine distributor, or wholesaler, or from
11 any stockholders in any corporation engaged in manufacturing,
12 distributing or wholesaling of such liquor, or from any
13 officer, manager, agent or representative of said
14 manufacturer. Except as provided below, it is unlawful for any
15 manufacturer, ~~or~~ distributor, beer and wine distributor, ~~or~~
16 importing distributor, or beer and wine importing distributor
17 to give or lend money or anything of value, or otherwise loan
18 or extend credit (except such merchandising credit) directly or
19 indirectly to any retail licensee or to the manager,
20 representative, agent, officer or director of such licensee. A
21 manufacturer, distributor, beer and wine distributor, ~~or~~
22 importing distributor, or beer and wine importing distributor
23 may furnish free advertising, posters, signs, brochures,
24 hand-outs, or other promotional devices or materials to any
25 unit of government owning or operating any auditorium,
26 exhibition hall, recreation facility or other similar facility
27 holding a retailer's license, provided that the primary purpose
28 of such promotional devices or materials is to promote public
29 events being held at such facility. A unit of government owning
30 or operating such a facility holding a retailer's license may
31 accept such promotional devices or materials designed
32 primarily to promote public events held at the facility. No
33 retail licensee delinquent beyond the 30 day period specified
34 in this Section shall solicit, accept or receive credit,
35 purchase or acquire alcoholic liquors, directly or indirectly
36 from any other licensee, and no manufacturer, distributor, beer

1 and wine distributor, ~~or~~ importing distributor, or beer and
2 wine importing distributor shall knowingly grant or extend
3 credit, sell, furnish or supply alcoholic liquors to any such
4 delinquent retail licensee; provided that the purchase price of
5 all beer sold to a retail licensee shall be paid by the retail
6 licensee in cash on or before delivery of the beer, and unless
7 the purchase price payable by a retail licensee for beer sold
8 to him in returnable bottles shall expressly include a charge
9 for the bottles and cases, the retail licensee shall, on or
10 before delivery of such beer, pay the seller in cash a deposit
11 in an amount not less than the deposit required to be paid by
12 the distributor or beer and wine distributor to the brewer; but
13 where the brewer sells direct to the retailer, the deposit
14 shall be an amount no less than that required by the brewer
15 from his own distributors or beer and wine distributors; and
16 provided further, that in no instance shall this deposit be
17 less than 50 cents for each case of beer in pint or smaller
18 bottles and 60 cents for each case of beer in quart or
19 half-gallon bottles; and provided further, that the purchase
20 price of all beer sold to an importing distributor, beer and
21 wine importing distributor, ~~or~~ distributor, or beer and wine
22 distributor shall be paid by such importing distributor, beer
23 and wine importing distributor, ~~or~~ distributor, or beer and
24 wine distributor in cash on or before the 15th day (Sundays and
25 holidays excepted) after delivery of such beer to such
26 purchaser; and unless the purchase price payable by such
27 importing distributor, beer and wine importing distributor, ~~or~~
28 distributor, or beer and wine distributor for beer sold in
29 returnable bottles and cases shall expressly include a charge
30 for the bottles and cases, such importing distributor, beer and
31 wine importing distributor, ~~or~~ distributor, or beer and wine
32 distributor shall, on or before the 15th day (Sundays and
33 holidays excepted) after delivery of such beer to such
34 purchaser, pay the seller in cash a required amount as a
35 deposit to assure the return of such bottles and cases. Nothing
36 herein contained shall prohibit any licensee from crediting or

1 refunding to a purchaser the actual amount of money paid for
2 bottles, cases, kegs or barrels returned by the purchaser to
3 the seller or paid by the purchaser as a deposit on bottles,
4 cases, kegs or barrels, when such containers or packages are
5 returned to the seller. Nothing herein contained shall prohibit
6 any manufacturer, importing distributor, beer and wine
7 importing distributor, ~~or~~ distributor, or beer and wine
8 distributor from extending usual and customary credit for
9 alcoholic liquor sold to customers or purchasers who live in or
10 maintain places of business outside of this State when such
11 alcoholic liquor is actually transported and delivered to such
12 points outside of this State.

13 No right of action shall exist for the collection of any
14 claim based upon credit extended to a distributor, beer and
15 wine distributor, importing distributor, beer and wine
16 importing distributor, or retail licensee contrary to the
17 provisions of this Section.

18 Every manufacturer, importing distributor, beer and wine
19 importing distributor, ~~and~~ distributor, and beer and wine
20 distributor shall submit or cause to be submitted, to the State
21 Commission, in triplicate, not later than Thursday of each
22 calendar week, a verified written list of the names and
23 respective addresses of each retail licensee purchasing
24 spirits or wine from such manufacturer, importing distributor,
25 beer and wine importing distributor, ~~or~~ distributor, or beer
26 and wine distributor who, on the first business day of that
27 calendar week, was delinquent beyond the above mentioned
28 permissible merchandising credit period of 30 days; or, if such
29 is the fact, a verified written statement that no retail
30 licensee purchasing spirits or wine was then delinquent beyond
31 such permissible merchandising credit period of 30 days.

32 Every manufacturer, importing distributor, beer and wine
33 importing distributor, ~~and~~ distributor, and beer and wine
34 distributor shall submit or cause to be submitted, to the State
35 Commission, in triplicate, a verified written list of the names
36 and respective addresses of each previously reported

1 delinquent retail licensee who has cured such delinquency by
2 payment, which list shall be submitted not later than the close
3 of the second full business day following the day such
4 delinquency was so cured.

5 Such written verified reports required to be submitted by
6 this Section shall be posted by the State Commission in each of
7 its offices in places available for public inspection not later
8 than the day following receipt thereof by the Commission. The
9 reports so posted shall constitute notice to every
10 manufacturer, importing distributor, beer and wine importing
11 distributor, and distributor, and beer and wine distributor of
12 the information contained therein. Actual notice to
13 manufacturers, importing distributors, beer and wine importing
14 distributors, and distributors, and beer and wine distributors
15 of the information contained in any such posted reports,
16 however received, shall also constitute notice of such
17 information.

18 The 30 day merchandising credit period allowed by this
19 Section shall commence with the day immediately following the
20 date of invoice and shall include all successive days including
21 Sundays and holidays to and including the 30th successive day.

22 In addition to other methods allowed by law, payment by
23 check during the period for which merchandising credit may be
24 extended under the provisions of this Section shall be
25 considered payment. All checks received in payment for
26 alcoholic liquor shall be promptly deposited for collection. A
27 post dated check or a check dishonored on presentation for
28 payment shall not be deemed payment.

29 A retail licensee shall not be deemed to be delinquent in
30 payment for any alleged sale to him of alcoholic liquor when
31 there exists a bona fide dispute between such retailer and a
32 manufacturer, importing distributor, beer and wine importing
33 distributor, or distributor, or beer and wine distributor with
34 respect to the amount of indebtedness existing because of such
35 alleged sale.

36 A delinquent retail licensee who engages in the retail

1 liquor business at 2 or more locations shall be deemed to be
2 delinquent with respect to each such location.

3 The license of any person who violates any provision of
4 this Section shall be subject to suspension or revocation in
5 the manner provided by this Act.

6 If any part or provision of this Article or the application
7 thereof to any person or circumstances shall be adjudged
8 invalid by a court of competent jurisdiction, such judgment
9 shall be confined by its operation to the controversy in which
10 it was mentioned and shall not affect or invalidate the
11 remainder of this Article or the application thereof to any
12 other person or circumstance and to this and the provisions of
13 this Article are declared severable.

14 (Source: P.A. 83-762.)

15 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

16 Sec. 6-6. Except as otherwise provided in this Act no
17 manufacturer, ~~or~~ distributor, beer and wine distributor, ~~or~~
18 importing distributor, or beer and wine importing distributor
19 shall, directly, or indirectly, sell, supply, furnish, give or
20 pay for, or loan or lease, any furnishing, fixture or equipment
21 on the premises of a place of business of another licensee
22 authorized under this Act to sell alcoholic liquor at retail,
23 either for consumption on or off the premises, nor shall he or
24 she directly or indirectly, pay for any such license, or
25 advance, furnish, lend or give money for payment of such
26 license, or purchase or become the owner of any note, mortgage,
27 or other evidence of indebtedness of such licensee or any form
28 of security therefor, nor shall such manufacturer, ~~or~~
29 distributor, beer and wine distributor, ~~or~~ importing
30 distributor, or beer and wine importing distributor, directly
31 or indirectly, be interested in the ownership, conduct or
32 operation of the business of any licensee authorized to sell
33 alcoholic liquor at retail, nor shall any manufacturer, ~~or~~
34 distributor, beer and wine distributor, ~~or~~ importing
35 distributor, or beer and wine importing distributor be

1 interested directly or indirectly or as owner or part owner of
2 said premises or as lessee or lessor thereof, in any premises
3 upon which alcoholic liquor is sold at retail.

4 No manufacturer, ~~or~~ distributor, beer and wine
5 distributor, or importing distributor, or beer and wine
6 importing distributor shall, directly or indirectly or through
7 a subsidiary or affiliate, or by any officer, director or firm
8 of such manufacturer, distributor, beer and wine distributor,
9 ~~or~~ importing distributor, or beer and wine importing
10 distributor furnish, give, lend or rent, install, repair or
11 maintain, to or for any retail licensee in this State, any
12 signs or inside advertising materials except as provided in
13 this Section and Section 6-5. With respect to retail licensees,
14 other than any government owned or operated auditorium,
15 exhibition hall, recreation facility or other similar facility
16 holding a retailer's license as described in Section 6-5, a
17 manufacturer, distributor, beer and wine distributor, or
18 importing distributor, or beer and wine importing distributor
19 may furnish, give, lend or rent and erect, install, repair and
20 maintain to or for any retail licensee, for use at any one time
21 in or about or in connection with a retail establishment on
22 which the products of the manufacturer, distributor, beer and
23 wine distributor, or importing distributor, or beer and wine
24 importing distributor are sold, the following signs and inside
25 advertising materials as authorized in subparts (i), (ii),
26 (iii), and (iv):

27 (i) Permanent outside signs shall be limited to one
28 outside sign, per brand, in place and in use at any one
29 time, costing not more than \$893, exclusive of erection,
30 installation, repair and maintenance costs, and permit
31 fees and shall bear only the manufacturer's name, brand
32 name, trade name, slogans, markings, trademark, or other
33 symbols commonly associated with and generally used in
34 identifying the product including, but not limited to,
35 "cold beer", "on tap", "carry out", and "packaged liquor".

