

1 AN ACT concerning 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 5-1, 6-6, 6-6.5, 8-1, and 8-5 and by adding
6 Sections 6-5.5 and 6-6.6 as follows:

7 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

10 (a) Manufacturer's license - Class 1. Distiller, Class 2.
11 Rectifier, Class 3. Brewer, Class 4. First Class Wine
12 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
13 First Class Winemaker, Class 7. Second Class Winemaker, Class
14 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
15 10. Class 1 Brewer, Class 11. Class 2 Brewer,

16 (b) Distributor's license,

17 (c) Importing Distributor's license,

18 (d) Retailer's license,

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

20 (f) Railroad license,

21 (g) Boat license,

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

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

- 1 (j) Airplane license,
- 2 (k) Foreign importer's license,
- 3 (l) Broker's license,
- 4 (m) Non-resident dealer's license,
- 5 (n) Brew Pub license,
- 6 (o) Auction liquor license,
- 7 (p) Caterer retailer license,
- 8 (q) Special use permit license,
- 9 (r) Winery shipper's license,
- 10 (s) Craft distiller tasting permit,
- 11 (t) Brewer warehouse permit.

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

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

20 Class 1. A Distiller may make sales and deliveries of
21 alcoholic liquor to distillers, rectifiers, importing
22 distributors, distributors and non-beverage users and to no
23 other licensees.

24 Class 2. A Rectifier, who is not a distiller, as defined
25 herein, may make sales and deliveries of alcoholic liquor to
26 rectifiers, importing distributors, distributors, retailers

1 and non-beverage users and to no other licensees.

2 Class 3. A Brewer may make sales and deliveries of beer to
3 importing distributors and distributors and may make sales as
4 authorized under subsection (e) of Section 6-4 of this Act.

5 Class 4. A first class wine-manufacturer may make sales and
6 deliveries of up to 50,000 gallons of wine to manufacturers,
7 importing distributors and distributors, and to no other
8 licensees.

9 Class 5. A second class Wine manufacturer may make sales
10 and deliveries of more than 50,000 gallons of wine to
11 manufacturers, importing distributors and distributors and to
12 no other licensees.

13 Class 6. A first-class wine-maker's license shall allow the
14 manufacture of up to 50,000 gallons of wine per year, and the
15 storage and sale of such wine to distributors in the State and
16 to persons without the State, as may be permitted by law. A
17 person who, prior to June 1, 2008 (the effective date of Public
18 Act 95-634), is a holder of a first-class wine-maker's license
19 and annually produces more than 25,000 gallons of its own wine
20 and who distributes its wine to licensed retailers shall cease
21 this practice on or before July 1, 2008 in compliance with
22 Public Act 95-634.

23 Class 7. A second-class wine-maker's license shall allow
24 the manufacture of between 50,000 and 150,000 gallons of wine
25 per year, and the storage and sale of such wine to distributors
26 in this State and to persons without the State, as may be

1 permitted by law. A person who, prior to June 1, 2008 (the
2 effective date of Public Act 95-634), is a holder of a
3 second-class wine-maker's license and annually produces more
4 than 25,000 gallons of its own wine and who distributes its
5 wine to licensed retailers shall cease this practice on or
6 before July 1, 2008 in compliance with Public Act 95-634.

7 Class 8. A limited wine-manufacturer may make sales and
8 deliveries not to exceed 40,000 gallons of wine per year to
9 distributors, and to non-licensees in accordance with the
10 provisions of this Act.

11 Class 9. A craft distiller license shall allow the
12 manufacture of up to 100,000 gallons of spirits by distillation
13 per year and the storage of such spirits. If a craft distiller
14 licensee, including a craft distiller licensee who holds more
15 than one craft distiller license, is not affiliated with any
16 other manufacturer of spirits, then the craft distiller
17 licensee may sell such spirits to distributors in this State
18 and up to 2,500 gallons of such spirits to non-licensees to the
19 extent permitted by any exemption approved by the Commission
20 pursuant to Section 6-4 of this Act. A craft distiller license
21 holder may store such spirits at a non-contiguous licensed
22 location, but at no time shall a craft distiller license holder
23 directly or indirectly produce in the aggregate more than
24 100,000 gallons of spirits per year.

25 A craft distiller licensee may hold more than one craft
26 distiller's license. However, a craft distiller that holds more

1 than one craft distiller license shall not manufacture, in the
2 aggregate, more than 100,000 gallons of spirits by distillation
3 per year and shall not sell, in the aggregate, more than 2,500
4 gallons of such spirits to non-licensees in accordance with an
5 exemption approved by the State Commission pursuant to Section
6 6-4 of this Act.

7 Any craft distiller licensed under this Act who on July 28,
8 2010 (the effective date of Public Act 96-1367) was licensed as
9 a distiller and manufactured no more spirits than permitted by
10 this Section shall not be required to pay the initial licensing
11 fee.

12 Class 10. A class 1 brewer license, which may only be
13 issued to a licensed brewer or licensed non-resident dealer,
14 shall allow the manufacture of up to 930,000 gallons of beer
15 per year provided that the class 1 brewer licensee does not
16 manufacture more than a combined 930,000 gallons of beer per
17 year and is not a member of or affiliated with, directly or
18 indirectly, a manufacturer that produces more than 930,000
19 gallons of beer per year or any other alcoholic liquor. A class
20 1 brewer licensee may make sales and deliveries to importing
21 distributors and distributors and to retail licensees in
22 accordance with the conditions set forth in paragraph (18) of
23 subsection (a) of Section 3-12 of this Act. If the State
24 Commission provides prior approval, a class 1 brewer may
25 annually transfer up to 930,000 gallons of beer manufactured by
26 that class 1 brewer to the premises of a licensed class 1

1 brewer wholly owned and operated by the same licensee.

2 Class 11. A class 2 brewer license, which may only be
3 issued to a licensed brewer or licensed non-resident dealer,
4 shall allow the manufacture of up to 3,720,000 gallons of beer
5 per year provided that the class 2 brewer licensee does not
6 manufacture more than a combined 3,720,000 gallons of beer per
7 year and is not a member of or affiliated with, directly or
8 indirectly, a manufacturer that produces more than 3,720,000
9 gallons of beer per year or any other alcoholic liquor. A class
10 2 brewer licensee may make sales and deliveries to importing
11 distributors and distributors, but shall not make sales or
12 deliveries to any other licensee. If the State Commission
13 provides prior approval, a class 2 brewer licensee may annually
14 transfer up to 3,720,000 gallons of beer manufactured by that
15 class 2 brewer licensee to the premises of a licensed class 2
16 brewer wholly owned and operated by the same licensee.

17 A class 2 brewer may transfer beer to a brew pub wholly
18 owned and operated by the class 2 brewer subject to the
19 following limitations and restrictions: (i) the transfer shall
20 not annually exceed more than 31,000 gallons; (ii) the annual
21 amount transferred shall reduce the brew pub's annual permitted
22 production limit; (iii) all beer transferred shall be subject
23 to Article VIII of this Act; (iv) a written record shall be
24 maintained by the brewer and brew pub specifying the amount,
25 date of delivery, and receipt of the product by the brew pub;
26 and (v) the brew pub shall be located no farther than 80 miles

1 from the class 2 brewer's licensed location.

2 A class 2 brewer shall, prior to transferring beer to a
3 brew pub wholly owned by the class 2 brewer, furnish a written
4 notice to the State Commission of intent to transfer beer
5 setting forth the name and address of the brew pub and shall
6 annually submit to the State Commission a verified report
7 identifying the total gallons of beer transferred to the brew
8 pub wholly owned by the class 2 brewer.

9 (a-1) A manufacturer which is licensed in this State to
10 make sales or deliveries of alcoholic liquor to licensed
11 distributors or importing distributors and which enlists
12 agents, representatives, or individuals acting on its behalf
13 who contact licensed retailers on a regular and continual basis
14 in this State must register those agents, representatives, or
15 persons acting on its behalf with the State Commission.

16 Registration of agents, representatives, or persons acting
17 on behalf of a manufacturer is fulfilled by submitting a form
18 to the Commission. The form shall be developed by the
19 Commission and shall include the name and address of the
20 applicant, the name and address of the manufacturer he or she
21 represents, the territory or areas assigned to sell to or
22 discuss pricing terms of alcoholic liquor, and any other
23 questions deemed appropriate and necessary. All statements in
24 the forms required to be made by law or by rule shall be deemed
25 material, and any person who knowingly misstates any material
26 fact under oath in an application is guilty of a Class B

1 misdemeanor. Fraud, misrepresentation, false statements,
2 misleading statements, evasions, or suppression of material
3 facts in the securing of a registration are grounds for
4 suspension or revocation of the registration. The State
5 Commission shall post a list of registered agents on the
6 Commission's website.

