

1 AN ACT in relation to alcoholic liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 6-16 and 8-12 as follows:

6 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

7 Sec. 6-16. Prohibited sales and possession.

8 (a) (i) No licensee nor any officer, associate, member,
9 representative, agent, or employee of such licensee shall
10 sell, give, or deliver alcoholic liquor to any person under
11 the age of 21 years or to any intoxicated person, except as
12 provided in Section 6-16.1. (ii) No express company, common
13 carrier, or contract carrier nor any representative, agent,
14 or employee on behalf of an express company, common carrier,
15 or contract carrier that carries or transports alcoholic
16 liquor for delivery within this State shall knowingly give or
17 knowingly deliver to a residential address any shipping
18 container clearly labeled as containing alcoholic liquor and
19 labeled as requiring signature of an adult of at least 21
20 years of age to any person in this State under the age of 21
21 years. An express company, common carrier, or contract
22 carrier that carries or transports such alcoholic liquor for
23 delivery within this State shall obtain a signature at the
24 time of delivery acknowledging receipt of the alcoholic
25 liquor by an adult who is at least 21 years of age. At no
26 time while delivering alcoholic beverages within this State
27 may any representative, agent, or employee of an express
28 company, common carrier, or contract carrier that carries or
29 transports alcoholic liquor for delivery within this State
30 deliver the alcoholic liquor to a residential address without
31 the acknowledgment of the consignee and without first

1 obtaining a signature at the time of the delivery by an adult
2 who is at least 21 years of age. A signature of a person on
3 file with the express company, common carrier, or contract
4 carrier does not constitute acknowledgement of the consignee.
5 Any express company, common carrier, or contract carrier that
6 transports alcoholic liquor for delivery within this State
7 that violates this item (ii) of this subsection (a) by
8 delivering alcoholic liquor without the acknowledgement of
9 the consignee and without first obtaining a signature at the
10 time of the delivery by an adult who is at least 21 years of
11 age is guilty of a business offense for which the express
12 company, common carrier, or contract carrier that transports
13 alcoholic liquor within this State shall be fined not more
14 than \$1,001 for a first offense, not more than \$5,000 for a
15 second offense, and not more than \$10,000 for a third or
16 subsequent offense. An express company, common carrier, or
17 contract carrier shall be held vicariously liable for the
18 actions of its representatives, agents, or employees. For
19 purposes of this Act, in addition to other methods authorized
20 by law, an express company, common carrier, or contract
21 carrier shall be considered served with process when a
22 representative, agent, or employee alleged to have violated
23 this Act is personally served. Each shipment of alcoholic
24 liquor delivered in violation of this item (ii) of this
25 subsection (a) constitutes a separate offense. (iii) No
26 person, after purchasing or otherwise obtaining alcoholic
27 liquor, shall sell, give, or deliver such alcoholic liquor to
28 another person under the age of 21 years, except in the
29 performance of a religious ceremony or service. Except as
30 otherwise provided in item (ii), any express company, common
31 carrier, or contract carrier that transports alcoholic liquor
32 within this State that person-who violates the provisions of
33 item (i), (ii), or (iii) of this paragraph of this subsection
34 (a) is guilty of a Class A misdemeanor and the person's

1 sentence shall include, but shall not be limited to, a fine
2 of not less than \$500.

3 If a licensee or officer, associate, member,
4 representative, agent, or employee of the licensee, or a
5 representative, agent, or employee of an express company,
6 common carrier, or contract carrier that carries or
7 transports alcoholic liquor for delivery within this State,
8 is prosecuted under this paragraph of this subsection (a) for
9 selling, giving, or delivering alcoholic liquor to a person
10 under the age of 21 years, the person under 21 years of age
11 who attempted to buy or receive the alcoholic liquor may be
12 prosecuted pursuant to Section 6-20 of this Act, unless the
13 person under 21 years of age was acting under the authority
14 of a law enforcement agency, the Illinois Liquor Control
15 Commission, or a local liquor control commissioner pursuant
16 to a plan or action to investigate, patrol, or conduct any
17 similar enforcement action.

18 For the purpose of preventing the violation of this
19 Section, any licensee, or his agent or employee, or a
20 representative, agent, or employee of an express company,
21 common carrier, or contract carrier that carries or
22 transports alcoholic liquor for delivery within this State,
23 may refuse to sell, deliver, or serve alcoholic beverages to
24 any person who is unable to produce adequate written evidence
25 of identity and of the fact that he or she is over the age of
26 21 years.