36 (ii) Temporary outside signs shall be limited to one

1 temporary outside sign per brand. Examples of temporary
2 outside signs are banners, flags, pennants, streamers, and
3 other items of a temporary and non-permanent nature. Each
4 temporary outside sign must include the manufacturer's
5 name, brand name, trade name, slogans, markings,
6 trademark, or other symbol commonly associated with and
7 generally used in identifying the product. Temporary
8 outside signs may also include, for example, the product,
9 price, packaging, date or dates of a promotion and an
10 announcement of a retail licensee's specific sponsored
11 event, if the temporary outside sign is intended to promote
12 a product, and provided that the announcement of the retail
13 licensee's event and the product promotion are held
14 simultaneously. However, temporary outside signs may not
15 include names, slogans, markings, or logos that relate to
16 the retailer. Nothing in this subpart (ii) shall prohibit a
17 distributor, beer and wine distributor, ~~or~~ importing
18 distributor, or beer and wine importing distributor from
19 bearing the cost of creating or printing a temporary
20 outside sign for the retail licensee's specific sponsored
21 event or from bearing the cost of creating or printing a
22 temporary sign for a retail licensee containing, for
23 example, community goodwill expressions, regional sporting
24 event announcements, or seasonal messages, provided that
25 the primary purpose of the temporary outside sign is to
26 highlight, promote, or advertise the product. In addition,
27 temporary outside signs provided by the manufacturer to the
28 distributor, beer and wine distributor, ~~or~~ importing
29 distributor, or beer and wine importing distributor may
30 also include, for example, subject to the limitations of
31 this Section, preprinted community goodwill expressions,
32 sporting event announcements, seasonal messages, and
33 manufacturer promotional announcements. However, a
34 distributor, beer and wine distributor, ~~or~~ importing
35 distributor, or beer and wine importing distributor shall
36 not bear the cost of such manufacturer preprinted signs.

1 (iii) Permanent inside signs, whether visible from the
2 outside or the inside of the premises, include, but are not
3 limited to: alcohol lists and menus that may include names,
4 slogans, markings, or logos that relate to the retailer;
5 neons; illuminated signs; clocks; table lamps; mirrors;
6 tap handles; decalcomanias; window painting; and window
7 trim. All permanent inside signs in place and in use at any
8 one time shall cost in the aggregate not more than \$2000
9 per manufacturer. A permanent inside sign must include the
10 manufacturer's name, brand name, trade name, slogans,
11 markings, trademark, or other symbol commonly associated
12 with and generally used in identifying the product.
13 However, permanent inside signs may not include names,
14 slogans, markings, or logos that relate to the retailer.
15 For the purpose of this subpart (iii), all permanent inside
16 signs may be displayed in an adjacent courtyard or patio
17 commonly referred to as a "beer garden" that is a part of
18 the retailer's licensed premises.

19 (iv) Temporary inside signs shall include, but are not
20 limited to, lighted chalk boards, acrylic table tent
21 beverage or hors d'oeuvre list holders, banners, flags,
22 pennants, streamers, and inside advertising materials such
23 as posters, placards, bowling sheets, table tents, inserts
24 for acrylic table tent beverage or hors d'oeuvre list
25 holders, sports schedules, or similar printed or
26 illustrated materials; however, such items, for example,
27 as coasters, trays, napkins, glassware and cups shall not
28 be deemed to be inside signs or advertising materials and
29 may only be sold to retailers. All temporary inside signs
30 and inside advertising materials in place and in use at any
31 one time shall cost in the aggregate not more than \$325 per
32 manufacturer. Nothing in this subpart (iv) prohibits a
33 distributor, beer and wine distributor, ~~or~~ importing
34 distributor, or beer and wine importing distributor from
35 paying the cost of printing or creating any temporary
36 inside banner or inserts for acrylic table tent beverage or

1 hors d'oeuvre list holders for a retail licensee, provided
2 that the primary purpose for the banner or insert is to
3 highlight, promote, or advertise the product. For the
4 purpose of this subpart (iv), all temporary inside signs
5 and inside advertising materials may be displayed in an
6 adjacent courtyard or patio commonly referred to as a "beer
7 garden" that is a part of the retailer's licensed premises.

8 A "cost adjustment factor" shall be used to periodically
9 update the dollar limitations prescribed in subparts (i),
10 (iii), and (iv). The Commission shall establish the adjusted
11 dollar limitation on an annual basis beginning in January,
12 1997. The term "cost adjustment factor" means a percentage
13 equal to the change in the Bureau of Labor Statistics Consumer
14 Price Index or 5%, whichever is greater. The restrictions
15 contained in this Section 6-6 do not apply to signs, or
16 promotional or advertising materials furnished by
17 manufacturers, distributors, beer and wine distributors, ~~or~~
18 importing distributors, or beer and wine importing
19 distributors to a government owned or operated facility holding
20 a retailer's license as described in Section 6-5.

21 No distributor, beer and wine distributor, ~~or~~ importing
22 distributor, or beer and wine importing distributor shall
23 directly or indirectly or through a subsidiary or affiliate, or
24 by any officer, director or firm of such manufacturer,
25 distributor, beer and wine distributor, ~~or~~ importing
26 distributor, or beer and wine importing distributor furnish,
27 give, lend or rent, install, repair or maintain, to or for any
28 retail licensee in this State, any signs or inside advertising
29 materials described in subparts (i), (ii), (iii), or (iv) of
30 this Section except as the agent for or on behalf of a
31 manufacturer, provided that the total cost of any signs and
32 inside advertising materials including but not limited to
33 labor, erection, installation and permit fees shall be paid by
34 the manufacturer whose product or products said signs and
35 inside advertising materials advertise and except as follows:

36 A distributor, beer and wine distributor, ~~or~~ importing

1 distributor, or beer and wine importing distributor may
2 purchase from or enter into a written agreement with a
3 manufacturer or a manufacturer's designated supplier and such
4 manufacturer or the manufacturer's designated supplier may
5 sell or enter into an agreement to sell to a distributor, beer
6 and wine distributor, ~~or~~ importing distributor, or beer and
7 wine importing distributor permitted signs and advertising
8 materials described in subparts (ii), (iii), or (iv) of this
9 Section for the purpose of furnishing, giving, lending,
10 renting, installing, repairing, or maintaining such signs or
11 advertising materials to or for any retail licensee in this
12 State. Any purchase by a distributor, beer and wine
13 distributor, ~~or~~ importing distributor, or beer and wine
14 importing distributor from a manufacturer or a manufacturer's
15 designated supplier shall be voluntary and the manufacturer may
16 not require the distributor, beer and wine distributor, ~~or the~~
17 importing distributor, or beer and wine importing distributor
18 to purchase signs or advertising materials from the
19 manufacturer or the manufacturer's designated supplier.

20 A distributor, beer and wine distributor, ~~or~~ importing
21 distributor, or beer and wine importing distributor shall be
22 deemed the owner of such signs or advertising materials
23 purchased from a manufacturer or a manufacturer's designated
24 supplier.

25 The provisions of Public Act 90-373 concerning signs or
26 advertising materials delivered by a manufacturer to a
27 distributor, beer and wine distributor, ~~or~~ importing
28 distributor, or beer and wine importing distributor shall apply
29 only to signs or advertising materials delivered on or after
30 August 14, 1997.

31 No person engaged in the business of manufacturing,
32 importing or distributing alcoholic liquors shall, directly or
33 indirectly, pay for, or advance, furnish, or lend money for the
34 payment of any license for another. Any licensee who shall
35 permit or assent, or be a party in any way to any violation or
36 infringement of the provisions of this Section shall be deemed

1 guilty of a violation of this Act, and any money loaned
2 contrary to a provision of this Act shall not be recovered
3 back, or any note, mortgage or other evidence of indebtedness,
4 or security, or any lease or contract obtained or made contrary
5 to this Act shall be unenforceable and void.

6 This Section shall not apply to airplane licensees
7 exercising powers provided in paragraph (i) of Section 5-1 of
8 this Act.

9 (Source: P.A. 89-238, eff. 8-4-95; 89-529, eff. 7-19-96;
10 90-373, eff. 8-14-97; 90-432, eff. 1-1-98; 90-655, eff.
11 7-30-98.)

12 (235 ILCS 5/6-6.5)

13 Sec. 6-6.5. Sanitation. A manufacturer, distributor, beer
14 and wine distributor, ~~or~~ importing distributor, or beer and
15 wine importing distributor may sell coil cleaning services to a
16 retail licensee at fair market cost.

17 A manufacturer, distributor, beer and wine distributor, ~~or~~
18 importing distributor, or beer and wine importing distributor
19 may sell dispensing accessories to retail licensees at a price
20 not less than the cost to the manufacturer, distributor, beer
21 and wine distributor, ~~or~~ importing distributor, or beer and
22 wine importing distributor who initially purchased them.
23 Dispensing accessories include, but are not limited to, items
24 such as standards, faucets, cold plates, rods, vents, taps, tap
25 standards, hoses, washers, couplings, gas gauges, vent
26 tongues, shanks, and check valves.

27 Coil cleaning supplies consisting of detergents, cleaning
28 chemicals, brushes, or similar type cleaning devices may be
29 sold at a price not less than the cost to the manufacturer,
30 distributor, beer and wine distributor, ~~or~~ importing
31 distributor, or beer and wine importing distributor.

32 (Source: P.A. 90-432, eff. 1-1-98.)

33 (235 ILCS 5/6-7) (from Ch. 43, par. 124)

34 Sec. 6-7. No manufacturer, ~~or~~ distributor, beer and wine

1 distributor, ~~or~~ importing distributor, beer and wine importing
2 distributor, or foreign importer shall sell or deliver any
3 package containing alcoholic liquor manufactured or
4 distributed by him unless the same shall have affixed thereto
5 all cancelled revenue stamps which may be provided by Federal
6 law, and shall also bear thereon a clear and legible label
7 containing the name and address of the manufacturer, the kind
8 of alcoholic liquor contained therein, and in the case of
9 alcoholic liquor (other than beer and imported Scotch whiskey
10 and brandy 4 years old or more) the date when manufactured and
11 the minimum alcoholic content thereof. No person or persons,
12 corporation, partnership or firm shall label alcoholic liquor
13 as "whiskey" or "gin" or shall import for sale or shall sell in
14 this State alcoholic liquor labeled as "whiskey" or "gin"
15 unless the entire alcoholic content thereof, except flavoring
16 materials, is a distillate of fermented mash of grain or
17 mixture of grains. Alcoholic liquor of the type of whiskey or
18 gin not conforming to this requirement must be labeled
19 "imitation whiskey" or "imitation gin" (as the case may be). No
20 spirits shall contain any substance, compound or ingredient
21 which is injurious to health or deleterious for human
22 consumption. No package shall be delivered by any manufacturer
23 ~~or~~ distributor, beer and wine distributor, ~~or~~ importing
24 distributor, beer and wine importing distributor, or foreign
25 importer unless the same shall be securely sealed so that the
26 contents thereof cannot be removed without breaking the seal so
27 placed thereon by said manufacturer, and no other licensee
28 shall sell, have in his possession, or use any package or
29 container which does not comply with this Section or does not
30 bear evidence that said package, when delivered to him,
31 complied herewith.