7 (b) A distributor's license shall allow the wholesale
8 purchase and storage of alcoholic liquors and sale of alcoholic
9 liquors to licensees in this State and to persons without the
10 State, as may be permitted by law, and the sale of beer, cider,
11 or both beer and cider to brewers, class 1 brewers, and class 2
12 brewers that, pursuant to subsection (e) of Section 6-4 of this
13 Act, sell beer, cider, or both beer and cider to non-licensees
14 at their breweries. No person licensed as a distributor shall
15 be granted a non-resident dealer's license.

16 (c) An importing distributor's license may be issued to and
17 held by those only who are duly licensed distributors, upon the
18 filing of an application by a duly licensed distributor, with
19 the Commission and the Commission shall, without the payment of
20 any fee, immediately issue such importing distributor's
21 license to the applicant, which shall allow the importation of
22 alcoholic liquor by the licensee into this State from any point
23 in the United States outside this State, and the purchase of
24 alcoholic liquor in barrels, casks or other bulk containers and
25 the bottling of such alcoholic liquors before resale thereof,
26 but all bottles or containers so filled shall be sealed,

1 labeled, stamped and otherwise made to comply with all
2 provisions, rules and regulations governing manufacturers in
3 the preparation and bottling of alcoholic liquors. The
4 importing distributor's license shall permit such licensee to
5 purchase alcoholic liquor from Illinois licensed non-resident
6 dealers and foreign importers only. No person licensed as an
7 importing distributor shall be granted a non-resident dealer's
8 license.

9 (d) A retailer's license shall allow the licensee to sell
10 and offer for sale at retail, only in the premises specified in
11 the license, alcoholic liquor for use or consumption, but not
12 for resale in any form. Nothing in Public Act 95-634 shall
13 deny, limit, remove, or restrict the ability of a holder of a
14 retailer's license to transfer, deliver, or ship alcoholic
15 liquor to the purchaser for use or consumption subject to any
16 applicable local law or ordinance. Any retail license issued to
17 a manufacturer shall only permit the manufacturer to sell beer
18 at retail on the premises actually occupied by the
19 manufacturer. For the purpose of further describing the type of
20 business conducted at a retail licensed premises, a retailer's
21 licensee may be designated by the State Commission as (i) an on
22 premise consumption retailer, (ii) an off premise sale
23 retailer, or (iii) a combined on premise consumption and off
24 premise sale retailer.

25 Notwithstanding any other provision of this subsection
26 (d), a retail licensee may sell alcoholic liquors to a special

1 event retailer licensee for resale to the extent permitted
2 under subsection (e).

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

1 submit with the application proof satisfactory to the State
2 Commission that the applicant will provide dram shop liability
3 insurance in the maximum limits; and (iii) show proof
4 satisfactory to the State Commission that the applicant has
5 obtained local authority approval.

6 Nothing in this Act prohibits an Illinois licensed
7 distributor from offering credit or a refund for unused,
8 salable alcoholic liquors to a holder of a special event
9 retailer's license or ~~from~~ the special event retailer's
10 licensee from accepting the credit or refund of alcoholic
11 liquors at the conclusion of the event specified in the
12 license.

13 (f) A railroad license shall permit the licensee to import
14 alcoholic liquors into this State from any point in the United
15 States outside this State and to store such alcoholic liquors
16 in this State; to make wholesale purchases of alcoholic liquors
17 directly from manufacturers, foreign importers, distributors
18 and importing distributors from within or outside this State;
19 and to store such alcoholic liquors in this State; provided
20 that the above powers may be exercised only in connection with
21 the importation, purchase or storage of alcoholic liquors to be
22 sold or dispensed on a club, buffet, lounge or dining car
23 operated on an electric, gas or steam railway in this State;
24 and provided further, that railroad licensees exercising the
25 above powers shall be subject to all provisions of Article VIII
26 of this Act as applied to importing distributors. A railroad

1 license shall also permit the licensee to sell or dispense
 2 alcoholic liquors on any club, buffet, lounge or dining car
 3 operated on an electric, gas or steam railway regularly
 4 operated by a common carrier in this State, but shall not
 5 permit the sale for resale of any alcoholic liquors to any
 6 licensee within this State. A license shall be obtained for
 7 each car in which such sales are made.

8 (g) A boat license shall allow the sale of alcoholic liquor
 9 in individual drinks, on any passenger boat regularly operated
 10 as a common carrier on navigable waters in this State or on any
 11 riverboat operated under the Riverboat Gambling Act, which boat
 12 or riverboat maintains a public dining room or restaurant
 13 thereon.

14 (h) A non-beverage user's license shall allow the licensee
 15 to purchase alcoholic liquor from a licensed manufacturer or
 16 importing distributor, without the imposition of any tax upon
 17 the business of such licensed manufacturer or importing
 18 distributor as to such alcoholic liquor to be used by such
 19 licensee solely for the non-beverage purposes set forth in
 20 subsection (a) of Section 8-1 of this Act, and such licenses
 21 shall be divided and classified and shall permit the purchase,
 22 possession and use of limited and stated quantities of
 23 alcoholic liquor as follows:

- 24 Class 1, not to exceed 500 gallons
- 25 Class 2, not to exceed 1,000 gallons
- 26 Class 3, not to exceed 5,000 gallons

1 Class 4, not to exceed 10,000 gallons

2 Class 5, not to exceed 50,000 gallons

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

1 Section 5-3 of this Act. A wine-maker's premises licensee shall
2 secure liquor liability insurance coverage in an amount at
3 least equal to the maximum liability amounts set forth in
4 subsection (a) of Section 6-21 of this Act.

5 (j) An airplane license shall permit the licensee to import
6 alcoholic liquors into this State from any point in the United
7 States outside this State and to store such alcoholic liquors
8 in this State; to make wholesale purchases of alcoholic liquors
9 directly from manufacturers, foreign importers, distributors
10 and importing distributors from within or outside this State;
11 and to store such alcoholic liquors in this State; provided
12 that the above powers may be exercised only in connection with
13 the importation, purchase or storage of alcoholic liquors to be
14 sold or dispensed on an airplane; and provided further, that
15 airplane licensees exercising the above powers shall be subject
16 to all provisions of Article VIII of this Act as applied to
17 importing distributors. An airplane licensee shall also permit
18 the sale or dispensing of alcoholic liquors on any passenger
19 airplane 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 single airplane
22 license shall be required of an airline company if liquor
23 service is provided on board aircraft in this State. The annual
24 fee for such license shall be as determined in Section 5-3.

25 (k) A foreign importer's license shall permit such licensee
26 to purchase alcoholic liquor from Illinois licensed

1 non-resident dealers only, and to import alcoholic liquor other
2 than in bulk from any point outside the United States and to
3 sell such alcoholic liquor to Illinois licensed importing
4 distributors and to no one else in Illinois; provided that (i)
5 the foreign importer registers with the State Commission every
6 brand of alcoholic liquor that it proposes to sell to Illinois
7 licensees during the license period, (ii) the foreign importer
8 complies with all of the provisions of Section 6-9 of this Act
9 with respect to registration of such Illinois licensees as may
10 be granted the right to sell such brands at wholesale, and
11 (iii) the foreign importer complies with the provisions of
12 Sections 6-5 and 6-6 of this Act to the same extent that these
13 provisions apply to manufacturers.

14 (1) (i) A broker's license shall be required of all persons
15 who solicit orders for, offer to sell or offer to supply
16 alcoholic liquor to retailers in the State of Illinois, or who
17 offer to retailers to ship or cause to be shipped or to make
18 contact with distillers, rectifiers, brewers or manufacturers
19 or any other party within or without the State of Illinois in
20 order that alcoholic liquors be shipped to a distributor,
21 importing distributor or foreign importer, whether such
22 solicitation or offer is consummated within or without the
23 State of Illinois.

24 No holder of a retailer's license issued by the Illinois
25 Liquor Control Commission shall purchase or receive any
26 alcoholic liquor, the order for which was solicited or offered

1 for sale to such retailer by a broker unless the broker is the
2 holder of a valid broker's license.

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

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

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

22 This subsection (1) shall not apply to distributors,
23 employees of distributors, or employees of a manufacturer who
24 has registered the trademark, brand or name of the alcoholic
25 liquor pursuant to Section 6-9 of this Act, and who regularly
26 sells such alcoholic liquor in the State of Illinois only to

1 its registrants thereunder.

