



Sen. Michael E. Hastings

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1 AMENDMENT TO SENATE BILL 3095

2 AMENDMENT NO. _____. Amend Senate Bill 3095 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 10-15 as follows:

6 (20 ILCS 301/10-15)

7 Sec. 10-15. Qualification and appointment of members. The
8 membership of the Illinois Advisory Council shall consist of:

9 (a) A State's Attorney designated by the President of
10 the Illinois State's Attorneys Association.

11 (b) A judge designated by the Chief Justice of the
12 Illinois Supreme Court.

13 (c) A Public Defender appointed by the President of the
14 Illinois Public Defenders Association.

15 (d) A local law enforcement officer appointed by the
16 Governor.

1 (e) A labor representative appointed by the Governor.

2 (f) An educator appointed by the Governor.

3 (g) A physician licensed to practice medicine in all
4 its branches appointed by the Governor with due regard for
5 the appointee's knowledge of the field of alcoholism and
6 other drug abuse and dependency.

7 (h) 4 members of the Illinois House of Representatives,
8 2 each appointed by the Speaker and Minority Leader.

9 (i) 4 members of the Illinois Senate, 2 each appointed
10 by the President and Minority Leader.

11 (j) The President of the Illinois Alcoholism and Drug
12 Dependence Association.

13 (k) An advocate for the needs of youth appointed by the
14 Governor.

15 (l) The President of the Illinois State Medical Society
16 or his or her designee.

17 (m) The President of the Illinois Hospital Association
18 or his or her designee.

19 (n) The President of the Illinois Nurses Association or
20 a registered nurse designated by the President.

21 (o) The President of the Illinois Pharmacists
22 Association or a licensed pharmacist designated by the
23 President.

24 (p) The President of the Illinois Chapter of the
25 Association of Labor Management Administrators and
26 Consultants on Alcoholism.

1 (p-1) The President of the Community Behavioral
2 Healthcare Association of Illinois or his or her designee.

3 (q) The Attorney General or his or her designee.

4 (r) The State Comptroller or his or her designee.

5 (s) 20 public members, 8 appointed by the Governor, 3
6 of whom shall be representatives of alcoholism or other
7 drug abuse and dependency treatment programs and one of
8 whom shall be a representative of a manufacturer or
9 ~~importing~~ distributor of alcoholic liquor licensed by the
10 State of Illinois, and 3 public members appointed by each
11 of the President and Minority Leader of the Senate and the
12 Speaker and Minority Leader of the House.

13 (t) The Director, Secretary, or other chief
14 administrative officer, ex officio, or his or her designee,
15 of each of the following: the Department on Aging, the
16 Department of Children and Family Services, the Department
17 of Corrections, the Department of Juvenile Justice, the
18 Department of Healthcare and Family Services, the
19 Department of Revenue, the Department of Public Health, the
20 Department of Financial and Professional Regulation, the
21 Department of State Police, the Administrative Office of
22 the Illinois Courts, the Criminal Justice Information
23 Authority, and the Department of Transportation.

24 (u) Each of the following, ex officio, or his or her
25 designee: the Secretary of State, the State Superintendent
26 of Education, and the Chairman of the Board of Higher

1 Education.

2 The public members may not be officers or employees of the
3 executive branch of State government; however, the public
4 members may be officers or employees of a State college or
5 university or of any law enforcement agency. In appointing
6 members, due consideration shall be given to the experience of
7 appointees in the fields of medicine, law, prevention,
8 correctional activities, and social welfare. Vacancies in the
9 public membership shall be filled for the unexpired term by
10 appointment in like manner as for original appointments, and
11 the appointive members shall serve until their successors are
12 appointed and have qualified. Vacancies among the public
13 members appointed by the legislative leaders shall be filled by
14 the leader of the same house and of the same political party as
15 the leader who originally appointed the member.