32 (Source: P.A. 82-783.)

33 (235 ILCS 5/6-8) (from Ch. 43, par. 125)

34 Sec. 6-8. Each manufacturer, or importing distributor, or
35 beer and wine importing distributor, or foreign importer shall

1 keep an accurate record of all alcoholic liquors manufactured,
2 distributed, sold, used, or delivered by him in this State
3 during each month, showing therein to whom sold, and shall
4 furnish a copy thereof or a report thereon to the State
5 Commission, as the State Commission may, request.

6 Each importing distributor, beer and wine importing
7 distributor, or manufacturer to whom alcoholic liquors
8 imported into this State have been consigned shall effect
9 possession and physical control thereof by storing such
10 alcoholic liquors in the premises wherein such importing
11 distributor, beer and wine importing distributor, or
12 manufacturer is licensed to engage in such business as an
13 importing distributor, beer and wine importing distributor, or
14 manufacturer and to make such alcoholic liquors together with
15 accompanying invoices, bills of lading and receiving tickets
16 available for inspection by an agent or representative of the
17 Department of Revenue and of the State Commission.

18 All alcoholic liquor imported into this State must be
19 off-loaded from the common carrier, vehicle, or mode of
20 transportation by which the alcoholic liquor was delivered into
21 this State. The alcoholic liquor shall be stored at the
22 licensed premises of the importing distributor or beer and wine
23 importing distributor before sale and delivery to licensees in
24 this State. A distributor, beer and wine distributor, ~~or~~
25 importing distributor, or beer and wine importing distributor,
26 upon application to the Commission, may secure a waiver of the
27 provisions of this Section for purposes of delivering beer
28 directly to a licensee holding or otherwise participating in a
29 special event sponsored by a unit of government or a
30 not-for-profit organization.

31 (Source: P.A. 88-535.)

32 (235 ILCS 5/6-9) (from Ch. 43, par. 126)

33 Sec. 6-9. Registration of trade marks; sale within
34 geographical area; delivery to authorized persons. The
35 Legislature hereby finds and declares that for purposes of

1 ensuring the preservation and enhancement of interbrand
2 competition in the alcoholic liquor industry within the State,
3 ensuring that importation and distribution of alcoholic liquor
4 in the State will be subject to thorough and inexpensive
5 monitoring by the State, reducing the importation of illicit or
6 untaxed alcoholic liquor into the State, excluding misbranded
7 alcoholic liquor products from the State, providing incentives
8 to distributors to service and sell to larger numbers of retail
9 licensees in the geographic area where such distributors are
10 engaged in business, and reducing the amount of spoiled and
11 overaged alcoholic liquor products sold to consumers, it is
12 necessary to restrict the purchase of alcoholic liquors at
13 wholesale in the State to those persons selected by the
14 manufacturer, distributor, beer and wine distributor,
15 importing distributor, beer and wine importing distributor, or
16 foreign importer who owns or controls the trade mark, brand or
17 name of the alcoholic liquor products sold to such persons, and
18 to restrict the geographic area or areas within which such
19 persons sell such alcoholic liquor at wholesale, as provided in
20 this Section.

21 Each manufacturer, non-resident dealer, distributor, beer
22 and wine distributor, importing distributor, beer and wine
23 importing distributor, or foreign importer who owns or controls
24 the trade mark, brand or name of any alcoholic liquor shall
25 register with the State Commission, in the Chicago office, on
26 or before the effective date, the name of each person to whom
27 such manufacturer, non-resident dealer, distributor, beer and
28 wine distributor, importing distributor, beer and wine
29 importing distributor, or foreign importer grants the right to
30 sell at wholesale in this State any such alcoholic liquor,
31 specifying the particular trade mark, brand or name of
32 alcoholic liquor as to which such right is granted, the
33 geographical area or areas for which such right is granted and
34 the period of time for which such rights are granted to such
35 person. Each manufacturer, non-resident dealer, distributor,
36 beer and wine distributor, ~~or~~ importing distributor, beer and

1 wine importing distributor, or foreign importer who is required
2 to register under this Section must furnish a copy of the
3 registration statement at the time of appointment to the person
4 who has been granted the right to sell alcoholic liquor at
5 wholesale. However, if a person who has been appointed the
6 right to sell alcoholic liquor at wholesale does not receive a
7 copy of the registration statement as required under this
8 Section, such person may file a registration statement with the
9 State Commission, provided that the person furnishes a copy of
10 that registration statement to the manufacturer, non-resident
11 dealer, distributor, beer and wine distributor, importing
12 distributor, beer and wine importing distributor, or foreign
13 importer within 30 days of filing the registration statement.
14 The registration statement shall state:

15 (1) the name of the person appointed;

16 (2) the name of the manufacturer, non-resident dealer,
17 distributor, beer and wine distributor, importing distributor,
18 beer and wine importing distributor, or foreign importer from
19 whom the person received the right to sell alcoholic liquor;

20 (3) the particular trade mark, brand, or name of alcoholic
21 liquor as to which the right to sell at wholesale is granted;
22 and

23 (4) the geographical areas for which the right to sell at
24 wholesale is granted.

25 Such manufacturer, non-resident dealer, distributor, beer
26 and wine distributor, importing distributor, beer and wine
27 importing distributor, or foreign importer may grant the right
28 to sell at wholesale any trade mark, brand or name of any
29 alcoholic liquor in any geographical area to more than one
30 person. If the registration is received after the effective
31 date, the Commission shall treat the date the registration was
32 received in the Chicago office as the effective date. Such
33 registration shall be made on a form prescribed by the State
34 Commission and the State Commission may require such
35 registration to be on a form provided by it.

36 No such registration shall be made in any other manner than

1 as is provided in this Section and only those persons
2 registered by the manufacturer, non-resident dealer,
3 distributor, beer and wine distributor, importing distributor
4 beer and wine importing distributor, or foreign importer, shall
5 have the right to sell at wholesale in this State, the brand of
6 alcoholic liquor specified on the registration form.

7 However, a licensed Illinois distributor who has not been
8 registered to sell a brand of alcoholic liquor, but for a
9 period of 2 years prior to November 8, 1979 has been engaged in
10 the purchase of a brand for resale from a licensed Illinois
11 distributor who has the right to sell that brand at wholesale,
12 may continue to purchase and resell the brand at wholesale, and
13 may purchase from the same distributor and resell at wholesale
14 any new brands of the same manufacturer, provided that:

15 (1) Within 60 days after November 8, 1979 he identifies
16 the brand which he so purchased to the State Commission and
17 the Commission within 30 days thereafter verifies that the
18 purchases have occurred;

19 (2) Thereafter, he notifies the State Commission in
20 writing of any brands of the same manufacturer which he
21 wishes to purchase from the same distributor that were not
22 available for distribution on or before November 8, 1979,
23 and that the Commission within 30 days of such notification
24 verifies that the brand is a new brand of the same
25 manufacturer, and that the same licensed Illinois
26 distributor has the right to sell the new brand at
27 wholesale;

28 (3) His licensed business address is within the
29 geographical area for which the licensed Illinois
30 distributor from whom the purchases are made has the right
31 to sell said brand or brands of alcoholic liquor; and

32 (4) His sales are made within the geographical area for
33 which the licensed Illinois distributor from whom the
34 purchases are made has the right to sell the brand or
35 brands of alcoholic liquor and only to retail licensees
36 whose licensed premises are located within the

1 aforementioned geographical area.

2 No person to whom such right is granted shall sell at
3 wholesale in this State any alcoholic liquor bearing such trade
4 mark, brand or name outside of the geographical area for which
5 such person holds such selling right, as registered with the
6 State Commission, nor shall he sell such alcoholic liquor
7 within such geographical area to a retail licensee if the
8 premises specified in such retailer's license are located
9 outside such geographical area. Any licensed Illinois
10 distributor or beer and wine distributor who has not been
11 granted the right to sell any alcoholic liquor at wholesale and
12 is purchasing alcoholic liquor from a person who has been
13 granted the right to sell at wholesale may sell and deliver
14 only to retail licensees whose licensed premises are within the
15 same geographical area as the person who has been granted the
16 right to sell at wholesale.

17 No manufacturer, importing distributor, beer and wine
18 importing distributor, distributor, beer and wine distributor,
19 non-resident dealer, or foreign importer shall sell or deliver
20 any package containing alcoholic liquor manufactured or
21 distributed by him for resale, unless the person to whom such
22 package is sold or delivered is authorized to receive such
23 package in accordance with the provisions of this Act.

24 (Source: P.A. 92-105, eff. 1-1-02.)

25 (235 ILCS 5/6-9.1)

26 Sec. 6-9.1. Deliveries to retail establishments.

27 (a) A distributor of wine or spirits or a beer and wine
28 distributor shall deliver to any retailer within any geographic
29 area in which that distributor or beer and wine distributor has
30 been granted by a wholesaler the right to sell its trademark,
31 brand, or name at least once every 2 weeks if (i) in the case of
32 a retailer located in a county with a population of at least
33 3,000,000 inhabitants or in a county adjacent to a county with
34 at least 3,000,000 inhabitants, the retailer agrees to purchase
35 at least \$200 of wine or spirits from the distributor or at

1 least \$200 of wine from the beer and wine distributor every 2
2 weeks; or (ii) in the case of a retailer located in a county
3 with a population of less than 3,000,000 that is not adjacent
4 to a county with a population of at least 3,000,000
5 inhabitants, the retailer agrees to purchase at least \$50 of
6 wine or spirits from the distributor or \$50 of wine from the
7 beer and wine distributor every 2 weeks.

8 (b) On January 1, 2002 and every 2 years thereafter, the
9 dollar amounts in items (i) and (ii) of subsection (a) shall be
10 increased or decreased by a percentage equal to the percentage
11 increase or decrease in the Consumer Price Index during the
12 previous 2 years according to the most recent available data.

13 (Source: P.A. 91-482, eff. 1-1-00.)

14 (235 ILCS 5/6-17) (from Ch. 43, par. 133)

15 Sec. 6-17. (a) No licensee licensed under the provisions of
16 this Act shall deny or permit his agents and employees to deny
17 any person the full and equal enjoyment of the accommodations,
18 advantages, facilities and privileges of any premises in which
19 alcoholic liquors are authorized to be sold subject only to the
20 conditions and limitations established by law and applicable
21 alike to all citizens.

22 (b) A distributor, beer and wine distributor, ~~or an~~
23 importing distributor, or beer and wine importing distributor
24 may refuse to sell beer, brew, or similar beverages containing
25 0.5% or less of alcohol by volume to a non-licensee.

26 (Source: P.A. 86-1469.)