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

5 (m) A non-resident dealer's license shall permit such
6 licensee to ship into and warehouse alcoholic liquor into this
7 State from any point outside of this State, and to sell such
8 alcoholic liquor to Illinois licensed foreign importers and
9 importing distributors and to no one else in this State;
10 provided that (i) said non-resident dealer shall register with
11 the Illinois Liquor Control Commission each and every brand of
12 alcoholic liquor which it proposes to sell to Illinois
13 licensees during the license period, (ii) it shall comply with
14 all of the provisions of Section 6-9 hereof with respect to
15 registration of such Illinois licensees as may be granted the
16 right to sell such brands at wholesale by duly filing such
17 registration statement, thereby authorizing the non-resident
18 dealer to proceed to sell such brands at wholesale, and (iii)
19 the non-resident dealer shall comply with the provisions of
20 Sections 6-5 and 6-6 of this Act to the same extent that these
21 provisions apply to manufacturers. No person licensed as a
22 non-resident dealer shall be granted a distributor's or
23 importing distributor's license.

24 (n) A brew pub license shall allow the licensee to only (i)
25 manufacture up to 155,000 gallons of beer per year only on the
26 premises specified in the license, (ii) make sales of the beer

1 manufactured on the premises or, with the approval of the
2 Commission, beer manufactured on another brew pub licensed
3 premises that is wholly owned and operated by the same licensee
4 to importing distributors, distributors, and to non-licensees
5 for use and consumption, (iii) store the beer upon the
6 premises, (iv) sell and offer for sale at retail from the
7 licensed premises for off-premises consumption no more than
8 155,000 gallons per year so long as such sales are only made
9 in-person, (v) sell and offer for sale at retail for use and
10 consumption on the premises specified in the license any form
11 of alcoholic liquor purchased from a licensed distributor or
12 importing distributor, and (vi) with the prior approval of the
13 Commission, annually transfer no more than 155,000 gallons of
14 beer manufactured on the premises to a licensed brew pub wholly
15 owned and operated by the same licensee.

16 A brew pub licensee shall not under any circumstance sell
17 or offer for sale beer manufactured by the brew pub licensee to
18 retail licensees.

19 A person who holds a class 2 brewer license may
20 simultaneously hold a brew pub license if the class 2 brewer
21 (i) does not, under any circumstance, sell or offer for sale
22 beer manufactured by the class 2 brewer to retail licensees;
23 (ii) does not hold more than 3 brew pub licenses in this State;
24 (iii) does not manufacture more than a combined 3,720,000
25 gallons of beer per year, including the beer manufactured at
26 the brew pub; and (iv) is not a member of or affiliated with,

1 directly or indirectly, a manufacturer that produces more than
2 3,720,000 gallons of beer per year or any other alcoholic
3 liquor.

4 Notwithstanding any other provision of this Act, a licensed
5 brewer, class 2 brewer, or non-resident dealer who before July
6 1, 2015 manufactured less than 3,720,000 gallons of beer per
7 year and held a brew pub license on or before July 1, 2015 may
8 (i) continue to qualify for and hold that brew pub license for
9 the licensed premises and (ii) manufacture more than 3,720,000
10 gallons of beer per year and continue to qualify for and hold
11 that brew pub license if that brewer, class 2 brewer, or
12 non-resident dealer does not simultaneously hold a class 1
13 brewer license and is not a member of or affiliated with,
14 directly or indirectly, a manufacturer that produces more than
15 3,720,000 gallons of beer per year or that produces any other
16 alcoholic liquor.

17 (o) A caterer retailer license shall allow the holder to
18 serve alcoholic liquors as an incidental part of a food service
19 that serves prepared meals which excludes the serving of snacks
20 as the primary meal, either on or off-site whether licensed or
21 unlicensed. A caterer retailer license shall allow the holder,
22 a distributor, or an importing distributor to transfer any
23 inventory to and from the holder's retail premises and shall
24 allow the holder to purchase alcoholic liquor from a
25 distributor or importing distributor to be delivered directly
26 to an off-site event.

1 Nothing in this Act prohibits a distributor or importing
2 distributor from offering credit or a refund for unused,
3 salable beer to a holder of a caterer retailer license or a
4 caterer retailer licensee from accepting a credit or refund for
5 unused, salable beer, in the event an act of God is the sole
6 reason an off-site event is cancelled and if: (i) the holder of
7 a caterer retailer license has not transferred alcoholic liquor
8 from its caterer retailer premises to an off-site location;
9 (ii) the distributor or importing distributor offers the credit
10 or refund for the unused, salable beer that it delivered to the
11 off-site premises and not for any unused, salable beer that the
12 distributor or importing distributor delivered to the caterer
13 retailer's premises; and (iii) the unused, salable beer would
14 likely spoil if transferred to the caterer retailer's premises.
15 A caterer retailer license shall allow the holder to transfer
16 any inventory from any off-site location to its caterer
17 retailer premises at the conclusion of an off-site event or
18 engage a distributor or importing distributor to transfer any
19 inventory from any off-site location to its caterer retailer
20 premises at the conclusion of an off-site event, provided that
21 the distributor or importing distributor issues bona fide
22 charges to the caterer retailer licensee for fuel, labor, and
23 delivery and the distributor or importing distributor collects
24 payment from the caterer retailer licensee prior to the
25 distributor or importing distributor transferring inventory to
26 the caterer retailer premises.

1 For purposes of this subsection (o), an "act of God" means
2 an unforeseeable event, such as a rain or snow storm, hail, a
3 flood, or a similar event, that is the sole cause of the
4 cancellation of an off-site, outdoor event.

5 (p) An auction liquor license shall allow the licensee to
6 sell and offer for sale at auction wine and spirits for use or
7 consumption, or for resale by an Illinois liquor licensee in
8 accordance with provisions of this Act. An auction liquor
9 license will be issued to a person and it will permit the
10 auction liquor licensee to hold the auction anywhere in the
11 State. An auction liquor license must be obtained for each
12 auction at least 14 days in advance of the auction date.

13 (q) A special use permit license shall allow an Illinois
14 licensed retailer to transfer a portion of its alcoholic liquor
15 inventory from its retail licensed premises to the premises
16 specified in the license hereby created; to purchase alcoholic
17 liquor from a distributor or importing distributor to be
18 delivered directly to the location specified in the license
19 hereby created; and to sell or offer for sale at retail, only
20 in the premises specified in the license hereby created, the
21 transferred or delivered alcoholic liquor for use or
22 consumption, but not for resale in any form. A special use
23 permit license may be granted for the following time periods:
24 one day or less; 2 or more days to a maximum of 15 days per
25 location in any 12-month period. An applicant for the special
26 use permit license must also submit with the application proof

1 satisfactory to the State Commission that the applicant will
2 provide dram shop liability insurance to the maximum limits and
3 have local authority approval.

4 A special use permit license shall allow the holder to
5 transfer any inventory from the holder's special use premises
6 to its retail premises at the conclusion of the special use
7 event or engage a distributor or importing distributor to
8 transfer any inventory from the holder's special use premises
9 to its retail premises at the conclusion of an off-site event,
10 provided that the distributor or importing distributor issues
11 bona fide charges to the special use permit licensee for fuel,
12 labor, and delivery and the distributor or importing
13 distributor collects payment from the retail licensee prior to
14 the distributor or importing distributor transferring
15 inventory to the retail premises.

16 Nothing in this Act prohibits a distributor or importing
17 distributor from offering credit or a refund for unused,
18 salable beer to a special use permit licensee or a special use
19 permit licensee from accepting a credit or refund for unused,
20 salable beer at the conclusion of the event specified in the
21 license if: (i) the holder of the special use permit license
22 has not transferred alcoholic liquor from its retail licensed
23 premises to the premises specified in the special use permit
24 license; (ii) the distributor or importing distributor offers
25 the credit or refund for the unused, salable beer that it
26 delivered to the premises specified in the special use permit

1 license and not for any unused, salable beer that the
2 distributor or importing distributor delivered to the
3 retailer's premises; and (iii) the unused, salable beer would
4 likely spoil if transferred to the retailer premises.