16 Each non-appointive member may designate a representative
17 to serve in his place by written notice to the Department. All
18 General Assembly members shall serve until their respective
19 successors are appointed or until termination of their
20 legislative service, whichever occurs first. The terms of
21 office for each of the members appointed by the Governor shall
22 be for 3 years, except that of the members first appointed, 3
23 shall be appointed for a term of one year, and 4 shall be
24 appointed for a term of 2 years. The terms of office of each of
25 the public members appointed by the legislative leaders shall
26 be for 2 years.

1 (Source: P.A. 94-1033, eff. 7-1-07.)

2 Section 10. The Retailers' Occupation Tax Act is amended by
3 changing Section 3 as follows:

4 (35 ILCS 120/3) (from Ch. 120, par. 442)

5 Sec. 3. Except as provided in this Section, on or before
6 the twentieth day of each calendar month, every person engaged
7 in the business of selling tangible personal property at retail
8 in this State during the preceding calendar month shall file a
9 return with the Department, stating:

10 1. The name of the seller;

11 2. His residence address and the address of his
12 principal place of business and the address of the
13 principal place of business (if that is a different
14 address) from which he engages in the business of selling
15 tangible personal property at retail in this State;

16 3. Total amount of receipts received by him during the
17 preceding calendar month or quarter, as the case may be,
18 from sales of tangible personal property, and from services
19 furnished, by him during such preceding calendar month or
20 quarter;

21 4. Total amount received by him during the preceding
22 calendar month or quarter on charge and time sales of
23 tangible personal property, and from services furnished,
24 by him prior to the month or quarter for which the return

1 is filed;

2 5. Deductions allowed by law;

3 6. Gross receipts which were received by him during the
4 preceding calendar month or quarter and upon the basis of
5 which the tax is imposed;

6 7. The amount of credit provided in Section 2d of this
7 Act;

8 8. The amount of tax due;

9 9. The signature of the taxpayer; and

10 10. Such other reasonable information as the
11 Department may require.

12 If a taxpayer fails to sign a return within 30 days after
13 the proper notice and demand for signature by the Department,
14 the return shall be considered valid and any amount shown to be
15 due on the return shall be deemed assessed.

16 Each return shall be accompanied by the statement of
17 prepaid tax issued pursuant to Section 2e for which credit is
18 claimed.

19 Prior to October 1, 2003, and on and after September 1,
20 2004 a retailer may accept a Manufacturer's Purchase Credit
21 certification from a purchaser in satisfaction of Use Tax as
22 provided in Section 3-85 of the Use Tax Act if the purchaser
23 provides the appropriate documentation as required by Section
24 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
25 certification, accepted by a retailer prior to October 1, 2003
26 and on and after September 1, 2004 as provided in Section 3-85

1 of the Use Tax Act, may be used by that retailer to satisfy
2 Retailers' Occupation Tax liability in the amount claimed in
3 the certification, not to exceed 6.25% of the receipts subject
4 to tax from a qualifying purchase. A Manufacturer's Purchase
5 Credit reported on any original or amended return filed under
6 this Act after October 20, 2003 for reporting periods prior to
7 September 1, 2004 shall be disallowed. Manufacturer's
8 Purchaser Credit reported on annual returns due on or after
9 January 1, 2005 will be disallowed for periods prior to
10 September 1, 2004. No Manufacturer's Purchase Credit may be
11 used after September 30, 2003 through August 31, 2004 to
12 satisfy any tax liability imposed under this Act, including any
13 audit liability.

14 The Department may require returns to be filed on a
15 quarterly basis. If so required, a return for each calendar
16 quarter shall be filed on or before the twentieth day of the
17 calendar month following the end of such calendar quarter. The
18 taxpayer shall also file a return with the Department for each
19 of the first two months of each calendar quarter, on or before
20 the twentieth day of the following calendar month, stating:

21 1. The name of the seller;

22 2. The address of the principal place of business from
23 which he engages in the business of selling tangible
24 personal property at retail in this State;

25 3. The total amount of taxable receipts received by him
26 during the preceding calendar month from sales of tangible

1 personal property by him during such preceding calendar
2 month, including receipts from charge and time sales, but
3 less all deductions allowed by law;

4 4. The amount of credit provided in Section 2d of this
5 Act;

6 5. The amount of tax due; and

7 6. Such other reasonable information as the Department
8 may require.