27 (235 ILCS 5/6-17.1)

28 Sec. 6-17.1. Distributors; sales to retailers. The General
29 Assembly hereby finds and declares that for the purposes of
30 ensuring that all retail licensees have the opportunity to
31 receive alcoholic liquor, reducing the amount of spoiled and
32 overaged alcoholic liquor sold to customers, and maintaining
33 the distribution system and the State's ability to regulate
34 against illegal importation of alcoholic liquor, it is

1 necessary to prevent discrimination among retail licensees as
2 provided in this Section.

3 A distributor, beer and wine distributor, ~~or~~ importing
4 distributor, or beer and wine importing distributor designated
5 as a distributor, beer and wine distributor, ~~or~~ importing
6 distributor, or beer and wine importing distributor for
7 alcoholic liquor within a designated geographic area or areas
8 under Section 6-9 of this Act shall use its best efforts to
9 make available for sale to retail licensees, in its designated
10 geographic area or areas, each brand of alcoholic liquor which
11 the distributor, beer and wine distributor, ~~or the~~ importing
12 distributor, or beer and wine importing distributor has been
13 authorized to distribute. Nothing in this Section prohibits a
14 distributor, beer and wine distributor, ~~or~~ importing
15 distributor, or beer and wine importing distributor from
16 establishing purchase requirements unless the requirements
17 have the effect of excluding a majority of the retail licensees
18 in the designated geographic area or areas from purchasing the
19 alcoholic liquor.

20 (Source: P.A. 91-186, eff. 1-1-00.)

21 (235 ILCS 5/6-21) (from Ch. 43, par. 135)

22 Sec. 6-21. (a) Every person who is injured within this
23 State, in person or property, by any intoxicated person has a
24 right of action in his or her own name, severally or jointly,
25 against any person, licensed under the laws of this State or of
26 any other state to sell alcoholic liquor, who, by selling or
27 giving alcoholic liquor, within or without the territorial
28 limits of this State, causes the intoxication of such person.
29 Any person at least 21 years of age who pays for a hotel or
30 motel room or facility knowing that the room or facility is to
31 be used by any person under 21 years of age for the unlawful
32 consumption of alcoholic liquors and such consumption causes
33 the intoxication of the person under 21 years of age, shall be
34 liable to any person who is injured in person or property by
35 the intoxicated person under 21 years of age. Any person

1 owning, renting, leasing or permitting the occupation of any
2 building or premises with knowledge that alcoholic liquors are
3 to be sold therein, or who having leased the same for other
4 purposes, shall knowingly permit therein the sale of any
5 alcoholic liquors that have caused the intoxication of any
6 person, shall be liable, severally or jointly, with the person
7 selling or giving the liquors. However, if such building or
8 premises belong to a minor or other person under guardianship
9 the guardian of such person shall be held liable instead of the
10 ward. A married woman has the same right to bring the action
11 and to control it and the amount recovered as an unmarried
12 woman. All damages recovered by a minor under this Act shall be
13 paid either to the minor, or to his or her parent, guardian or
14 next friend as the court shall direct. The unlawful sale or
15 gift of alcoholic liquor works a forfeiture of all rights of
16 the lessee or tenant under any lease or contract of rent upon
17 the premises where the unlawful sale or gift takes place. All
18 actions for damages under this Act may be by any appropriate
19 action in the circuit court. An action shall lie for injuries
20 to either means of support or loss of society, but not both,
21 caused by an intoxicated person or in consequence of the
22 intoxication of any person resulting as hereinabove set out.
23 "Loss of society" means the mutual benefits that each family
24 member receives from the other's continued existence,
25 including love, affection, care, attention, companionship,
26 comfort, guidance, and protection. "Family" includes spouse,
27 children, parents, brothers, and sisters. The action, if the
28 person from whom support or society was furnished is living,
29 shall be brought by any person injured in means of support or
30 society in his or her name for his or her benefit and the
31 benefit of all other persons injured in means of support or
32 society. However, any person claiming to be injured in means of
33 support or society and not included in any action brought
34 hereunder may join by motion made within the times herein
35 provided for bringing such action or the personal
36 representative of the deceased person from whom such support or

1 society was furnished may so join. In every such action the
2 jury shall determine the amount of damages to be recovered
3 without regard to and with no special instructions as to the
4 dollar limits on recovery imposed by this Section. The amount
5 recovered in every such action is for the exclusive benefit of
6 the person injured in loss of support or society and shall be
7 distributed to such persons in the proportions determined by
8 the verdict rendered or judgment entered in the action. If the
9 right of action is settled by agreement with the personal
10 representative of a deceased person from whom support or
11 society was furnished, the court having jurisdiction of the
12 estate of the deceased person shall distribute the amount of
13 the settlement to the person injured in loss of support or
14 society in the proportion, as determined by the court, that the
15 percentage of dependency of each such person upon the deceased
16 person bears to the sum of the percentages of dependency of all
17 such persons upon the deceased person. For all causes of action
18 involving persons injured, killed, or incurring property
19 damage before September 12, 1985, in no event shall the
20 judgment or recovery under this Act for injury to the person or
21 to the property of any person as hereinabove set out exceed
22 \$15,000, and recovery under this Act for loss of means of
23 support resulting from the death or injury of any person, as
24 hereinabove set out, shall not exceed \$20,000. For all causes
25 of action involving persons injured, killed, or incurring
26 property damage after September 12, 1985 but before July 1,
27 1998, in no event shall the judgment or recovery for injury to
28 the person or property of any person exceed \$30,000 for each
29 person incurring damages, and recovery under this Act for loss
30 of means of support resulting from the death or injury of any
31 person shall not exceed \$40,000. For all causes of action
32 involving persons injured, killed, or incurring property
33 damage on or after July 1, 1998, in no event shall the judgment
34 or recovery for injury to the person or property of any person
35 exceed \$45,000 for each person incurring damages, and recovery
36 under this Act for either loss of means of support or loss of

1 society resulting from the death or injury of any person shall
2 not exceed \$55,000. Beginning in 1999, every January 20, these
3 liability limits shall automatically be increased or
4 decreased, as applicable, by a percentage equal to the
5 percentage change in the consumer price index-u during the
6 preceding 12-month calendar year. "Consumer price index-u"
7 means the index published by the Bureau of Labor Statistics of
8 the United States Department of Labor that measures the average
9 change in prices of goods and services purchased by all urban
10 consumers, United States city average, all items, 1982-84 =
11 100. The new amount resulting from each annual adjustment shall
12 be determined by the Comptroller and made available to the
13 chief judge of each judicial circuit. The liability limits at
14 the time at which damages subject to such limits are awarded by
15 final judgment or settlement shall be utilized by the courts.
16 Nothing in this Section bars any person from making separate
17 claims which, in the aggregate, exceed any one limit where such
18 person incurs more than one type of compensable damage,
19 including personal injury, property damage, and loss to means
20 of support or society. However, all persons claiming loss to
21 means of support or society shall be limited to an aggregate
22 recovery not to exceed the single limitation set forth herein
23 for the death or injury of each person from whom support or
24 society is claimed.

25 Nothing in this Act shall be construed to confer a cause of
26 action for injuries to the person or property of the
27 intoxicated person himself, nor shall anything in this Act be
28 construed to confer a cause of action for loss of means of
29 support or society on the intoxicated person himself or on any
30 person claiming to be supported by such intoxicated person or
31 claiming the society of such person. In conformance with the
32 rule of statutory construction enunciated in the general
33 Illinois saving provision in Section 4 of "An Act to revise the
34 law in relation to the construction of the statutes", approved
35 March 5, 1874, as amended, no amendment of this Section
36 purporting to abolish or having the effect of abolishing a

1 cause of action shall be applied to invalidate a cause of
2 action accruing before its effective date, irrespective of
3 whether the amendment was passed before or after the effective
4 date of this amendatory Act of 1986.

5 Each action hereunder shall be barred unless commenced
6 within one year next after the cause of action accrued.

7 However, a licensed distributor, beer and wine
8 distributor, or brewer whose only connection with the
9 furnishing of alcoholic liquor which is alleged to have caused
10 intoxication was the furnishing or maintaining of any apparatus
11 for the dispensing or cooling of beer is not liable under this
12 Section, and if such licensee is named as a defendant, a proper
13 motion to dismiss shall be granted.

14 (b) Any person licensed under any state or local law to
15 sell alcoholic liquor, whether or not a citizen or resident of
16 this State, who in person or through an agent causes the
17 intoxication, by the sale or gift of alcoholic liquor, of any
18 person who, while intoxicated, causes injury to any person or
19 property in the State of Illinois thereby submits such licensed
20 person, and, if an individual, his or her personal
21 representative, to the jurisdiction of the courts of this State
22 for a cause of action arising under subsection (a) above.

23 Service of process upon any person who is subject to the
24 jurisdiction of the courts of this State, as provided in this
25 subsection, may be made by personally serving the summons upon
26 the defendant outside this State, as provided in the Code of
27 Civil Procedure, as now or hereafter amended, with the same
28 force and effect as though summons had been personally served
29 within this State.

30 Only causes of action arising under subsection (a) above
31 may be asserted against a defendant in an action in which
32 jurisdiction over him or her is based upon this subsection.

33 Nothing herein contained limits or affects the right to
34 serve any process in any other manner now or hereafter provided
35 by law.

36 (Source: P.A. 90-111, eff. 7-14-97.)

1 (235 ILCS 5/6-22) (from Ch. 43, par. 137)

2 Sec. 6-22. No person, except a manufacturer, ~~or~~
3 distributor, beer and wine distributor, ~~or~~ importing
4 distributor, or beer and wine importing distributor, shall fill
5 or refill, in whole or in part, any original package of
6 alcoholic liquor with the same or any other kind or quality of
7 alcoholic liquor, and it shall be unlawful for any person to
8 have in his possession for sale at retail any bottles, casks or
9 other containers containing alcoholic liquor, except in
10 original packages.

11 (Source: P.A. 82-783.)

12 (235 ILCS 5/6-29) (from Ch. 43, par. 144e)

13 Sec. 6-29. Interstate reciprocal wine shipments.

14 (a) Notwithstanding any other provision of law, an adult
15 resident or holder of an alcoholic beverage license in a state
16 which affords Illinois licensees or adult residents an equal
17 reciprocal shipping privilege may ship, for personal use and
18 not for resale, not more than 2 cases of wine (each case
19 containing not more than 9 liters) per year to any adult
20 resident of this State. Delivery of a shipment pursuant to this
21 Section shall not be deemed to constitute a sale in this State.

22 (b) The shipping container of any wine sent into or out of
23 this State under this Section shall be clearly labeled to
24 indicate that the package cannot be delivered to a person under
25 the age of 21 years.

26 (c) No broker within this State shall solicit consumers to
27 engage in interstate reciprocal wine shipments under this
28 Section. No shipper located outside this State may advertise
29 such interstate reciprocal wine shipments in this State.

30 (d) It is not the intent of this Section to impair the
31 distribution of wine through distributors, beer and wine
32 distributors, ~~or~~ importing distributors, or beer and wine
33 importing distributors, but only to permit shipments of wine
34 for personal use.