27 Adequate written evidence of age and identity of the
28 person is a document issued by a federal, state, county, or
29 municipal government, or subdivision or agency thereof,
30 including, but not limited to, a motor vehicle operator's
31 license, a registration certificate issued under the Federal
32 Selective Service Act, or an identification card issued to a
33 member of the Armed Forces. Proof that the
34 defendant-licensee, or his employee or agent, or the

1 representative, agent, or employee of the express company,
2 common carrier, or contract carrier that carries or
3 transports alcoholic liquor for delivery within this State
4 demanded, was shown and reasonably relied upon such written
5 evidence in any transaction forbidden by this Section is an
6 affirmative defense in any criminal prosecution therefor or
7 to any proceedings for the suspension or revocation of any
8 license based thereon. It shall not, however, be an
9 affirmative defense if the agent or employee accepted the
10 written evidence knowing it to be false or fraudulent. If a
11 false or fraudulent Illinois driver's license or Illinois
12 identification card is presented by a person less than 21
13 years of age to a licensee or the licensee's agent or
14 employee for the purpose of ordering, purchasing, attempting
15 to purchase, or otherwise obtaining or attempting to obtain
16 the serving of any alcoholic beverage, the law enforcement
17 officer or agency investigating the incident shall, upon the
18 conviction of the person who presented the fraudulent license
19 or identification, make a report of the matter to the
20 Secretary of State on a form provided by the Secretary of
21 State.

22 However, no agent or employee of the licensee or employee
23 of an express company, common carrier, or contract carrier
24 that carries or transports alcoholic liquor for delivery
25 within this State shall be disciplined or discharged for
26 selling or furnishing liquor to a person under 21 years of
27 age if the agent or employee demanded and was shown, before
28 furnishing liquor to a person under 21 years of age, adequate
29 written evidence of age and identity of the person issued by
30 a federal, state, county or municipal government, or
31 subdivision or agency thereof, including but not limited to a
32 motor vehicle operator's license, a registration certificate
33 issued under the Federal Selective Service Act, or an
34 identification card issued to a member of the Armed Forces.

1 This paragraph, however, shall not apply if the agent or
2 employee accepted the written evidence knowing it to be false
3 or fraudulent.

4 Any person who sells, gives, or furnishes to any person
5 under the age of 21 years any false or fraudulent written,
6 printed, or photostatic evidence of the age and identity of
7 such person or who sells, gives or furnishes to any person
8 under the age of 21 years evidence of age and identification
9 of any other person is guilty of a Class A misdemeanor and
10 the person's sentence shall include, but shall not be limited
11 to, a fine of not less than \$500.

12 Any person under the age of 21 years who presents or
13 offers to any licensee, his agent or employee, any written,
14 printed or photostatic evidence of age and identity that is
15 false, fraudulent, or not actually his or her own for the
16 purpose of ordering, purchasing, attempting to purchase or
17 otherwise procuring or attempting to procure, the serving of
18 any alcoholic beverage, who falsely states in writing that he
19 or she is at least 21 years of age when receiving alcoholic
20 liquor from a representative, agent, or employee of an
21 express company, common carrier, or contract carrier, or who
22 has in his or her possession any false or fraudulent written,
23 printed, or photostatic evidence of age and identity, is
24 guilty of a Class A misdemeanor and the person's sentence
25 shall include, but shall not be limited to, the following: a
26 fine of not less than \$500 and at least 25 hours of community
27 service. If possible, any community service shall be
28 performed for an alcohol abuse prevention program.

29 Any person under the age of 21 years who has any
30 alcoholic beverage in his or her possession on any street or
31 highway or in any public place or in any place open to the
32 public is guilty of a Class A misdemeanor. This Section does
33 not apply to possession by a person under the age of 21 years
34 making a delivery of an alcoholic beverage in pursuance of

1 the order of his or her parent or in pursuance of his or her
2 employment.

3 (a-1) It is unlawful for any parent or guardian to
4 permit his or her residence to be used by an invitee of the
5 parent's child or the guardian's ward, if the invitee is
6 under the age of 21, in a manner that constitutes a violation
7 of this Section. A parent or guardian is deemed to have
8 permitted his or her residence to be used in violation of
9 this Section if he or she knowingly authorizes, enables, or
10 permits such use to occur by failing to control access to
11 either the residence or the alcoholic liquor maintained in
12 the residence. Any person who violates this subsection (a-1)
13 is guilty of a Class A misdemeanor and the person's sentence
14 shall include, but shall not be limited to, a fine of not
15 less than \$500. Nothing in this subsection (a-1) shall be
16 construed to prohibit the giving of alcoholic liquor to a
17 person under the age of 21 years in the performance of a
18 religious ceremony or service.