9 Beginning on October 1, 2003, any person who is not a
10 licensed distributor, ~~importing distributor,~~ or manufacturer,
11 as defined in the Liquor Control Act of 1934, but is engaged in
12 the business of selling, at retail, alcoholic liquor shall file
13 a statement with the Department of Revenue, in a format and at
14 a time prescribed by the Department, showing the total amount
15 paid for alcoholic liquor purchased during the preceding month
16 and such other information as is reasonably required by the
17 Department. The Department may adopt rules to require that this
18 statement be filed in an electronic or telephonic format. Such
19 rules may provide for exceptions from the filing requirements
20 of this paragraph. For the purposes of this paragraph, the term
21 "alcoholic liquor" shall have the meaning prescribed in the
22 Liquor Control Act of 1934.

23 Beginning on October 1, 2003, every distributor, ~~importing~~
24 ~~distributor,~~ and manufacturer of alcoholic liquor as defined in
25 the Liquor Control Act of 1934, shall file a statement with the
26 Department of Revenue, no later than the 10th day of the month

1 for the preceding month during which transactions occurred, by
2 electronic means, showing the total amount of gross receipts
3 from the sale of alcoholic liquor sold or distributed during
4 the preceding month to purchasers; identifying the purchaser to
5 whom it was sold or distributed; the purchaser's tax
6 registration number; and such other information reasonably
7 required by the Department. A distributor,~~importing~~
8 ~~distributor,~~ or manufacturer of alcoholic liquor must
9 personally deliver, mail, or provide by electronic means to
10 each retailer listed on the monthly statement a report
11 containing a cumulative total of that distributor's,~~importing~~
12 ~~distributor's,~~ or manufacturer's total sales of alcoholic
13 liquor to that retailer no later than the 10th day of the month
14 for the preceding month during which the transaction occurred.
15 The distributor,~~importing distributor,~~ or manufacturer shall
16 notify the retailer as to the method by which the distributor,~~importing~~
17 ~~distributor,~~ or manufacturer will provide the sales
18 information. If the retailer is unable to receive the sales
19 information by electronic means, the distributor,~~importing~~
20 ~~distributor,~~ or manufacturer shall furnish the sales
21 information by personal delivery or by mail. For purposes of
22 this paragraph, the term "electronic means" includes, but is
23 not limited to, the use of a secure Internet website, e-mail,
24 or facsimile.

25 If a total amount of less than \$1 is payable, refundable or
26 creditable, such amount shall be disregarded if it is less than

1 50 cents and shall be increased to \$1 if it is 50 cents or more.

2 Beginning October 1, 1993, a taxpayer who has an average
3 monthly tax liability of \$150,000 or more shall make all
4 payments required by rules of the Department by electronic
5 funds transfer. Beginning October 1, 1994, a taxpayer who has
6 an average monthly tax liability of \$100,000 or more shall make
7 all payments required by rules of the Department by electronic
8 funds transfer. Beginning October 1, 1995, a taxpayer who has
9 an average monthly tax liability of \$50,000 or more shall make
10 all payments required by rules of the Department by electronic
11 funds transfer. Beginning October 1, 2000, a taxpayer who has
12 an annual tax liability of \$200,000 or more shall make all
13 payments required by rules of the Department by electronic
14 funds transfer. The term "annual tax liability" shall be the
15 sum of the taxpayer's liabilities under this Act, and under all
16 other State and local occupation and use tax laws administered
17 by the Department, for the immediately preceding calendar year.
18 The term "average monthly tax liability" shall be the sum of
19 the taxpayer's liabilities under this Act, and under all other
20 State and local occupation and use tax laws administered by the
21 Department, for the immediately preceding calendar year
22 divided by 12. Beginning on October 1, 2002, a taxpayer who has
23 a tax liability in the amount set forth in subsection (b) of
24 Section 2505-210 of the Department of Revenue Law shall make
25 all payments required by rules of the Department by electronic
26 funds transfer.