1 (Source: P.A. 86-1483.)

2 (235 ILCS 5/6-29.1)

3 Sec. 6-29.1. Direct shipments of alcoholic liquor.
4 Pursuant to the Twenty-First Amendment of the United States
5 Constitution allowing states to regulate the distribution and
6 sale of alcoholic liquor and pursuant to the federal
7 Webb-Kenyon Act declaring that alcoholic liquor shipped in
8 interstate commerce must comply with state laws, the General
9 Assembly hereby finds and declares that selling alcoholic
10 liquor from a point outside this State through various direct
11 marketing means, such as catalogs, newspapers, mailers, and the
12 Internet, directly to residents of this State poses a serious
13 threat to the State's efforts to prevent youths from accessing
14 alcoholic liquor; to State revenue collections; and to the
15 economy of this State.

16 Any person manufacturing, distributing, or selling
17 alcoholic liquor who knowingly ships or transports or causes
18 the shipping or transportation of any alcoholic liquor from a
19 point outside this State to a person in this State who does not
20 hold a manufacturer's, distributor's, beer and wine
21 distributor's, importing distributor's, beer and wine
22 importing distributor's, or non-resident dealer's license
23 issued by the Liquor Control Commission, other than a shipment
24 of sacramental wine to a bona fide religious organization, a
25 shipment authorized by Section 6-29, or any other shipment
26 authorized by this Act, is in violation of this Act.

27 The Commission, upon determining, after investigation,
28 that a person has violated this Section, shall give notice to
29 the person by certified mail to cease and desist all shipments
30 of alcoholic liquor into this State and to withdraw from this
31 State within 5 working days after receipt of the notice all
32 shipments of alcoholic liquor then in transit.

33 Whenever the Commission has reason to believe that a person
34 has failed to comply with the Commission notice under this
35 Section, it shall notify the Department of Revenue and file a

1 complaint with the State's Attorney of the county where the
2 alcoholic liquor was delivered or with appropriate law
3 enforcement officials.

4 Failure to comply with the notice issued by the Commission
5 under this Section constitutes a business offense for which the
6 person shall be fined not more than \$1,000 for a first offense,
7 not more than \$5,000 for a second offense, and not more than
8 \$10,000 for a third or subsequent offense. Each shipment of
9 alcoholic liquor delivered in violation of the cease and desist
10 notice shall constitute a separate offense.

11 (Source: P.A. 90-739, eff. 8-13-98.)

12 (235 ILCS 5/6-31)

13 Sec. 6-31. Product sampling.

14 (a) Retailer, distributor, beer and wine distributor,
15 importing distributor, beer and wine importing distributor,
16 manufacturer, and nonresident dealer licensees may conduct
17 product sampling for consumption at a licensed retail location.
18 Up to 3 samples, consisting of no more than (i) 1/4 ounce of
19 distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of
20 beer may be served to a consumer in one day.

21 (b) Notwithstanding the provisions of subsection (a), an
22 on-premises retail licensee may offer for sale and serve more
23 than one drink per person for sampling purposes without
24 violating paragraph (1) of subsection (b) of Section 6-28 or
25 paragraph (6) of subsection (c) of Section 6-28 of this Act,
26 provided the total quantity of the sampling package, regardless
27 of the number of containers in which the alcoholic liquor is
28 being served, does not exceed 1 ounce of distilled spirits, 4
29 ounces of wine, or 16 ounces of beer. In any event, all
30 provisions of Section 6-28 shall apply to an on-premises retail
31 licensee that conducts product sampling.

32 (Source: P.A. 90-432, eff. 1-1-98; 90-626, eff. 1-1-99.)

33 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

34 Sec. 7-1. An applicant for a retail license from the State

1 Commission shall submit to the State Commission an application
2 in writing under oath stating:

3 (1) The applicant's name and mailing address;

4 (2) The name and address of the applicant's business;

5 (3) If applicable, the date of the filing of the
6 "assumed name" of the business with the County Clerk;

7 (4) In case of a copartnership, the date of the
8 formation of the partnership; in the case of an Illinois
9 corporation, the date of its incorporation; or in the case
10 of a foreign corporation, the State where it was
11 incorporated and the date of its becoming qualified under
12 the Business Corporation Act of 1983 to transact business
13 in the State of Illinois;

14 (5) The number, the date of issuance and the date of
15 expiration of the applicant's current local retail liquor
16 license;

17 (6) The name of the city, village, or county that
18 issued the local retail liquor license;

19 (7) The name and address of the landlord if the
20 premises are leased;

21 (8) The date of the applicant's first request for a
22 State liquor license and whether it was granted, denied or
23 withdrawn;

24 (9) The address of the applicant when the first
25 application for a State liquor license was made;

26 (10) The applicant's current State liquor license
27 number;

28 (11) The date the applicant began liquor sales at his
29 place of business;

30 (12) The address of the applicant's warehouse if he
31 warehouses liquor;

32 (13) The applicant's Retailer's Occupation Tax (ROT)
33 Registration Number;

34 (14) The applicant's document locator number on his
35 Federal Special Tax Stamp;

36 (15) Whether the applicant is delinquent in the payment

1 of the Retailer's Occupational Tax (Sales Tax), and if so,
2 the reasons therefor;

3 (16) Whether the applicant is delinquent under the cash
4 beer law, and if so, the reasons therefor;

5 (17) In the case of a retailer, whether he is
6 delinquent under the 30 day credit law, and if so, the
7 reasons therefor;

8 (18) In the case of a distributor or beer and wine
9 distributor, whether he is delinquent under the 15 day
10 credit law, and if so, the reasons therefor;

11 (19) Whether the applicant has made an application for
12 a liquor license which has been denied, and if so, the
13 reasons therefor;

14 (20) Whether the applicant has ever had any previous
15 liquor license suspended or revoked, and if so, the reasons
16 therefor;

17 (21) Whether the applicant has ever been convicted of a
18 gambling offense or felony, and if so, the particulars
19 thereof;

20 (22) Whether the applicant possesses a current Federal
21 Wagering Stamp, and if so, the reasons therefor;

22 (23) Whether the applicant, or any other person,
23 directly in his place of business is a public official, and
24 if so, the particulars thereof;

25 (24) The applicant's name, sex, date of birth, social
26 security number, position and percentage of ownership in
27 the business; and the name, sex, date of birth, social
28 security number, position and percentage of ownership in
29 the business of every sole owner, partner, corporate
30 officer, director, manager and any person who owns 5% or
31 more of the shares of the applicant business entity or
32 parent corporations of the applicant business entity; and

33 (25) That he has not received or borrowed money or
34 anything else of value, and that he will not receive or
35 borrow money or anything else of value (other than
36 merchandising credit in the ordinary course of business for

1 a period not to exceed 90 days as herein expressly
2 permitted under Section 6-5 hereof), directly or
3 indirectly, from any manufacturer, importing distributor,
4 beer and wine importing distributor, ~~or~~ distributor, or
5 beer and wine distributor, or from any representative of
6 any such manufacturer, importing distributor, beer and
7 wine importing distributor, ~~or~~ distributor, or beer and
8 wine distributor nor be a party in any way, directly or
9 indirectly, to any violation by a manufacturer,
10 distributor, beer and wine distributor, ~~or~~ importing
11 distributor, or beer and wine importing distributor of
12 Section 6-6 of this Act.

13 In addition to any other requirement of this Section, an
14 applicant for a special use permit license and a special event
15 retailer's license shall also submit (A) proof satisfactory to
16 the Commission that the applicant has a resale number issued
17 under Section 2c of the Retailer's Occupation Tax Act or that
18 the applicant is registered under Section 2a of the Retailer's
19 Occupation Tax Act, (B) proof satisfactory to the Commission
20 that the applicant has a current, valid exemption
21 identification number issued under Section 1g of the Retailers'
22 Occupation Tax Act and a certification to the Commission that
23 the purchase of alcoholic liquors will be a tax-exempt
24 purchase, or (C) a statement that the applicant is not
25 registered under Section 2a of the Retailers' Occupation Tax
26 Act, does not hold a resale number under Section 2c of the
27 Retailers' Occupation Tax Act, and does not hold an exemption
28 number under Section 1g of the Retailers' Occupation Tax Act.
29 The applicant shall also submit proof of adequate dram shop
30 insurance for the special event prior to being issued a
31 license.

32 In addition to the foregoing information, such application
33 shall contain such other and further information as the State
34 Commission and the local commission may, by rule or regulation
35 not inconsistent with law, prescribe.

36 If the applicant reports a felony conviction as required

1 under paragraph (21) of this Section, such conviction may be
2 considered by the Commission in determining qualifications for
3 licensing, but shall not operate as a bar to licensing.

4 If said application is made in behalf of a partnership,
5 firm, association, club or corporation, then the same shall be
6 signed by one member of such partnership or the president or
7 secretary of such corporation or an authorized agent of said
8 partnership or corporation.

9 All other applications shall be on forms prescribed by the
10 State Commission, and which may exclude any of the above
11 requirements which the State Commission rules to be
12 inapplicable.

13 (Source: P.A. 90-596, eff. 6-24-98; 91-357, eff. 7-29-99.)

14 (235 ILCS 5/7-6) (from Ch. 43, par. 150)

15 Sec. 7-6. All proceedings for the revocation or suspension
16 of licenses of manufacturers, distributors, beer and wine
17 distributors, importing distributors, beer and wine importing
18 distributors, non-resident dealers, foreign importers,
19 non-beverage users, railroads, airplanes and boats shall be
20 before the State Commission. All such proceedings and all
21 proceedings for the revocation or suspension of a retailer's
22 license before the State commission shall be in accordance with
23 rules and regulations established by it not inconsistent with
24 law. However, no such license shall be so revoked or suspended
25 except after a hearing by the State commission with reasonable
26 notice to the licensee served by registered or certified mail
27 with return receipt requested at least 10 days prior to the
28 hearings at the last known place of business of the licensee
29 and after an opportunity to appear and defend. Such notice
30 shall specify the time and place of the hearing, the nature of
31 the charges, the specific provisions of the Act and rules
32 violated, and the specific facts supporting the charges or
33 violation. The findings of the Commission shall be predicated
34 upon competent evidence. The revocation of a local license
35 shall automatically result in the revocation of a State

1 license. Upon notification by the Illinois Department of
2 Revenue, the State Commission shall revoke any license issued
3 by it if the licensee has violated the provisions of Section 3
4 of the Retailers' Occupation Tax Act. All procedures for the
5 suspension or revocation of a license, as enumerated above, are
6 applicable to the levying of fines for violations of this Act
7 or any rule or regulation issued pursuant thereto.

8 (Source: P.A. 93-22, eff. 6-20-03.)