5 (r) A winery shipper's license shall allow a person with a
6 first-class or second-class wine manufacturer's license, a
7 first-class or second-class wine-maker's license, or a limited
8 wine manufacturer's license or who is licensed to make wine
9 under the laws of another state to ship wine made by that
10 licensee directly to a resident of this State who is 21 years
11 of age or older for that resident's personal use and not for
12 resale. Prior to receiving a winery shipper's license, an
13 applicant for the license must provide the Commission with a
14 true copy of its current license in any state in which it is
15 licensed as a manufacturer of wine. An applicant for a winery
16 shipper's license must also complete an application form that
17 provides any other information the Commission deems necessary.
18 The application form shall include all addresses from which the
19 applicant for a winery shipper's license intends to ship wine,
20 including the name and address of any third party, except for a
21 common carrier, authorized to ship wine on behalf of the
22 manufacturer. The application form shall include an
23 acknowledgement consenting to the jurisdiction of the
24 Commission, the Illinois Department of Revenue, and the courts
25 of this State concerning the enforcement of this Act and any
26 related laws, rules, and regulations, including authorizing

1 the Department of Revenue and the Commission to conduct audits
2 for the purpose of ensuring compliance with Public Act 95-634,
3 and an acknowledgement that the wine manufacturer is in
4 compliance with Section 6-2 of this Act. Any third party,
5 except for a common carrier, authorized to ship wine on behalf
6 of a first-class or second-class wine manufacturer's licensee,
7 a first-class or second-class wine-maker's licensee, a limited
8 wine manufacturer's licensee, or a person who is licensed to
9 make wine under the laws of another state shall also be
10 disclosed by the winery shipper's licensee, and a copy of the
11 written appointment of the third-party wine provider, except
12 for a common carrier, to the wine manufacturer shall be filed
13 with the State Commission as a supplement to the winery
14 shipper's license application or any renewal thereof. The
15 winery shipper's license holder shall affirm under penalty of
16 perjury, as part of the winery shipper's license application or
17 renewal, that he or she only ships wine, either directly or
18 indirectly through a third-party provider, from the licensee's
19 own production.

20 Except for a common carrier, a third-party provider
21 shipping wine on behalf of a winery shipper's license holder is
22 the agent of the winery shipper's license holder and, as such,
23 a winery shipper's license holder is responsible for the acts
24 and omissions of the third-party provider acting on behalf of
25 the license holder. A third-party provider, except for a common
26 carrier, that engages in shipping wine into Illinois on behalf

1 of a winery shipper's license holder shall consent to the
2 jurisdiction of the State Commission and the State. Any
3 third-party, except for a common carrier, holding such an
4 appointment shall, by February 1 of each calendar year and upon
5 request by the State Commission or the Department of Revenue,
6 file with the State Commission a statement detailing each
7 shipment made to an Illinois resident. The statement shall
8 include the name and address of the third-party provider filing
9 the statement, the time period covered by the statement, and
10 the following information:

- 11 (1) the name, address, and license number of the winery
12 shipper on whose behalf the shipment was made;
- 13 (2) the quantity of the products delivered; and
- 14 (3) the date and address of the shipment.

15 If the Department of Revenue or the State Commission requests a
16 statement under this paragraph, the third-party provider must
17 provide that statement no later than 30 days after the request
18 is made. Any books, records, supporting papers, and documents
19 containing information and data relating to a statement under
20 this paragraph shall be kept and preserved for a period of 3
21 years, unless their destruction sooner is authorized, in
22 writing, by the Director of Revenue, and shall be open and
23 available to inspection by the Director of Revenue or the State
24 Commission or any duly authorized officer, agent, or employee
25 of the State Commission or the Department of Revenue, at all
26 times during business hours of the day. Any person who violates

1 any provision of this paragraph or any rule of the State
2 Commission for the administration and enforcement of the
3 provisions of this paragraph is guilty of a Class C
4 misdemeanor. In case of a continuing violation, each day's
5 continuance thereof shall be a separate and distinct offense.

6 The State Commission shall adopt rules as soon as
7 practicable to implement the requirements of Public Act 99-904
8 and shall adopt rules prohibiting any such third-party
9 appointment of a third-party provider, except for a common
10 carrier, that has been deemed by the State Commission to have
11 violated the provisions of this Act with regard to any winery
12 shipper licensee.

13 A winery shipper licensee must pay to the Department of
14 Revenue the State liquor gallonage tax under Section 8-1 for
15 all wine that is sold by the licensee and shipped to a person
16 in this State. For the purposes of Section 8-1, a winery
17 shipper licensee shall be taxed in the same manner as a
18 manufacturer of wine. A licensee who is not otherwise required
19 to register under the Retailers' Occupation Tax Act must
20 register under the Use Tax Act to collect and remit use tax to
21 the Department of Revenue for all gallons of wine that are sold
22 by the licensee and shipped to persons in this State. If a
23 licensee fails to remit the tax imposed under this Act in
24 accordance with the provisions of Article VIII of this Act, the
25 winery shipper's license shall be revoked in accordance with
26 the provisions of Article VII of this Act. If a licensee fails

1 to properly register and remit tax under the Use Tax Act or the
2 Retailers' Occupation Tax Act for all wine that is sold by the
3 winery shipper and shipped to persons in this State, the winery
4 shipper's license shall be revoked in accordance with the
5 provisions of Article VII of this Act.

6 A winery shipper licensee must collect, maintain, and
7 submit to the Commission on a semi-annual basis the total
8 number of cases per resident of wine shipped to residents of
9 this State. A winery shipper licensed under this subsection (r)
10 must comply with the requirements of Section 6-29 of this Act.

11 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
12 Section 3-12, the State Commission may receive, respond to, and
13 investigate any complaint and impose any of the remedies
14 specified in paragraph (1) of subsection (a) of Section 3-12.

15 As used in this subsection, "third-party provider" means
16 any entity that provides fulfillment house services, including
17 warehousing, packaging, distribution, order processing, or
18 shipment of wine, but not the sale of wine, on behalf of a
19 licensed winery shipper.

20 (s) A craft distiller tasting permit license shall allow an
21 Illinois licensed craft distiller to transfer a portion of its
22 alcoholic liquor inventory from its craft distiller licensed
23 premises to the premises specified in the license hereby
24 created and to conduct a sampling, only in the premises
25 specified in the license hereby created, of the transferred
26 alcoholic liquor in accordance with subsection (c) of Section

1 6-31 of this Act. The transferred alcoholic liquor may not be
2 sold or resold in any form. An applicant for the craft
3 distiller tasting permit license must also submit with the
4 application proof satisfactory to the State Commission that the
5 applicant will provide dram shop liability insurance to the
6 maximum limits and have local authority approval.

7 A brewer warehouse permit may be issued to the holder of a
8 class 1 brewer license or a class 2 brewer license. If the
9 holder of the permit is a class 1 brewer licensee, the brewer
10 warehouse permit shall allow the holder to store or warehouse
11 up to 930,000 gallons of tax-determined beer manufactured by
12 the holder of the permit at the premises specified on the
13 permit. If the holder of the permit is a class 2 brewer
14 licensee, the brewer warehouse permit shall allow the holder to
15 store or warehouse up to 3,720,000 gallons of tax-determined
16 beer manufactured by the holder of the permit at the premises
17 specified on the permit. Sales to non-licensees are prohibited
18 at the premises specified in the brewer warehouse permit.

19 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;
20 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.
21 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,
22 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;
23 revised 10-2-18.)

24 (235 ILCS 5/6-5.5 new)

25 Sec. 6-5.5. Consignment sales prohibited; retailer

1 returns.

2 (a) In this Section, "retailer" means a retailer, special
3 event retailer, special use permit licensee, caterer retailer,
4 or brew pub.

5 (b) It is unlawful for a manufacturer with
6 self-distribution privileges, importing distributor, or
7 distributor to sell, offer for sale, or contract to sell to any
8 retailer, or for any such retailer to purchase, offer to
9 purchase, or contract to purchase any products:

10 (1) on consignment or conditional sale, pursuant to
11 which the retailer has no obligation to pay for the product
12 until sold;

13 (2) with the privilege of return unless expressly
14 authorized in this Act;

15 (3) on any basis other than a bona fide sale; or

16 (4) if any part of the sale involves, directly or
17 indirectly, the acquisition by the retailer of other
18 products from a manufacturer with self-distribution
19 privileges, importing distributor, or distributor, or an
20 agreement to acquire other products from the manufacturer
21 with self-distribution privileges, importing distributor,
22 or distributor.

23 (c) Transactions involving the bona fide return of products
24 for ordinary and usual commercial reasons arising after the
25 product has been sold are not prohibited.