1 Before August 1 of each year beginning in 1993, the
2 Department shall notify all taxpayers required to make payments
3 by electronic funds transfer. All taxpayers required to make
4 payments by electronic funds transfer shall make those payments
5 for a minimum of one year beginning on October 1.

6 Any taxpayer not required to make payments by electronic
7 funds transfer may make payments by electronic funds transfer
8 with the permission of the Department.

9 All taxpayers required to make payment by electronic funds
10 transfer and any taxpayers authorized to voluntarily make
11 payments by electronic funds transfer shall make those payments
12 in the manner authorized by the Department.

13 The Department shall adopt such rules as are necessary to
14 effectuate a program of electronic funds transfer and the
15 requirements of this Section.

16 Any amount which is required to be shown or reported on any
17 return or other document under this Act shall, if such amount
18 is not a whole-dollar amount, be increased to the nearest
19 whole-dollar amount in any case where the fractional part of a
20 dollar is 50 cents or more, and decreased to the nearest
21 whole-dollar amount where the fractional part of a dollar is
22 less than 50 cents.

23 If the retailer is otherwise required to file a monthly
24 return and if the retailer's average monthly tax liability to
25 the Department does not exceed \$200, the Department may
26 authorize his returns to be filed on a quarter annual basis,

1 with the return for January, February and March of a given year
2 being due by April 20 of such year; with the return for April,
3 May and June of a given year being due by July 20 of such year;
4 with the return for July, August and September of a given year
5 being due by October 20 of such year, and with the return for
6 October, November and December of a given year being due by
7 January 20 of the following year.

8 If the retailer is otherwise required to file a monthly or
9 quarterly return and if the retailer's average monthly tax
10 liability with the Department does not exceed \$50, the
11 Department may authorize his returns to be filed on an annual
12 basis, with the return for a given year being due by January 20
13 of the following year.

14 Such quarter annual and annual returns, as to form and
15 substance, shall be subject to the same requirements as monthly
16 returns.

17 Notwithstanding any other provision in this Act concerning
18 the time within which a retailer may file his return, in the
19 case of any retailer who ceases to engage in a kind of business
20 which makes him responsible for filing returns under this Act,
21 such retailer shall file a final return under this Act with the
22 Department not more than one month after discontinuing such
23 business.

24 Where the same person has more than one business registered
25 with the Department under separate registrations under this
26 Act, such person may not file each return that is due as a

1 single return covering all such registered businesses, but
2 shall file separate returns for each such registered business.

3 In addition, with respect to motor vehicles, watercraft,
4 aircraft, and trailers that are required to be registered with
5 an agency of this State, every retailer selling this kind of
6 tangible personal property shall file, with the Department,
7 upon a form to be prescribed and supplied by the Department, a
8 separate return for each such item of tangible personal
9 property which the retailer sells, except that if, in the same
10 transaction, (i) a retailer of aircraft, watercraft, motor
11 vehicles or trailers transfers more than one aircraft,
12 watercraft, motor vehicle or trailer to another aircraft,
13 watercraft, motor vehicle retailer or trailer retailer for the
14 purpose of resale or (ii) a retailer of aircraft, watercraft,
15 motor vehicles, or trailers transfers more than one aircraft,
16 watercraft, motor vehicle, or trailer to a purchaser for use as
17 a qualifying rolling stock as provided in Section 2-5 of this
18 Act, then that seller may report the transfer of all aircraft,
19 watercraft, motor vehicles or trailers involved in that
20 transaction to the Department on the same uniform
21 invoice-transaction reporting return form. For purposes of
22 this Section, "watercraft" means a Class 2, Class 3, or Class 4
23 watercraft as defined in Section 3-2 of the Boat Registration
24 and Safety Act, a personal watercraft, or any boat equipped
25 with an inboard motor.

