

1 AN ACT in relation to 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 Section 6-6 as follows:

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

7 Sec. 6-6. Except as otherwise provided in this Act, no  
8 manufacturer, ~~or~~ distributor, ~~or~~ importing distributor, or  
9 foreign importer shall, directly, or indirectly, sell,  
10 supply, furnish, give or pay for, or loan or lease, any  
11 furnishing, fixture or equipment on the premises of a place  
12 of business of another licensee authorized under this Act to  
13 sell alcoholic liquor at retail, either for consumption on or  
14 off the premises, nor shall he or she directly or indirectly,  
15 pay for any such license, or advance, furnish, lend or give  
16 money for payment of such license, or purchase or become the  
17 owner of any note, mortgage, or other evidence of  
18 indebtedness of such licensee or any form of security  
19 therefor, nor shall such manufacturer, ~~or~~ distributor, ~~or~~  
20 importing distributor, or foreign importer, directly or  
21 indirectly, be interested in the ownership, conduct or  
22 operation of the business of any licensee authorized to sell  
23 alcoholic liquor at retail, nor shall any manufacturer, ~~or~~  
24 distributor, ~~or~~ importing distributor, or foreign importer be  
25 interested directly or indirectly or as owner or part owner  
26 of said premises or as lessee or lessor thereof, in any  
27 premises upon which alcoholic liquor is sold at retail.

28 No manufacturer, ~~or~~ distributor, ~~or~~ importing  
29 distributor, or foreign importer shall, directly or  
30 indirectly or through a subsidiary or affiliate, or by any  
31 officer, director or firm of such manufacturer, distributor,

1 ~~er~~ importing distributor, or foreign importer furnish, give,  
2 lend or rent, install, repair or maintain, to or for any  
3 retail licensee in this State, any signs or inside  
4 advertising materials except as provided in this Section and  
5 Section 6-5. With respect to retail licensees, other than any  
6 government owned or operated auditorium, exhibition hall,  
7 recreation facility or other similar facility holding a  
8 retailer's license as described in Section 6-5, a  
9 manufacturer, distributor, ~~er~~ importing distributor, or  
10 foreign importer may furnish, give, lend or rent and erect,  
11 install, repair and maintain to or for any retail licensee,  
12 for use at any one time in or about or in connection with a  
13 retail establishment on which the products of the  
14 manufacturer, distributor, or importing distributor, or  
15 foreign importer are sold, the following signs and inside  
16 advertising materials as authorized in subparts (i), (ii),  
17 (iii), and (iv):

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

28 (ii) Temporary outside signs shall be limited to  
29 one temporary outside sign per brand. Examples of  
30 temporary outside signs are banners, flags, pennants,  
31 streamers, and other items of a temporary and  
32 non-permanent nature. Each temporary outside sign must  
33 include the manufacturer's name, brand name, trade name,  
34 slogans, markings, trademark, or other symbol commonly

1 associated with and generally used in identifying the  
2 product. Temporary outside signs may also include, for  
3 example, the product, price, packaging, date or dates of  
4 a promotion and an announcement of a retail licensee's  
5 specific sponsored event, if the temporary outside sign  
6 is intended to promote a product, and provided that the  
7 announcement of the retail licensee's event and the  
8 product promotion are held simultaneously. However,  
9 temporary outside signs may not include names, slogans,  
10 markings, or logos that relate to the retailer. Nothing  
11 in this subpart (ii) shall prohibit a distributor or  
12 importing distributor from bearing the cost of creating  
13 or printing a temporary outside sign for the retail  
14 licensee's specific sponsored event or from bearing the  
15 cost of creating or printing a temporary sign for a  
16 retail licensee containing, for example, community  
17 goodwill expressions, regional sporting event  
18 announcements, or seasonal messages, provided that the  
19 primary purpose of the temporary outside sign is to  
20 highlight, promote, or advertise the product. In  
21 addition, temporary outside signs provided by the  
22 manufacturer to the distributor or importing distributor  
23 may also include, for example, subject to the limitations  
24 of this Section, preprinted community goodwill  
25 expressions, sporting event announcements, seasonal  
26 messages, and manufacturer promotional announcements.  
27 However, a distributor or importing distributor shall not  
28 bear the cost of such manufacturer preprinted signs.

29 (iii) Permanent inside signs, whether visible from  
30 the outside or the inside of the premises, include, but  
31 are not limited to: alcohol lists and menus that may  
32 include names, slogans, markings, or logos that relate to  
33 the retailer; neons; illuminated signs; clocks; table  
34 lamps; mirrors; tap handles; decalcomanias; window

1 painting; and window trim. All permanent inside signs in  
2 place and in use at any one time shall cost in the  
3 aggregate not more than \$2000 per manufacturer. A  
4 permanent inside 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. However,  
8 permanent inside signs may not include names, slogans,  
9 markings, or logos that relate to the retailer. For the  
10 purpose of this subpart (iii), all permanent inside signs  
11 may be displayed in an adjacent courtyard or patio  
12 commonly referred to as a "beer garden" that is a part of  
13 the retailer's licensed premises.

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

1 temporary inside signs and inside advertising materials  
2 may be displayed in an adjacent courtyard or patio  
3 commonly referred to as a "beer garden" that is a part of  
4 the retailer's licensed premises.

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

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

32 A distributor or importing distributor may purchase from  
33 or enter into a written agreement with a manufacturer, ~~or~~ a  
34 manufacturer's designated supplier, a foreign importer, or a

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

19 A distributor or importing distributor shall be deemed  
20 the owner of such signs or advertising materials purchased  
21 from a manufacturer, ~~or--a~~ manufacturer's designated supplier,  
22 foreign importer, or foreign importer's designated supplier.

23 The provisions of Public Act 90-373 concerning signs or  
24 advertising materials delivered by a manufacturer or foreign  
25 importer to a distributor or importing distributor shall  
26 apply only to signs or advertising materials delivered on or  
27 after August 14, 1997.

28 No person engaged in the business as a manufacturer,  
29 importer, distributor, or foreign importer of manufacturing,  
30 ~~importing--or--distributing~~ alcoholic liquors shall, directly  
31 or indirectly, pay for, or advance, furnish, or lend money  
32 for the payment of any license for another. Any licensee who  
33 shall permit or assent, or be a party in any way to any  
34 violation or infringement of the provisions of this Section

1 shall be deemed guilty of a violation of this Act, and any  
2 money loaned contrary to a provision of this Act shall not be  
3 recovered back, or any note, mortgage or other evidence of  
4 indebtedness, or security, or any lease or contract obtained  
5 or made contrary 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 Section 99. Effective date. This Act takes effect upon  
13 becoming law.