26 (d) Unless there is a bona fide business reason for

1 replacement of an alcoholic liquor product when delivered, the
2 alcoholic liquor product may not be replaced free of charge to
3 a retailer. Replacement of an alcoholic liquor product damaged
4 while in a retailer's possession constitutes the providing of
5 something of value and is a violation of Sections 6-4, 6-5, and
6 6-6 of this Act. A manufacturer with self-distribution
7 privileges, importing distributor, or distributor is not
8 required to accept the return of products for the reasons
9 stated in items (1) through (7) of subsection (f).

10 (1) A manufacturer with self-distribution privileges,
11 importing distributor, or distributor may not accept the
12 return of alcoholic liquor products as breakage if the
13 product was damaged after delivery and while in the
14 possession of the retailer. The manufacturer with
15 self-distribution privileges, importing distributor, or
16 distributor may replace damaged cartons, packaging, or
17 carrying containers of alcoholic liquor at any time.

18 (2) Alcoholic liquor products or other compensation
19 shall not be furnished to a retailer for product breakage
20 that occurs as a result of handling by the retailer or its
21 agents, employees, or customers.

22 (3) If an alcoholic liquor product has been damaged
23 prior to or at the time of actual delivery, the product may
24 only be exchanged for an equal quantity of identical
25 product or returned for credit. If an identical product is
26 unavailable, a similar type of product, including a

1 similarly priced product, may be exchanged.

2 (4) If an alcoholic liquor product has been damaged
3 prior to or at the time of actual delivery, the product may
4 be exchanged no later than 15 days after delivery under the
5 following conditions:

6 (A) If the pre-delivery damage is visible at the
7 time of delivery, the retailer must identify the
8 damaged product immediately.

9 (B) If the damage is latent and not visible at the
10 time of delivery, the retailer must notify the
11 manufacturer with self-distribution privileges,
12 importing distributor, or distributor of the
13 pre-delivery damage within 15 days after delivery, or
14 the date of invoice, whichever is later.

15 (e) It is unlawful to sell, offer to sell, or contract to
16 sell alcoholic liquor products with the privilege of return for
17 any reason, other than those considered to be ordinary and
18 usual commercial reasons, arising after the product has been
19 sold. A manufacturer with self-distribution privileges,
20 importing distributor, or distributor is under no obligation to
21 accept a return or make an exchange for any product. A
22 manufacturer with self-distribution privileges, importing
23 distributor, or distributor that elects to make an authorized
24 exchange of a product or return of a product for cash or credit
25 does so at its sole discretion and must maintain proper books
26 and records of the transaction in accordance with 11 Ill. Adm.

1 Code 100.130.

2 (f) Ordinary and usual commercial reasons for the return of
3 alcoholic liquor products are limited to the following:

4 (1) Defective products. Products that are unmarketable
5 because of product deterioration, leaking containers,
6 damaged labels, or missing or mutilated tamper evident
7 closures may be exchanged for an equal quantity of
8 identical or similar products, including similarly priced
9 products, or credit against outstanding indebtedness.

10 (2) Error in products delivered. Any discrepancy
11 between products ordered and products delivered may be
12 corrected, within 15 days after the date of delivery or
13 date of invoice, whichever is later, by exchange of the
14 products delivered for those that were ordered or by a
15 return for credit against outstanding indebtedness.

16 (3) Products that may no longer be lawfully sold.
17 Products that may no longer be lawfully sold may be
18 returned for credit against outstanding indebtedness. This
19 includes situations in which, due to a change in regulation
20 or administrative procedure over which a retailer has no
21 control, a particular size or brand is no longer permitted
22 to be sold.

23 (4) Termination of business. Products on hand at the
24 time a retailer terminates operations may be returned for
25 cash or credit against outstanding indebtedness. This does
26 not include a temporary seasonal shutdown.

1 (5) Change in products. A retailer's inventory of a
2 product that has been changed in formula, proof, label, or
3 container may be exchanged for equal quantities of the new
4 version of that product.

5 (6) Discontinued products. If a manufacturer,
6 non-resident dealer, foreign importer, or importing
7 distributor discontinues the production or importation of
8 a product, a retailer may return its inventory of that
9 product for cash or credit against outstanding
10 indebtedness.

11 (7) Seasonal dealers. Manufacturers with
12 self-distribution privileges, importing distributors, or
13 distributors may accept the return of product from
14 retailers who are only open a portion of the year if the
15 products are likely to spoil during the off-season. These
16 returns shall be for cash or credit against outstanding
17 indebtedness.

18 (g) Without limitation, the following are not considered
19 ordinary and commercial reasons to justify a return of an
20 alcoholic liquor product:

21 (1) Overstocked and slow-moving alcoholic liquor
22 products. The return or exchange of a product because it is
23 overstocked or slow moving does not constitute a return for
24 ordinary and usual commercial reasons.

25 (2) Seasonal alcoholic liquor products. The return for
26 cash or credit or exchange of wine or spirits for which

1 there is only a limited or seasonal demand, such as holiday
2 decanters and certain distinctive bottles, does not
3 constitute a return for ordinary and usual commercial
4 reasons. Nothing in this item (2) prohibits the exchange of
5 seasonal beer products for similarly priced beer products.

6 (h) Nothing in this Section prohibits a manufacturer with
7 self-distribution privileges, importing distributor, or
8 distributor from accepting the return of beer from a retailer
9 if the beer is near or beyond its freshness date, code date,
10 pull date, or other similar date marking the deterioration or
11 freshness of the beer if:

12 (1) the brewer has policies and procedures in place
13 that specify the date the retailer must pull the product;

14 (2) the brewer's freshness return or exchange policies
15 and procedures are readily verifiable and consistently
16 followed by the brewer; and

17 (3) the container has identifying markings that
18 correspond with this date.

19 Returns under this subsection may be accepted in return for
20 credit against indebtedness or equal amounts of the same or
21 similar beer, including a similarly priced product.

22 For purposes of this Section, beer is near code on any date
23 on or before the freshness or code date not to exceed 30 days
24 prior to the freshness or code date. If near-code beer is
25 returned, a manufacturer with self-distribution privileges,
26 importing distributor, or distributor may sell near-code beer

1 to another retailer who may reasonably sell the beer on or
2 before the expiration of the freshness or code date. No beer
3 shall be returned as near-code prior to 30 days of the
4 freshness or code date.

5 It is a violation of this Section for a retailer to hold
6 beer for the purpose of returning beer as out of code.

7 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

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

1 thereof, in any premises upon which alcoholic liquor is sold at
2 retail.

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

21 (i) Permanent outside signs shall cost not more than
22 \$3,000 per brand ~~manufacturer~~, exclusive of erection,
23 installation, repair and maintenance costs, and permit
24 fees and shall bear only the manufacturer's name, brand
25 name, trade name, slogans, markings, trademark, or other
26 symbols commonly associated with and generally used in

1 identifying the product including, but not limited to,
2 "cold beer", "on tap", "carry out", and "packaged liquor".

3 (ii) Temporary outside signs shall include, but not be
4 limited to, banners, flags, pennants, streamers, and other
5 items of a temporary and non-permanent nature, and shall
6 cost not more than \$1,000 per manufacturer. Each temporary
7 outside sign must include the manufacturer's name, brand
8 name, trade name, slogans, markings, trademark, or other
9 symbol commonly associated with and generally used in
10 identifying the product. Temporary outside signs may also
11 include, for example, the product, price, packaging, date
12 or dates of a promotion and an announcement of a retail
13 licensee's specific sponsored event, if the temporary
14 outside sign is intended to promote a product, and provided
15 that the announcement of the retail licensee's event and
16 the product promotion are held simultaneously. However,
17 temporary outside signs may not include names, slogans,
18 markings, or logos that relate to the retailer. Nothing in
19 this subpart (ii) shall prohibit a distributor or importing
20 distributor from bearing the cost of creating or printing a
21 temporary outside sign for the retail licensee's specific
22 sponsored event or from bearing the cost of creating or
23 printing a temporary sign for a retail licensee containing,
24 for example, community goodwill expressions, regional
25 sporting event announcements, or seasonal messages,
26 provided that the primary purpose of the temporary outside

1 sign is to highlight, promote, or advertise the product. In
2 addition, temporary outside signs provided by the
3 manufacturer to the distributor or importing distributor
4 may also include, for example, subject to the limitations
5 of this Section, preprinted community goodwill
6 expressions, sporting event announcements, seasonal
7 messages, and manufacturer promotional announcements.
8 However, a distributor or importing distributor shall not
9 bear the cost of such manufacturer preprinted signs.