26 Any retailer who sells only motor vehicles, watercraft,

1 aircraft, or trailers that are required to be registered with
2 an agency of this State, so that all retailers' occupation tax
3 liability is required to be reported, and is reported, on such
4 transaction reporting returns and who is not otherwise required
5 to file monthly or quarterly returns, need not file monthly or
6 quarterly returns. However, those retailers shall be required
7 to file returns on an annual basis.

8 The transaction reporting return, in the case of motor
9 vehicles or trailers that are required to be registered with an
10 agency of this State, shall be the same document as the Uniform
11 Invoice referred to in Section 5-402 of The Illinois Vehicle
12 Code and must show the name and address of the seller; the name
13 and address of the purchaser; the amount of the selling price
14 including the amount allowed by the retailer for traded-in
15 property, if any; the amount allowed by the retailer for the
16 traded-in tangible personal property, if any, to the extent to
17 which Section 1 of this Act allows an exemption for the value
18 of traded-in property; the balance payable after deducting such
19 trade-in allowance from the total selling price; the amount of
20 tax due from the retailer with respect to such transaction; the
21 amount of tax collected from the purchaser by the retailer on
22 such transaction (or satisfactory evidence that such tax is not
23 due in that particular instance, if that is claimed to be the
24 fact); the place and date of the sale; a sufficient
25 identification of the property sold; such other information as
26 is required in Section 5-402 of The Illinois Vehicle Code, and

1 such other information as the Department may reasonably
2 require.

3 The transaction reporting return in the case of watercraft
4 or aircraft must show the name and address of the seller; the
5 name and address of the purchaser; the amount of the selling
6 price including the amount allowed by the retailer for
7 traded-in property, if any; the amount allowed by the retailer
8 for the traded-in tangible personal property, if any, to the
9 extent to which Section 1 of this Act allows an exemption for
10 the value of traded-in property; the balance payable after
11 deducting such trade-in allowance from the total selling price;
12 the amount of tax due from the retailer with respect to such
13 transaction; the amount of tax collected from the purchaser by
14 the retailer on such transaction (or satisfactory evidence that
15 such tax is not due in that particular instance, if that is
16 claimed to be the fact); the place and date of the sale, a
17 sufficient identification of the property sold, and such other
18 information as the Department may reasonably require.

19 Such transaction reporting return shall be filed not later
20 than 20 days after the day of delivery of the item that is
21 being sold, but may be filed by the retailer at any time sooner
22 than that if he chooses to do so. The transaction reporting
23 return and tax remittance or proof of exemption from the
24 Illinois use tax may be transmitted to the Department by way of
25 the State agency with which, or State officer with whom the
26 tangible personal property must be titled or registered (if

1 titling or registration is required) if the Department and such
2 agency or State officer determine that this procedure will
3 expedite the processing of applications for title or
4 registration.

5 With each such transaction reporting return, the retailer
6 shall remit the proper amount of tax due (or shall submit
7 satisfactory evidence that the sale is not taxable if that is
8 the case), to the Department or its agents, whereupon the
9 Department shall issue, in the purchaser's name, a use tax
10 receipt (or a certificate of exemption if the Department is
11 satisfied that the particular sale is tax exempt) which such
12 purchaser may submit to the agency with which, or State officer
13 with whom, he must title or register the tangible personal
14 property that is involved (if titling or registration is
15 required) in support of such purchaser's application for an
16 Illinois certificate or other evidence of title or registration
17 to such tangible personal property.

18 No retailer's failure or refusal to remit tax under this
19 Act precludes a user, who has paid the proper tax to the
20 retailer, from obtaining his certificate of title or other
21 evidence of title or registration (if titling or registration
22 is required) upon satisfying the Department that such user has
23 paid the proper tax (if tax is due) to the retailer. The
24 Department shall adopt appropriate rules to carry out the
25 mandate of this paragraph.