19 (b) Except as otherwise provided in this Section whoever
20 violates this Section shall, in addition to other penalties
21 provided for in this Act, be guilty of a Class A misdemeanor.

22 (c) Any person shall be guilty of a Class A misdemeanor
23 where he or she knowingly permits a gathering at a residence
24 which he or she occupies of two or more persons where any one
25 or more of the persons is under 21 years of age and the
26 following factors also apply:

27 (1) the person occupying the residence knows that
28 any such person under the age of 21 is in possession of
29 or is consuming any alcoholic beverage; and

30 (2) the possession or consumption of the alcohol by
31 the person under 21 is not otherwise permitted by this
32 Act; and

33 (3) the person occupying the residence knows that
34 the person under the age of 21 leaves the residence in an

1 intoxicated condition.

2 For the purposes of this subsection (c) where the
3 residence has an owner and a tenant or lessee, there is a
4 rebuttable presumption that the residence is occupied only by
5 the tenant or lessee.

6 (d) Any person who rents a hotel or motel room from the
7 proprietor or agent thereof for the purpose of or with the
8 knowledge that such room shall be used for the consumption of
9 alcoholic liquor by persons under the age of 21 years shall
10 be guilty of a Class A misdemeanor.

11 (Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97;
12 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff.
13 8-13-98.)

14 (235 ILCS 5/8-12) (from Ch. 43, par. 164 3/4)

15 Sec. 8-12. It shall be the duty of every railroad
16 company, express company, common or contract carrier, and of
17 every person, firm or corporation that shall bring, carry or
18 transport alcoholic liquors into the State of Illinois for
19 delivery in said State or which are delivered in said State,
20 to prepare and file with the Department of Revenue for each
21 month, not later than the fifteenth day of the month
22 following that for which it is made, a report stating therein
23 the name of the company, carrier, person, firm or corporation
24 making the report, ~~the--address--in--Illinois--at--which--the~~
25 ~~records--supporting--such--report--are--kept--and--are--open--to~~
26 ~~inspection~~, the period of time covered by said report, the
27 name and business address of each consignor of such alcoholic
28 liquors, the name and business address of each consignee of
29 such alcoholic liquors, the kind and quantity of alcoholic
30 liquors delivered to each consignee, and the date or dates of
31 delivery. Such report shall be made upon forms prescribed and
32 made available by the Department and shall contain such other
33 information as may reasonably be required by the Department.

1 The Department may establish procedures for electronic
2 transmissions of such information directly to the Department.
3 Such reports or information received by the Department shall
4 be made available by the Department to the Commission upon
5 the Commission's request.

6 In addition to any other reporting requirement imposed
7 under this Section, reports shall be filed for shipments to
8 end consumers in this State. In furtherance of this
9 requirement, it shall be the duty of every railroad company,
10 express company, common or contract carrier, person, firm, or
11 corporation that brings, carries, or transports alcoholic
12 liquor into Illinois for delivery in Illinois to prepare and
13 file with the Department for each month, not later than the
14 fifteenth day of the month following the month during which
15 the delivery is made, a report containing the name of the
16 company, carrier, person, firm, or corporation making the
17 report, the period of time covered by the report, the name
18 and business address of each consignor of the alcoholic
19 liquor, the name and the address of each consignee, and the
20 date of delivery. Such reports shall be made upon forms
21 prescribed and made by the Department and shall contain any
22 other information that the Department may reasonably require.
23 Such reports or information received by the Department shall
24 be made available by the Department to the State Commission
25 upon the State Commission's request.

26 Every railroad company, express company, common or
27 contract carrier, person, firm, or corporation filing or
28 required to file a report under this Section shall deliver
29 and make available to the Department, upon the Department's
30 request, the records supporting the report, within 30 days of
31 the request. The books, records, supporting papers and
32 documents containing information and data relating to such
33 reports shall be kept and preserved for a period of three
34 years, unless their destruction sooner is authorized, in

1 writing, by the Director, and shall be open and available to
2 inspection by the Director of Revenue or the Commission or
3 any duly authorized officer, agent or employee of the
4 Department or the Commission, at all times during business
5 hours of the day.

6 Any person who violates any of the provisions of this
7 section or any of the rules and regulations of the Department
8 for the administration and enforcement of the provisions of
9 this section is guilty of a Class C misdemeanor. In case of a
10 continuing violation each day's continuance thereof shall be
11 a separate and distinct offense.

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