10 (iii) Permanent inside signs, whether visible from the
11 outside or the inside of the premises, include, but are not
12 limited to: alcohol lists and menus that may include names,
13 slogans, markings, or logos that relate to the retailer;
14 neons; illuminated signs; clocks; table lamps; mirrors;
15 tap handles; decalcomanias; window painting; and window
16 trim. All neons, illuminated signs, clocks, table lamps,
17 mirrors, and tap handles are the property of the
18 manufacturer and shall be returned to the manufacturer or
19 its agent upon request. All permanent inside signs in place
20 and in use at any one time shall cost in the aggregate not
21 more than \$6,000 per manufacturer. A permanent inside sign
22 must include the manufacturer's name, brand name, trade
23 name, slogans, markings, trademark, or other symbol
24 commonly associated with and generally used in identifying
25 the product. However, permanent inside signs may not
26 include names, slogans, markings, or logos that relate to

1 the retailer. For the purpose of this subpart (iii), all
2 permanent inside signs may be displayed in an adjacent
3 courtyard or patio commonly referred to as a "beer garden"
4 that is a part of the retailer's licensed premises.

5 (iv) Temporary inside signs shall include, but are not
6 limited to, lighted chalk boards, acrylic table tent
7 beverage or hors d'oeuvre list holders, banners, flags,
8 pennants, streamers, and inside advertising materials such
9 as posters, placards, bowling sheets, table tents, inserts
10 for acrylic table tent beverage or hors d'oeuvre list
11 holders, sports schedules, or similar printed or
12 illustrated materials and product displays, such as
13 display racks, bins, barrels, or similar items, the primary
14 function of which is to temporarily hold and display
15 alcoholic beverages; however, such items, for example, as
16 coasters, trays, napkins, glassware and cups shall not be
17 deemed to be inside signs or advertising materials and may
18 only be sold to retailers at fair market value, which shall
19 be no less than the cost of the item to the manufacturer,
20 distributor, or importing distributor. All temporary
21 inside signs and inside advertising materials in place and
22 in use at any one time shall cost in the aggregate not more
23 than \$1,000 per manufacturer. Nothing in this subpart (iv)
24 prohibits a distributor or importing distributor from
25 paying the cost of printing or creating any temporary
26 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 The restrictions contained in this Section 6-6 do not apply
9 to signs, or promotional or advertising materials furnished by
10 manufacturers, distributors or importing distributors to a
11 government owned or operated facility holding a retailer's
12 license as described in Section 6-5.

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

26 A distributor or importing distributor may purchase from or

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

15 A distributor or importing distributor shall be deemed the
16 owner of such signs or advertising materials purchased from a
17 manufacturer or a manufacturer's designated supplier.

18 The provisions of Public Act 90-373 concerning signs or
19 advertising materials delivered by a manufacturer to a
20 distributor or importing distributor shall apply only to signs
21 or advertising materials delivered on or after August 14, 1997.

22 A manufacturer, distributor, or importing distributor may
23 furnish free social media advertising to a retail licensee if
24 the social media advertisement does not contain the retail
25 price of any alcoholic liquor and the social media
26 advertisement complies with any applicable rules or

1 regulations issued by the Alcohol and Tobacco Tax and Trade
2 Bureau of the United States Department of the Treasury. A
3 manufacturer, distributor, or importing distributor may list
4 the names of one or more unaffiliated retailers in the
5 advertisement of alcoholic liquor through social media.
6 Nothing in this Section shall prohibit a retailer from
7 communicating with a manufacturer, distributor, or importing
8 distributor on social media or sharing media on the social
9 media of a manufacturer, distributor, or importing
10 distributor. A retailer may request free social media
11 advertising from a manufacturer, distributor, or importing
12 distributor. Nothing in this Section shall prohibit a
13 manufacturer, distributor, or importing distributor from
14 sharing, reposting, or otherwise forwarding a social media post
15 by a retail licensee, so long as the sharing, reposting, or
16 forwarding of the social media post does not contain the retail
17 price of any alcoholic liquor. No manufacturer, distributor, or
18 importing distributor shall pay or reimburse a retailer,
19 directly or indirectly, for any social media advertising
20 services, except as specifically permitted in this Act. No
21 retailer shall accept any payment or reimbursement, directly or
22 indirectly, for any social media advertising services offered
23 by a manufacturer, distributor, or importing distributor,
24 except as specifically permitted in this Act. For the purposes
25 of this Section, "social media" means a service, platform, or
26 site where users communicate with one another and share media,

1 such as pictures, videos, music, and blogs, with other users
2 free of charge.

3 No person engaged in the business of manufacturing,
4 importing or distributing alcoholic liquors shall, directly or
5 indirectly, pay for, or advance, furnish, or lend money for the
6 payment of any license for another. Any licensee who shall
7 permit or assent, or be a party in any way to any violation or
8 infringement of the provisions of this Section shall be deemed
9 guilty of a violation of this Act, and any money loaned
10 contrary to a provision of this Act shall not be recovered
11 back, or any note, mortgage or other evidence of indebtedness,
12 or security, or any lease or contract obtained or made contrary
13 to this Act shall be unenforceable and void.

14 This Section shall not apply to airplane licensees
15 exercising powers provided in paragraph (i) of Section 5-1 of
16 this Act.

17 (Source: P.A. 99-448, eff. 8-24-15; 100-885, eff. 8-14-18.)

18 (235 ILCS 5/6-6.5)

19 Sec. 6-6.5. Sanitation. A manufacturer, distributor, or
20 importing distributor may sell coil cleaning services to a
21 retail licensee at fair market cost.

22 A manufacturer, distributor, or importing distributor may
23 sell dispensing accessories to retail licensees at a price not
24 less than the cost to the manufacturer, distributor, or
25 importing distributor who initially purchased them. Dispensing

1 accessories include, but are not limited to, items such as
2 standards, faucets, cold plates, rods, vents, taps, tap
3 standards, hoses, washers, couplings, gas gauges, vent
4 tongues, shanks, and check valves. A manufacturer,
5 distributor, or importing distributor may service, balance, or
6 inspect draft beer, wine, or distilled spirits systems at
7 regular intervals and may provide labor to replace or install
8 dispensing accessories.

9 Coil cleaning supplies consisting of detergents, cleaning
10 chemicals, brushes, or similar type cleaning devices may be
11 sold at a price not less than the cost to the manufacturer,
12 distributor, or importing distributor.

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

14 (235 ILCS 5/6-6.6 new)

15 Sec. 6-6.6. Giving, selling, and leasing dispensing
16 equipment. Notwithstanding any provision of this Act to the
17 contrary, a manufacturer, distributor, or importing
18 distributor may:

19 (1) give dispensing equipment free of charge to a
20 retailer, special use permit licensee, or caterer retailer
21 one time per year for a one-day period. A manufacturer,
22 distributor, or importing distributor shall not supply a
23 retailer, special use permit licensee, or caterer retailer
24 with free beer, wine, spirits, or any other item of value
25 for the same one-day period the dispensing equipment is

1 given, except as otherwise provided in this Act or the
2 Illinois Administrative Code;

3 (2) give dispensing equipment free of charge to a
4 special event retailer only for the duration of the
5 licensed special event. A manufacturer, distributor, or
6 importing distributor shall not supply a special event
7 retailer with free beer, wine, or distilled spirits for the
8 event the dispensing equipment is given, except as
9 otherwise provided in this Act or the Illinois
10 Administrative Code; or

11 (3) sell dispensing equipment to a retailer, special
12 event retailer, special use permit licensee, or caterer
13 retailer for a price that is not less than the cost to the
14 manufacturer, distributor, or importing distributor. For
15 purposes of this paragraph (3), the cost of dispensing
16 equipment is the amount that the manufacturer,
17 distributor, or importing distributor paid for the
18 dispensing equipment. If the manufacturer, distributor, or
19 importing distributor did not pay for the dispensing
20 equipment but was given the equipment, the cost of the
21 dispensing equipment is equal to (i) the amount another
22 manufacturer, distributor, or importing distributor paid
23 for the dispensing equipment, (ii) the cost of
24 manufacturing or producing the dispensing equipment, or
25 (iii) the fair market value of the dispensing equipment.