9 (235 ILCS 5/8-1) (from Ch. 43, par. 158)

10 Sec. 8-1. A tax is imposed upon the privilege of engaging
11 in business as a manufacturer, ~~or as an~~ importing distributor,
12 or beer and wine importing distributor of alcoholic liquor
13 other than beer at the rate of \$0.185 per gallon for cider
14 containing not less than 0.5% alcohol by volume nor more than
15 7% alcohol by volume, \$0.73 per gallon for wine other than
16 cider containing less than 7% alcohol by volume, and \$4.50 per
17 gallon on alcohol and spirits manufactured and sold or used by
18 such manufacturer, or as agent for any other person, or sold or
19 used by such importing distributor or beer and wine
20 distributor, or as agent for any other person. A tax is imposed
21 upon the privilege of engaging in business as a manufacturer of
22 beer or as an importing distributor or beer and wine importing
23 distributor of beer at the rate of \$0.185 per gallon on all
24 beer manufactured and sold or used by such manufacturer, or as
25 agent for any other person, or sold or used by such importing
26 distributor or beer and wine importing distributor, or as agent
27 for any other person. Any brewer manufacturing beer in this
28 State shall be entitled to and given a credit or refund of 75%
29 of the tax imposed on each gallon of beer up to 4.9 million
30 gallons per year in any given calendar year for tax paid or
31 payable on beer produced and sold in the State of Illinois.

32 For the purpose of this Section, "cider" means any
33 alcoholic beverage obtained by the alcohol fermentation of the
34 juice of apples or pears including, but not limited to,
35 flavored, sparkling, or carbonated cider.

1 The credit or refund created by this Act shall apply to all
2 beer taxes in the calendar years 1982 through 1986.

3 The increases made by this amendatory Act of the 91st
4 General Assembly in the rates of taxes imposed under this
5 Section shall apply beginning on July 1, 1999.

6 A tax at the rate of 1¢ per gallon on beer and 48¢ per
7 gallon on alcohol and spirits is also imposed upon the
8 privilege of engaging in business as a retailer or as a
9 distributor who is not also an importing distributor with
10 respect to all beer and all alcohol and spirits owned or
11 possessed by such retailer or distributor when this amendatory
12 Act of 1969 becomes effective, and with respect to which the
13 additional tax imposed by this amendatory Act upon
14 manufacturers and importing distributors does not apply.
15 Retailers and distributors who are subject to the additional
16 tax imposed by this paragraph of this Section shall be required
17 to inventory such alcoholic liquor and to pay this additional
18 tax in a manner prescribed by the Department.

19 The provisions of this Section shall be construed to apply
20 to any importing distributor or beer and wine importing
21 distributor engaging in business in this State, whether
22 licensed or not.

23 However, such tax is not imposed upon any such business as
24 to any alcoholic liquor shipped outside Illinois by an Illinois
25 licensed manufacturer, ~~or~~ importing distributor, or beer and
26 wine importing distributor, nor as to any alcoholic liquor
27 delivered in Illinois by an Illinois licensed manufacturer, ~~or~~
28 importing distributor, or beer and wine importing distributor
29 to a purchaser for immediate transportation by the purchaser to
30 another state into which the purchaser has a legal right, under
31 the laws of such state, to import such alcoholic liquor, nor as
32 to any alcoholic liquor other than beer sold by one Illinois
33 licensed manufacturer, ~~or~~ importing distributor, or beer and
34 wine importing distributor to another Illinois licensed
35 manufacturer, ~~or~~ importing distributor, or beer and wine
36 importing distributor to the extent to which the sale of

1 alcoholic liquor other than beer by one Illinois licensed
2 manufacturer, ~~or~~ importing distributor, or beer and wine
3 importing distributor to another Illinois licensed
4 manufacturer, ~~or~~ importing distributor, or beer and wine
5 importing distributor is authorized by the licensing
6 provisions of this Act, nor to alcoholic liquor whether
7 manufactured in or imported into this State when sold to a
8 "non-beverage user" licensed by the State for use in the
9 manufacture of any of the following when they are unfit for
10 beverage purposes:

11 Patent and proprietary medicines and medicinal,
12 antiseptic, culinary and toilet preparations;

13 Flavoring extracts and syrups and food products;

14 Scientific, industrial and chemical products, excepting
15 denatured alcohol;

16 Or for scientific, chemical, experimental or mechanical
17 purposes;

18 Nor is the tax imposed upon the privilege of engaging in
19 any business in interstate commerce or otherwise, which
20 business may not, under the Constitution and Statutes of the
21 United States, be made the subject of taxation by this State.

22 The tax herein imposed shall be in addition to all other
23 occupation or privilege taxes imposed by the State of Illinois
24 or political subdivision thereof.

25 If any alcoholic liquor manufactured in or imported into
26 this State is sold to a licensed manufacturer, ~~or~~ importing
27 distributor, or beer and wine importing distributor by a
28 licensed manufacturer, ~~or~~ importing distributor, or beer and
29 wine importing distributor to be used solely as an ingredient
30 in the manufacture of any beverage for human consumption, the
31 tax imposed upon such purchasing manufacturer, ~~or~~ importing
32 distributor, or beer and wine importing distributor shall be
33 reduced by the amount of the taxes which have been paid by the
34 selling manufacturer, ~~or~~ importing distributor, or beer and
35 wine importing distributor under this Act as to such alcoholic
36 liquor so used to the Department of Revenue.

1 If any person received any alcoholic liquors from a
2 manufacturer, or importing distributor, or beer and wine
3 importing distributor, with respect to which alcoholic liquors
4 no tax is imposed under this Article, and such alcoholic liquor
5 shall thereafter be disposed of in such manner or under such
6 circumstances as may cause the same to become the base for the
7 tax imposed by this Article, such person shall make the same
8 reports and returns, pay the same taxes and be subject to all
9 other provisions of this Article relating to manufacturers, and
10 importing distributors, or beer and wine importing
11 distributors.

12 Nothing in this Article shall be construed to require the
13 payment to the Department of the taxes imposed by this Article
14 more than once with respect to any quantity of alcoholic liquor
15 sold or used within this State.

16 No tax is imposed by this Act on sales of alcoholic liquor
17 by Illinois licensed foreign importers to Illinois licensed
18 importing distributors or beer and wine importing
19 distributors.

20 (Source: P.A. 90-625, eff. 7-10-98; 91-38, eff. 6-15-99.)

21 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

22 Sec. 8-2. It is the duty of each manufacturer with respect
23 to alcoholic liquor produced or imported by such manufacturer,
24 or purchased tax-free by such manufacturer from another
25 manufacturer or from an importing distributor or beer and wine
26 importing distributor, and of each importing distributor and
27 beer and wine importing distributor as to alcoholic liquor
28 purchased by such importing distributor or beer and wine
29 importing distributor from foreign importers or from anyone
30 from any point in the United States outside of this State or
31 purchased tax-free from another manufacturer or from an
32 importing distributor or beer and wine importing distributor,
33 to pay the tax imposed by Section 8-1 to the Department of
34 Revenue on or before the 15th day of the calendar month
35 following the calendar month in which such alcoholic liquor is

1 sold or used by such manufacturer or by such importing
2 distributor or beer and wine importing distributor other than
3 in an authorized tax-free manner or to pay that tax
4 electronically as provided in this Section.

5 Each manufacturer, ~~and each~~ importing distributor, and
6 beer and wine importing distributor shall make payment under
7 one of the following methods: (1) on or before the 15th day of
8 each calendar month, file in person or by United States
9 first-class mail, postage pre-paid, with the Department of
10 Revenue, on forms prescribed and furnished by the Department, a
11 report in writing in such form as may be required by the
12 Department in order to compute, and assure the accuracy of, the
13 tax due on all taxable sales and uses of alcoholic liquor
14 occurring during the preceding month. Payment of the tax in the
15 amount disclosed by the report shall accompany the report or,
16 (2) on or before the 15th day of each calendar month,
17 electronically file with the Department of Revenue, on forms
18 prescribed and furnished by the Department, an electronic
19 report in such form as may be required by the Department in
20 order to compute, and assure the accuracy of, the tax due on
21 all taxable sales and uses of alcoholic liquor occurring during
22 the preceding month. An electronic payment of the tax in the
23 amount disclosed by the report shall accompany the report. A
24 manufacturer, ~~or~~ distributor, or beer and wine distributor, who
25 files an electronic report and electronically pays the tax
26 imposed pursuant to Section 8-1 to the Department of Revenue on
27 or before the 15th day of the calendar month following the
28 calendar month in which such alcoholic liquor is sold or used
29 by that manufacturer, ~~or~~ importing distributor, or beer and
30 wine importing distributor other than in an authorized tax-free
31 manner shall pay to the Department the amount of the tax
32 imposed pursuant to Section 8-1, less a discount which is
33 allowed to reimburse the manufacturer, ~~or~~ importing
34 distributor, or beer and wine importing distributor for the
35 expenses incurred in keeping and maintaining records,
36 preparing and filing the electronic returns, remitting the tax,

1 and supplying data to the Department upon request.

2 The discount shall be in an amount as follows:

3 (1) For original returns due on or after January 1,
4 2003 through September 30, 2003, the discount shall be
5 1.75% or \$1,250 per return, whichever is less;

6 (2) For original returns due on or after October 1,
7 2003 through September 30, 2004, the discount shall be 2%
8 or \$3,000 per return, whichever is less; and

9 (3) For original returns due on or after October 1,
10 2004, the discount shall be 2% or \$2,000 per return,
11 whichever is less.

12 The Department may, if it deems it necessary in order to
13 insure the payment of the tax imposed by this Article, require
14 returns to be made more frequently than and covering periods of
15 less than a month. Such return shall contain such further
16 information as the Department may reasonably require.

17 It shall be presumed that all alcoholic liquors acquired or
18 made by any importing distributor, beer and wine importing
19 distributor, or manufacturer have been sold or used by him in
20 this State and are the basis for the tax imposed by this
21 Article unless proven, to the satisfaction of the Department,
22 that such alcoholic liquors are (1) still in the possession of
23 such importing distributor, beer and wine importing
24 distributor, or manufacturer, or (2) prior to the termination
25 of possession have been lost by theft or through unintentional
26 destruction, or (3) that such alcoholic liquors are otherwise
27 exempt from taxation under this Act.

28 The Department may require any foreign importer to file
29 monthly information returns, by the 15th day of the month
30 following the month which any such return covers, if the
31 Department determines this to be necessary to the proper
32 performance of the Department's functions and duties under this
33 Act. Such return shall contain such information as the
34 Department may reasonably require.