26 A manufacturer, distributor, or importing distributor may

1 also enter into a written lease for the fair market value of
2 the dispensing equipment to retailers, special event
3 retailers, special use permit licensees, or caterer retailers.
4 The manufacturer, distributor, or importing distributor shall
5 invoice and collect the sale price or payment for the entire
6 lease period from the retailer, special event retailer, special
7 use permit licensee, or caterer retailer within 30 days of the
8 date of the invoice or from the date the lease is executed. The
9 term of any lease for dispensing equipment shall not exceed 180
10 days in the aggregate in one calendar year, and no lease shall
11 be renewed automatically. There shall be a lapse of 90
12 consecutive days before the beginning of a new lease term.

13 At the direction of the manufacturer, distributor, or
14 importing distributor, the retailer, special event retailer,
15 special use permit licensee, or caterer retailer shall return
16 the equipment or the manufacturer, distributor, or importing
17 distributor shall retrieve the dispensing equipment at the
18 termination of the lease.

19 In this Section, "dispensing equipment" means any portable
20 or temporary unit the primary purpose of which is to pour
21 alcoholic liquor or to maintain the alcoholic liquor in a
22 consumable state. "Dispensing equipment" includes courtesy
23 wagons, beer wagons, beer trailers, ice bins, draft coolers,
24 coil boxes, portable bars, and kiosks. "Dispensing equipment"
25 does not include permanent tap systems, permanent
26 refrigeration systems, or any other built-in or physically

1 attached fixture of the retailer, special event retailer,
2 special use permit licensee, or caterer retailer.

3 In this Section, "fair market value" for the purposes of
4 leasing dispensing equipment means (i) the cost of depreciation
5 of the dispensing equipment to the manufacturer, distributor,
6 or importing distributor for the same period of the lease or
7 (ii) the cost of depreciation the manufacturer, distributor, or
8 importing distributor would have incurred based upon the market
9 value of the dispensing equipment if the manufacturer,
10 distributor, or importing distributor did not pay for the
11 dispensing equipment or if the dispensing equipment is fully
12 depreciated.

13 (235 ILCS 5/8-1)

14 Sec. 8-1. A tax is imposed upon the privilege of engaging
15 in business as a manufacturer or as an importing distributor of
16 alcoholic liquor other than beer at the rate of \$0.185 per
17 gallon until September 1, 2009 and \$0.231 per gallon beginning
18 September 1, 2009 for cider containing not less than 0.5%
19 alcohol by volume nor more than 7% alcohol by volume, \$0.73 per
20 gallon until September 1, 2009 and \$1.39 per gallon beginning
21 September 1, 2009 for wine other than cider containing less
22 than 7% alcohol by volume, and \$4.50 per gallon until September
23 1, 2009 and \$8.55 per gallon beginning September 1, 2009 on
24 alcohol and spirits manufactured and sold or used by such
25 manufacturer, or as agent for any other person, or sold or used

1 by such importing distributor, or as agent for any other
2 person. A tax is imposed upon the privilege of engaging in
3 business as a manufacturer of beer or as an importing
4 distributor of beer at the rate of \$0.185 per gallon until
5 September 1, 2009 and \$0.231 per gallon beginning September 1,
6 2009 on all beer, regardless of alcohol by volume, manufactured
7 and sold or used by such manufacturer, or as agent for any
8 other person, or sold or used by such importing distributor, or
9 as agent for any other person. Any brewer manufacturing beer in
10 this State shall be entitled to and given a credit or refund of
11 75% of the tax imposed on each gallon of beer up to 4.9 million
12 gallons per year in any given calendar year for tax paid or
13 payable on beer produced and sold in the State of Illinois.

14 For purposes of this Section, "beer" means beer, ale,
15 porter, stout, and other similar fermented beverages of any
16 name or description containing one-half of one percent or more
17 of alcohol by volume, brewed or produced from malt, wholly or
18 in part, or from any substitute for malt.

19 For the purpose of this Section, "cider" means any
20 alcoholic beverage obtained by the alcohol fermentation of the
21 juice of apples or pears including, but not limited to,
22 flavored, sparkling, or carbonated cider.

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

25 The increases made by this amendatory Act of the 91st
26 General Assembly in the rates of taxes imposed under this

1 Section shall apply beginning on July 1, 1999.

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

15 The provisions of this Section shall be construed to apply
16 to any importing distributor engaging in business in this
17 State, whether licensed or not.

18 However, such tax is not imposed upon any such business as
19 to any alcoholic liquor shipped outside Illinois by an Illinois
20 licensed manufacturer or importing distributor, nor as to any
21 alcoholic liquor delivered in Illinois by an Illinois licensed
22 manufacturer or importing distributor to a purchaser for
23 immediate transportation by the purchaser to another state into
24 which the purchaser has a legal right, under the laws of such
25 state, to import such alcoholic liquor, nor as to any alcoholic
26 liquor other than beer sold by one Illinois licensed

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

1 distributor by a licensed manufacturer or importing
2 distributor to be used solely as an ingredient in the
3 manufacture of any beverage for human consumption, the tax
4 imposed upon such purchasing manufacturer or importing
5 distributor shall be reduced by the amount of the taxes which
6 have been paid by the selling manufacturer or importing
7 distributor under this Act as to such alcoholic liquor so used
8 to the Department of Revenue.

9 If any person received any alcoholic liquors from a
10 manufacturer or importing distributor, with respect to which
11 alcoholic liquors no tax is imposed under this Article, and
12 such alcoholic liquor shall thereafter be disposed of in such
13 manner or under such circumstances as may cause the same to
14 become the base for the tax imposed by this Article, such
15 person shall make the same reports and returns, pay the same
16 taxes and be subject to all other provisions of this Article
17 relating to manufacturers and importing distributors.

18 Nothing in this Article shall be construed to require the
19 payment to the Department of the taxes imposed by this Article
20 more than once with respect to any quantity of alcoholic liquor
21 sold or used within this State.

22 No tax is imposed by this Act on sales of alcoholic liquor
23 by Illinois licensed foreign importers to Illinois licensed
24 importing distributors.

25 All of the proceeds of the additional tax imposed by Public
26 Act 96-34 shall be deposited by the Department into the Capital

1 Projects Fund. The remainder of the tax imposed by this Act
2 shall be deposited by the Department into the General Revenue
3 Fund.

4 A manufacturer of beer that imports or transfers beer into
5 this State must comply with the provisions of this Section with
6 regard to the beer imported into this State.

7 The provisions of this Section 8-1 are severable under
8 Section 1.31 of the Statute on Statutes.

9 (Source: P.A. 100-885, eff. 8-14-18.)

10 (235 ILCS 5/8-5) (from Ch. 43, par. 163a)

11 (Text of Section before amendment by P.A. 100-1050)

12 Sec. 8-5. As soon as practicable after any return is filed,
13 the Department shall examine such return and shall correct such
14 return according to its best judgment and information, which
15 return so corrected by the Department shall be prima facie
16 correct and shall be prima facie evidence of the correctness of
17 the amount of tax due, as shown therein. Instead of requiring
18 the licensee to file an amended return, the Department may
19 simply notify the licensee of the correction or corrections it
20 has made. Proof of such correction by the Department, or of the
21 determination of the amount of tax due as provided in Sections
22 8-4 and 8-10, may be made at any hearing before the Department
23 or in any legal proceeding by a reproduced copy of the
24 Department's record relating thereto in the name of the
25 Department under the certificate of the Director of Revenue.

1 Such reproduced copy shall, without further proof, be admitted
2 into evidence before the Department or in any legal proceeding
3 and shall be prima facie proof of the correctness of the amount
4 of tax due, as shown therein. If the return so corrected by the
5 Department discloses the sale or use, by a licensed
6 manufacturer or importing distributor, of alcoholic liquors as
7 to which the tax provided for in this Article should have been
8 paid, but has not been paid, in excess of the alcoholic liquors
9 reported as being taxable by the licensee, and as to which the
10 proper tax was paid the Department shall notify the licensee
11 that it shall issue the taxpayer a notice of tax liability for
12 the amount of tax claimed by the Department to be due, together
13 with penalties at the rates prescribed by Sections 3-3, 3-5 and
14 3-6 of the Uniform Penalty and Interest Act, which amount of
15 tax shall be equivalent to the amount of tax which, at the
16 prescribed rate per gallon, should have been paid with respect
17 to the alcoholic liquors disposed of in excess of those
18 reported as being taxable. No earlier than 90 days after the
19 due date of the return, the Department may compare filed
20 returns, or any amendments thereto, against reports of sales of
21 alcoholic liquor submitted to the Department by other
22 manufacturers and distributors. If a return or amended return
23 is corrected by the Department because the return or amended
24 return failed to disclose the purchase of alcoholic liquor from
25 manufacturers or distributors on which the tax provided for in
26 this Article should have been paid, but has not been paid, the