35 Every manufacturer, ~~and~~ importing distributor, and beer
36 and wine importing distributor shall also file, with the

1 Department, a bond in an amount not less than \$1,000 and not to
2 exceed \$100,000 on a form to be approved by, and with a surety
3 or sureties satisfactory to, the Department. Such bond shall be
4 conditioned upon the manufacturer, ~~or~~ importing distributor,
5 or beer and wine importing distributor paying to the Department
6 all monies becoming due from such manufacturer, ~~or~~ importing
7 distributor, or beer and wine importing distributor under this
8 Article. The Department shall fix the penalty of such bond in
9 each case, taking into consideration the amount of alcoholic
10 liquor expected to be sold and used by such manufacturer, ~~or~~
11 importing distributor, or beer and wine importing distributor,
12 and the penalty fixed by the Department shall be sufficient, in
13 the Department's opinion, to protect the State of Illinois
14 against failure to pay any amount due under this Article, but
15 the amount of the penalty fixed by the Department shall not
16 exceed twice the amount of tax liability of a monthly return,
17 nor shall the amount of such penalty be less than \$1,000. The
18 Department shall notify the Commission of the Department's
19 approval or disapproval of any such manufacturer's, ~~or~~
20 importing distributor's, or beer and wine importing
21 distributor's bond, or of the termination or cancellation of
22 any such bond, or of the Department's direction to a
23 manufacturer, ~~or~~ importing distributor, or beer and wine
24 importing distributor that he must file additional bond in
25 order to comply with this Section. The Commission shall not
26 issue a license to any applicant for a manufacturer's license,
27 ~~or~~ importing distributor's license, or beer and wine importing
28 distributor's license unless the Commission has received a
29 notification from the Department showing that such applicant
30 has filed a satisfactory bond with the Department hereunder and
31 that such bond has been approved by the Department. Failure by
32 any licensed manufacturer, ~~or~~ importing distributor, or beer
33 and wine importing distributor to keep a satisfactory bond in
34 effect with the Department or to furnish additional bond to the
35 Department, when required hereunder by the Department to do so,
36 shall be grounds for the revocation or suspension of such

1 manufacturer's, ~~or~~ importing distributor's, or beer and wine
2 importing distributor's license by the Commission. If a
3 manufacturer, ~~or~~ importing distributor, or beer and wine
4 importing distributor fails to pay any amount due under this
5 Article, his bond with the Department shall be deemed
6 forfeited, and the Department may institute a suit in its own
7 name on such bond.

8 After notice and opportunity for a hearing the State
9 Commission may revoke or suspend the license of any
10 manufacturer, ~~or~~ importing distributor, or beer and wine
11 importing distributor who fails to comply with the provisions
12 of this Section. Notice of such hearing and the time and place
13 thereof shall be in writing and shall contain a statement of
14 the charges against the licensee. Such notice may be given by
15 United States registered or certified mail with return receipt
16 requested, addressed to the person concerned at his last known
17 address and shall be given not less than 7 days prior to the
18 date fixed for the hearing. An order revoking or suspending a
19 license under the provisions of this Section may be reviewed in
20 the manner provided in Section 7-10 of this Act. No new license
21 shall be granted to a person whose license has been revoked for
22 a violation of this Section or, in case of suspension, shall
23 such suspension be terminated until he has paid to the
24 Department all taxes and penalties which he owes the State
25 under the provisions of this Act.

26 Every manufacturer, ~~or~~ importing distributor, or beer and
27 wine importing distributor who has, as verified by the
28 Department, continuously complied with the conditions of the
29 bond under this Act for a period of 2 years shall be considered
30 to be a prior continuous compliance taxpayer. In determining
31 the consecutive period of time for qualification as a prior
32 continuous compliance taxpayer, any consecutive period of time
33 of qualifying compliance immediately prior to the effective
34 date of this amendatory Act of 1987 shall be credited to any
35 manufacturer or importing distributor.

36 Every prior continuous compliance taxpayer shall be exempt

1 from the bond requirements of this Act until the Department has
2 determined the taxpayer to be delinquent in the filing of any
3 return or deficient in the payment of any tax under this Act.
4 Any taxpayer who fails to pay an admitted or established
5 liability under this Act may also be required to post bond or
6 other acceptable security with the Department guaranteeing the
7 payment of such admitted or established liability.

8 The Department shall discharge any surety and shall release
9 and return any bond or security deposit assigned, pledged or
10 otherwise provided to it by a taxpayer under this Section
11 within 30 days after: (1) such taxpayer becomes a prior
12 continuous compliance taxpayer; or (2) such taxpayer has ceased
13 to collect receipts on which he is required to remit tax to the
14 Department, has filed a final tax return, and has paid to the
15 Department an amount sufficient to discharge his remaining tax
16 liability as determined by the Department under this Act.

17 (Source: P.A. 92-393, eff. 1-1-03; 93-22, eff. 6-20-03.)

18 (235 ILCS 5/8-5) (from Ch. 43, par. 163a)

19 Sec. 8-5. As soon as practicable after any return is filed,
20 the Department shall examine such return and shall correct such
21 return according to its best judgment and information, which
22 return so corrected by the Department shall be prima facie
23 correct and shall be prima facie evidence of the correctness of
24 the amount of tax due, as shown therein. Instead of requiring
25 the licensee to file an amended return, the Department may
26 simply notify the licensee of the correction or corrections it
27 has made. Proof of such correction by the Department, or of the
28 determination of the amount of tax due as provided in Sections
29 8-4 and 8-10, may be made at any hearing before the Department
30 or in any legal proceeding by a reproduced copy of the
31 Department's record relating thereto in the name of the
32 Department under the certificate of the Director of Revenue.
33 Such reproduced copy shall, without further proof, be admitted
34 into evidence before the Department or in any legal proceeding
35 and shall be prima facie proof of the correctness of the amount

1 of tax due, as shown therein. If the return so corrected by the
2 Department discloses the sale or use, by a licensed
3 manufacturer, ~~or~~ importing distributor, or beer and wine
4 importing distributor, of alcoholic liquors as to which the tax
5 provided for in this Article should have been paid, but has not
6 been paid, in excess of the alcoholic liquors reported as being
7 taxable by the licensee, and as to which the proper tax was
8 paid the Department shall notify the licensee that it shall
9 issue the taxpayer a notice of tax liability for the amount of
10 tax claimed by the Department to be due, together with
11 penalties at the rates prescribed by Sections 3-3, 3-5 and 3-6
12 of the Uniform Penalty and Interest Act, which amount of tax
13 shall be equivalent to the amount of tax which, at the
14 prescribed rate per gallon, should have been paid with respect
15 to the alcoholic liquors disposed of in excess of those
16 reported as being taxable. In a case where no return has been
17 filed, the Department shall determine the amount of tax due
18 according to its best judgment and information and shall issue
19 the taxpayer a notice of tax liability for the amount of tax
20 claimed by the Department to be due as herein provided together
21 with penalties at the rates prescribed by Sections 3-3, 3-5 and
22 3-6 of the Uniform Penalty and Interest Act. If, in
23 administering the provisions of this Act, a comparison of a
24 licensee's return or returns with the books, records and
25 physical inventories of such licensee discloses a deficiency
26 which cannot be allocated by the Department to a particular
27 month or months, the Department shall issue the taxpayer a
28 notice of tax liability for the amount of tax claimed by the
29 Department to be due for a given period, but without any
30 obligation upon the Department to allocate such deficiency to
31 any particular month or months, together with penalties at the
32 rates prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform
33 Penalty and Interest Act, which amount of tax shall be
34 equivalent to the amount of tax which, at the prescribed rate
35 per gallon, should have been paid with respect to the alcoholic
36 liquors disposed of in excess of those reported being taxable,

1 with the tax thereon having been paid under which circumstances
2 the aforesaid notice of tax liability shall be prima facie
3 correct and shall be prima facie evidence of the correctness of
4 the amount of tax due as shown therein; and proof of such
5 correctness may be made in accordance with, and the
6 admissibility of a reproduced copy of such notice of the
7 Department's notice of tax liability shall be governed by, all
8 the provisions of this Act applicable to corrected returns.

9 If the licensee dies or becomes a person under legal
10 disability at any time before the Department issues its notice
11 of tax liability, such notice shall be issued to the
12 administrator, executor or other legal representative, as
13 such, of the deceased or licensee who is under legal
14 disability.

15 If such licensee or legal representative, within 60 days
16 after such notice of tax liability, files a protest to such
17 notice of tax liability and requests a hearing thereon, the
18 Department shall give at least 7 days' notice to such licensee
19 or legal representative, as the case may be, of the time and
20 place fixed for such hearing and shall hold a hearing in
21 conformity with the provisions of this Act, and pursuant
22 thereto shall issue a final assessment to such licensee or
23 legal representative for the amount found to be due as a result
24 of such hearing.

25 If a protest to the notice of tax liability and a request
26 for a hearing thereon is not filed within 60 days after such
27 notice of tax liability, such notice of tax liability shall
28 become final without the necessity of a final assessment being
29 issued and shall be deemed to be a final assessment.

30 In case of failure to pay the tax, or any portion thereof,
31 or any penalty provided for herein, when due, the Department
32 may recover the amount of such tax, or portion thereof, or
33 penalty in a civil action; or if the licensee dies or becomes a
34 person under legal disability, by filing a claim therefor
35 against his or her estate; provided that no such claim shall be
36 filed against the estate of any deceased or of the licensee who

1 is under legal disability for any tax or penalty or portion
2 thereof except in the manner prescribed and within the time
3 limited by the Probate Act of 1975, as amended.

4 The collection of any such tax and penalty, or either, by
5 any means provided for herein, shall not be a bar to any
6 prosecution under this Act.

7 In addition to any other penalty provided for in this
8 Article, any licensee who fails to pay any tax within the time
9 required by this Article shall be subject to assessment of
10 penalties and interest at rates set forth in the Uniform
11 Penalty and Interest Act.

12 (Source: P.A. 87-205; 87-879.)

13 (235 ILCS 5/8-10) (from Ch. 43, par. 164)

14 Sec. 8-10. It is the duty of each manufacturer, importing
15 distributor, or beer and wine importing distributor, and
16 foreign importer to keep, at his licensed address or place of
17 business, complete and accurate records of all sales or other
18 dispositions of alcoholic liquor, and complete and accurate
19 records of all alcoholic liquor produced, manufactured,
20 compounded or imported, whether for himself or for another,
21 together with a physical inventory made as of the close of each
22 period for which a return is required, covering all alcoholic
23 liquors on hand. The Department of Revenue may in its
24 discretion prescribe reasonable and uniform methods for
25 keeping such records by manufacturers, ~~and~~ importing
26 distributors, beer and wine importing distributors, and
27 foreign importers.

28 In case of failure by manufacturers, ~~and~~ importing
29 distributors, and beer and wine importing distributors to keep
30 such records or to make them available to the Department on
31 demand, the Department shall determine the amount of tax due
32 according to its best judgment and information, which amount so
33 determined by the Department shall be prima facie correct, and
34 the Department's notice of tax liability shall be given, and
35 protest thereto and demand for a hearing may be made and final

1 assessments arrived at, in accordance with the provisions of
2 Section 8-5 hereof.