1 Department shall issue the taxpayer a notice of tax liability
2 for the amount of tax claimed by the Department to be due,
3 together with penalties at the rates prescribed by Sections
4 3-3, 3-5, and 3-6 of the Uniform Penalty and Interest Act. In a
5 case where no return has been filed, the Department shall
6 determine the amount of tax due according to its best judgment
7 and information and shall issue the taxpayer a notice of tax
8 liability for the amount of tax claimed by the Department to be
9 due as herein provided together with penalties at the rates
10 prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty
11 and Interest Act. If, in administering the provisions of this
12 Act, a comparison of a licensee's return or returns with the
13 books, records and physical inventories of such licensee
14 discloses a deficiency which cannot be allocated by the
15 Department to a particular month or months, the Department
16 shall issue the taxpayer a notice of tax liability for the
17 amount of tax claimed by the Department to be due for a given
18 period, but without any obligation upon the Department to
19 allocate such deficiency to any particular month or months,
20 together with penalties at the rates prescribed by Sections
21 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which
22 amount of tax shall be equivalent to the amount of tax which,
23 at the prescribed rate per gallon, should have been paid with
24 respect to the alcoholic liquors disposed of in excess of those
25 reported being taxable, with the tax thereon having been paid
26 under which circumstances the aforesaid notice of tax liability

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

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

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

23 If a protest to the notice of tax liability and a request
24 for a hearing thereon is not filed within 60 days after such
25 notice of tax liability, such notice of tax liability shall
26 become final without the necessity of a final assessment being

1 issued and shall be deemed to be a final assessment.

2 In case of failure to pay the tax, or any portion thereof,
3 or any penalty provided for herein, when due, the Department
4 may recover the amount of such tax, or portion thereof, or
5 penalty in a civil action; or if the licensee dies or becomes a
6 person under legal disability, by filing a claim therefor
7 against his or her estate; provided that no such claim shall be
8 filed against the estate of any deceased or of the licensee who
9 is under legal disability for any tax or penalty or portion
10 thereof except in the manner prescribed and within the time
11 limited by the Probate Act of 1975, as amended.

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

15 In addition to any other penalty provided for in this
16 Article, all provisions of the Uniform Penalty and Interest Act
17 that are not inconsistent with this Act apply ~~any licensee who~~
18 ~~fails to pay any tax within the time required by this Article~~
19 ~~shall be subject to assessment of penalties and interest at~~
20 ~~rates set forth in the Uniform Penalty and Interest Act.~~

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

22 (Text of Section after amendment by P.A. 100-1050)

23 Sec. 8-5. As soon as practicable after any return is filed
24 ~~but not before 90 days after the return is filed, or any~~
25 ~~amendments to that return, whichever is later, the Department~~

1 shall examine such return or amended return and shall correct
2 such return according to its best judgment and information,
3 which return so corrected by the Department shall be prima
4 facie correct and shall be prima facie evidence of the
5 correctness of the amount of tax due, as shown therein. Instead
6 of requiring the licensee to file an amended return, the
7 Department may simply notify the licensee of the correction or
8 corrections it has made. Proof of such correction by the
9 Department, or of the determination of the amount of tax due as
10 provided in Sections 8-4 and 8-10, may be made at any hearing
11 before the Department or in any legal proceeding by a
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13 the name of the Department under the certificate of the
14 Director of Revenue. Such reproduced copy shall, without
15 further proof, be admitted into evidence before the Department
16 or in any legal proceeding and shall be prima facie proof of
17 the correctness of the amount of tax due, as shown therein. If
18 the return so corrected by the Department discloses the sale or
19 use, by a licensed manufacturer or importing distributor, of
20 alcoholic liquors as to which the tax provided for in this
21 Article should have been paid, but has not been paid, in excess
22 of the alcoholic liquors reported as being taxable by the
23 licensee, and as to which the proper tax was paid the
24 Department shall notify the licensee that it shall issue the
25 taxpayer a notice of tax liability for the amount of tax
26 claimed by the Department to be due, together with penalties at

1 the rates prescribed by Sections 3-3, 3-5 and 3-6 of the
2 Uniform Penalty and Interest Act, which amount of tax shall be
3 equivalent to the amount of tax which, at the prescribed rate
4 per gallon, should have been paid with respect to the alcoholic
5 liquors disposed of in excess of those reported as being
6 taxable. No earlier than 90 days after the due date of the
7 return, the Department may compare filed returns, or any
8 amendments thereto, against reports of sales of alcoholic
9 liquor submitted to the Department by other manufacturers and
10 distributors. If a return or amended return is corrected by the
11 Department because the return or amended return failed to
12 disclose the purchase of alcoholic liquor from manufacturers or
13 distributors on which the tax provided for in this Article
14 should have been paid, but has not been paid, the Department
15 shall issue the taxpayer a notice of tax liability for the
16 amount of tax claimed by the Department to be due, together
17 with penalties at the rates prescribed by Sections 3-3, 3-5,
18 and 3-6 of the Uniform Penalty and Interest Act. In a case
19 where no return has been filed, the Department shall determine
20 the amount of tax due according to its best judgment and
21 information and shall issue the taxpayer a notice of tax
22 liability for the amount of tax claimed by the Department to be
23 due as herein provided together with penalties at the rates
24 prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty
25 and Interest Act. If, in administering the provisions of this
26 Act, a comparison of a licensee's return or returns with the

1 books, records and physical inventories of such licensee
2 discloses a deficiency which cannot be allocated by the
3 Department to a particular month or months, the Department
4 shall issue the taxpayer a notice of tax liability for the
5 amount of tax claimed by the Department to be due for a given
6 period, but without any obligation upon the Department to
7 allocate such deficiency to any particular month or months,
8 together with penalties at the rates prescribed by Sections
9 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which
10 amount of tax shall be equivalent to the amount of tax which,
11 at the prescribed rate per gallon, should have been paid with
12 respect to the alcoholic liquors disposed of in excess of those
13 reported being taxable, with the tax thereon having been paid
14 under which circumstances the aforesaid notice of tax liability
15 shall be prima facie correct and shall be prima facie evidence
16 of the correctness of the amount of tax due as shown therein;
17 and proof of such correctness may be made in accordance with,
18 and the admissibility of a reproduced copy of such notice of
19 the Department's notice of tax liability shall be governed by,
20 all the provisions of this Act applicable to corrected returns.

21 If the licensee dies or becomes a person under legal
22 disability at any time before the Department issues its notice
23 of tax liability, such notice shall be issued to the
24 administrator, executor or other legal representative, as
25 such, of the deceased or licensee who is under legal
26 disability.

1 If such licensee or legal representative, within 60 days
2 after such notice of tax liability, files a protest to such
3 notice of tax liability and requests a hearing thereon, the
4 Department shall give at least 7 days' notice to such licensee
5 or legal representative, as the case may be, of the time and
6 place fixed for such hearing and shall hold a hearing in
7 conformity with the provisions of this Act, and pursuant
8 thereto shall issue a final assessment to such licensee or
9 legal representative for the amount found to be due as a result
10 of such hearing.

11 If a protest to the notice of tax liability and a request
12 for a hearing thereon is not filed within 60 days after such
13 notice of tax liability, such notice of tax liability shall
14 become final without the necessity of a final assessment being
15 issued and shall be deemed to be a final assessment.

16 In case of failure to pay the tax, or any portion thereof,
17 or any penalty provided for herein, when due, the Department
18 may recover the amount of such tax, or portion thereof, or
19 penalty in a civil action; or if the licensee dies or becomes a
20 person under legal disability, by filing a claim therefor
21 against his or her estate; provided that no such claim shall be
22 filed against the estate of any deceased or of the licensee who
23 is under legal disability for any tax or penalty or portion
24 thereof except in the manner prescribed and within the time
25 limited by the Probate Act of 1975, as amended.

26 The collection of any such tax and penalty, or either, by

1 any means provided for herein, shall not be a bar to any
2 prosecution under this Act.

3 In addition to any other penalty provided for in this
4 Article, all provisions of the Uniform Penalty and Interest Act
5 that are not inconsistent with this Act apply ~~any licensee who~~
6 ~~fails to pay any tax within the time required by this Article~~
7 ~~shall be subject to assessment of penalties and interest at~~
8 ~~rates set forth in the Uniform Penalty and Interest Act.~~

9 (Source: P.A. 100-1050, eff. 7-1-19.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

17 Section 999. Effective date. This Act takes effect upon
18 becoming law.