3 It is the duty of each manufacturer, importing distributor,
4 or beer and wine importing distributor, and foreign importer,
5 who imports alcoholic liquor into the State, and each
6 non-resident dealer who ships alcoholic liquor into the State,
7 to mail to the Department one duplicate invoice, together with
8 a bill of lading, covering such shipment and stating the
9 quantity and, except in the case of alcoholic liquor imported
10 in bulk to be bottled by an authorized licensee in this State
11 using his own label and brand, the invoice shall also state the
12 brand, labels and size of containers.

13 It is the duty of each manufacturer, importing distributor
14 and foreign importer, who imports spirits into the State, and
15 each non-resident dealer who ships spirits into the State, to
16 mail to the State Commission monthly a report containing a
17 compilation of the information required to be furnished to the
18 Department by the preceding paragraph, except that information
19 concerning spirits imported in bulk need not be included. The
20 report shall include all information mailed to the Department
21 during the preceding month.

22 All books and records, which manufacturers, importing
23 distributors, beer and wine importing distributors,
24 non-resident dealers and foreign importers are required by this
25 Section to keep, shall be preserved for a period of 3 years,
26 unless the Department, in writing, authorizes their
27 destruction or disposal at an earlier date.

28 (Source: P.A. 86-654.)

29 (235 ILCS 5/9-13) (from Ch. 43, par. 176)

30 Sec. 9-13. It is unlawful to sell alcoholic liquor at
31 retail or to grant or issue, or cause to be granted or issued,
32 any license to sell alcoholic liquor at retail within the
33 limits of any political subdivision or precinct or at any
34 premises while the prohibition against such sales is in effect,
35 or to sell at retail alcoholic liquor other than beer

1 containing not more than 4% of alcohol by weight, or to grant
2 or issue or cause to be granted any license to sell such
3 alcoholic liquor at retail within the limits of such political
4 subdivision or precinct while the prohibition against such
5 sales is in effect, or to sell at retail alcoholic liquor
6 containing more than 4% of alcohol by weight except in the
7 original package and not for consumption on the premises, or to
8 grant or issue or cause to be granted or issued any license to
9 sell such alcoholic liquor at retail within the limits of such
10 political subdivision or precinct while the prohibition
11 against such sales is in effect. If any such license be granted
12 or issued in violation of this Section ~~section~~, the license
13 shall be void. This Section ~~section~~ shall not prohibit the
14 issuance of and operation under a manufacturer's, ~~or~~
15 distributor's, beer and wine distributor's, or importing
16 distributor's, or beer and wine importing distributor's
17 license in accordance with law.

18 (Source: P.A. 86-861.)

19 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

20 Sec. 10-1. Violations; penalties. Whereas a substantial
21 threat to the sound and careful control, regulation, and
22 taxation of the manufacture, sale, and distribution of
23 alcoholic liquors exists by virtue of individuals who
24 manufacture, import, distribute, or sell alcoholic liquors
25 within the State without having first obtained a valid license
26 to do so, and whereas such threat is especially serious along
27 the borders of this State, and whereas such threat requires
28 immediate correction by this Act, by active investigation and
29 prosecution by law enforcement officials and prosecutors, and
30 by prompt and strict enforcement through the courts of this
31 State to punish violators and to deter such conduct in the
32 future:

33 (a) Any person who manufactures, imports for distribution
34 or use, or distributes or sells alcoholic liquor at any place
35 within the State without having first obtained a valid license

1 to do so under the provisions of this Act shall be guilty of a
2 business offense and fined not more than \$1,000 for the first
3 such offense and shall be guilty of a Class 4 felony for each
4 subsequent offense.

5 (b) (1) Any retailer, licensed in this State, who knowingly
6 causes to furnish, give, sell, or otherwise being within the
7 State, any alcoholic liquor destined to be used, distributed,
8 consumed or sold in another state, unless such alcoholic liquor
9 was received in this State by a duly licensed distributor, beer
10 and wine distributor, ~~or~~ importing distributor, or beer and
11 wine importing distributor ~~distributors~~ shall have his license
12 suspended for 7 days for the first offense and for the second
13 offense, shall have his license revoked by the Commission.

14 (2) In the event the Commission receives a certified copy
15 of a final order from a foreign jurisdiction that an Illinois
16 retail licensee has been found to have violated that foreign
17 jurisdiction's laws, rules, or regulations concerning the
18 importation of alcoholic liquor into that foreign
19 jurisdiction, the violation may be grounds for the Commission
20 to revoke, suspend, or refuse to issue or renew a license, to
21 impose a fine, or to take any additional action provided by
22 this Act with respect to the Illinois retail license or
23 licensee. Any such action on the part of the Commission shall
24 be in accordance with this Act and implementing rules.

25 For the purposes of paragraph (2): (i) "foreign
26 jurisdiction" means a state, territory, or possession of the
27 United States, the District of Columbia, or the Commonwealth of
28 Puerto Rico, and (ii) "final order" means an order or judgment
29 of a court or administrative body that determines the rights of
30 the parties respecting the subject matter of the proceeding,
31 that remains in full force and effect, and from which no appeal
32 can be taken.

33 (c) Any person who shall make any false statement or
34 otherwise violates any of the provisions of this Act in
35 obtaining any license hereunder, or who having obtained a
36 license hereunder shall violate any of the provisions of this

1 Act with respect to the manufacture, possession, distribution
2 or sale of alcoholic liquor, or with respect to the maintenance
3 of the licensed premises, or shall violate any other provision
4 of this Act, shall for a first offense be guilty of a petty
5 offense and fined not more than \$500, and for a second or
6 subsequent offense shall be guilty of a Class B misdemeanor.

7 (d) Each day any person engages in business as a
8 manufacturer, foreign importer, importing distributor, beer
9 and wine importing distributor, distributor, beer and wine
10 distributor, or retailer in violation of the provisions of this
11 Act shall constitute a separate offense.

12 (e) Any person, under the age of 21 years who, for the
13 purpose of buying, accepting or receiving alcoholic liquor from
14 a licensee, represents that he is 21 years of age or over shall
15 be guilty of a Class A misdemeanor.

16 (f) In addition to the penalties herein provided, any
17 person licensed as a wine-maker in either class who
18 manufactures more wine than authorized by his license shall be
19 guilty of a business offense and shall be fined \$1 for each
20 gallon so manufactured.

21 (g) A person shall be exempt from prosecution for a
22 violation of this Act if he is a peace officer in the
23 enforcement of the criminal laws and such activity is approved
24 in writing by one of the following:

25 (1) In all counties, the respective State's Attorney;

26 (2) The Director of State Police under Section 2605-10,
27 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
28 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
29 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
30 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
31 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
32 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
33 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
34 Department of State Police Law (20 ILCS 2605/2605-10,
35 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
36 2605/2605-110, 2605/2605-115, 2605/2605-120,

1 2605/2605-130, 2605/2605-140, 2605/2605-190,
2 2605/2605-200, 2605/2605-205, 2605/2605-210,
3 2605/2605-215, 2605/2605-250, 2605/2605-275,
4 2605/2605-300, 2605/2605-305, 2605/2605-315,
5 2605/2605-325, 2605/2605-335, 2605/2605-340,
6 2605/2605-350, 2605/2605-355, 2605/2605-360,
7 2605/2605-365, 2605/2605-375, 2605/2605-390,
8 2605/2605-400, 2605/2605-405, 2605/2605-420,
9 2605/2605-430, 2605/2605-435, 2605/2605-500,
10 2605/2605-525, or 2605/2605-550); or

11 (3) In cities over 1,000,000, the Superintendent of
12 Police.

13 (Source: P.A. 90-739, eff. 8-13-98; 91-239, eff. 1-1-00.)

14 (235 ILCS 5/10-7.1) (from Ch. 43, par. 189.1)

15 Sec. 10-7.1. The Commission, upon receipt of a complaint or
16 upon having knowledge that any person is engaged in the
17 business as a manufacturer, importing distributor, beer and
18 wine importing distributor, distributor, beer and wine
19 distributor, or retailer without a license or valid license,
20 shall notify the Department of Revenue and the local liquor
21 authority, and file a complaint with the State's Attorney's
22 Office of the County where the incident occurred or initiate an
23 investigation with the appropriate law enforcement officials.

24 (Source: P.A. 90-739, eff. 8-13-98.)

1	INDEX	
2	Statutes amended in order of appearance	
3	235 ILCS 5/1-3.05	from Ch. 43, par. 95.05
4	235 ILCS 5/1-3.15	from Ch. 43, par. 95.15
5	235 ILCS 5/1-3.16	from Ch. 43, par. 95.16
6	235 ILCS 5/1-3.21	from Ch. 43, par. 95.21
7	235 ILCS 5/1-3.27	from Ch. 43, par. 95.27
8	235 ILCS 5/1-3.29	from Ch. 43, par. 95.29
9	235 ILCS 5/1-3.33	
10	235 ILCS 5/1-3.38 new	
11	235 ILCS 5/1-3.39 new	
12	235 ILCS 5/3-12	from Ch. 43, par. 108
13	235 ILCS 5/3-14	from Ch. 43, par. 109
14	235 ILCS 5/4-4	from Ch. 43, par. 112
15	235 ILCS 5/5-1	from Ch. 43, par. 115
16	235 ILCS 5/5-3	from Ch. 43, par. 118
17	235 ILCS 5/6-4	from Ch. 43, par. 121
18	235 ILCS 5/6-5	from Ch. 43, par. 122
19	235 ILCS 5/6-6	from Ch. 43, par. 123
20	235 ILCS 5/6-6.5	
21	235 ILCS 5/6-7	from Ch. 43, par. 124
22	235 ILCS 5/6-8	from Ch. 43, par. 125
23	235 ILCS 5/6-9	from Ch. 43, par. 126
24	235 ILCS 5/6-9.1	
25	235 ILCS 5/6-17	from Ch. 43, par. 133
26	235 ILCS 5/6-17.1	
27	235 ILCS 5/6-21	from Ch. 43, par. 135
28	235 ILCS 5/6-22	from Ch. 43, par. 137
29	235 ILCS 5/6-29	from Ch. 43, par. 144e
30	235 ILCS 5/6-29.1	
31	235 ILCS 5/6-31	
32	235 ILCS 5/7-1	from Ch. 43, par. 145
33	235 ILCS 5/7-6	from Ch. 43, par. 150
34	235 ILCS 5/8-1	from Ch. 43, par. 158
35	235 ILCS 5/8-2	from Ch. 43, par. 159

- 1 235 ILCS 5/8-5 from Ch. 43, par. 163a
- 2 235 ILCS 5/8-10 from Ch. 43, par. 164
- 3 235 ILCS 5/9-13 from Ch. 43, par. 176
- 4 235 ILCS 5/10-1 from Ch. 43, par. 183
- 5 235 ILCS 5/10-7.1 from Ch. 43, par. 189.1