26 If the user who would otherwise pay tax to the retailer

1 wants the transaction reporting return filed and the payment of
2 the tax or proof of exemption made to the Department before the
3 retailer is willing to take these actions and such user has not
4 paid the tax to the retailer, such user may certify to the fact
5 of such delay by the retailer and may (upon the Department
6 being satisfied of the truth of such certification) transmit
7 the information required by the transaction reporting return
8 and the remittance for tax or proof of exemption directly to
9 the Department and obtain his tax receipt or exemption
10 determination, in which event the transaction reporting return
11 and tax remittance (if a tax payment was required) shall be
12 credited by the Department to the proper retailer's account
13 with the Department, but without the 2.1% or 1.75% discount
14 provided for in this Section being allowed. When the user pays
15 the tax directly to the Department, he shall pay the tax in the
16 same amount and in the same form in which it would be remitted
17 if the tax had been remitted to the Department by the retailer.

18 Refunds made by the seller during the preceding return
19 period to purchasers, on account of tangible personal property
20 returned to the seller, shall be allowed as a deduction under
21 subdivision 5 of his monthly or quarterly return, as the case
22 may be, in case the seller had theretofore included the
23 receipts from the sale of such tangible personal property in a
24 return filed by him and had paid the tax imposed by this Act
25 with respect to such receipts.

26 Where the seller is a corporation, the return filed on

1 behalf of such corporation shall be signed by the president,
2 vice-president, secretary or treasurer or by the properly
3 accredited agent of such corporation.

4 Where the seller is a limited liability company, the return
5 filed on behalf of the limited liability company shall be
6 signed by a manager, member, or properly accredited agent of
7 the limited liability company.

8 Except as provided in this Section, the retailer filing the
9 return under this Section shall, at the time of filing such
10 return, pay to the Department the amount of tax imposed by this
11 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
12 on and after January 1, 1990, or \$5 per calendar year,
13 whichever is greater, which is allowed to reimburse the
14 retailer for the expenses incurred in keeping records,
15 preparing and filing returns, remitting the tax and supplying
16 data to the Department on request. Any prepayment made pursuant
17 to Section 2d of this Act shall be included in the amount on
18 which such 2.1% or 1.75% discount is computed. In the case of
19 retailers who report and pay the tax on a transaction by
20 transaction basis, as provided in this Section, such discount
21 shall be taken with each such tax remittance instead of when
22 such retailer files his periodic return. The Department may
23 disallow the discount for retailers whose certificate of
24 registration is revoked at the time the return is filed, but
25 only if the Department's decision to revoke the certificate of
26 registration has become final.

1 Before October 1, 2000, if the taxpayer's average monthly
2 tax liability to the Department under this Act, the Use Tax
3 Act, the Service Occupation Tax Act, and the Service Use Tax
4 Act, excluding any liability for prepaid sales tax to be
5 remitted in accordance with Section 2d of this Act, was \$10,000
6 or more during the preceding 4 complete calendar quarters, he
7 shall file a return with the Department each month by the 20th
8 day of the month next following the month during which such tax
9 liability is incurred and shall make payments to the Department
10 on or before the 7th, 15th, 22nd and last day of the month
11 during which such liability is incurred. On and after October
12 1, 2000, if the taxpayer's average monthly tax liability to the
13 Department under this Act, the Use Tax Act, the Service
14 Occupation Tax Act, and the Service Use Tax Act, excluding any
15 liability for prepaid sales tax to be remitted in accordance
16 with Section 2d of this Act, was \$20,000 or more during the
17 preceding 4 complete calendar quarters, he shall file a return
18 with the Department each month by the 20th day of the month
19 next following the month during which such tax liability is
20 incurred and shall make payment to the Department on or before
21 the 7th, 15th, 22nd and last day of the month during which such
22 liability is incurred. If the month during which such tax
23 liability is incurred began prior to January 1, 1985, each
24 payment shall be in an amount equal to 1/4 of the taxpayer's
25 actual liability for the month or an amount set by the
26 Department not to exceed 1/4 of the average monthly liability

1 of the taxpayer to the Department for the preceding 4 complete
2 calendar quarters (excluding the month of highest liability and
3 the month of lowest liability in such 4 quarter period). If the
4 month during which such tax liability is incurred begins on or
5 after January 1, 1985 and prior to January 1, 1987, each
6 payment shall be in an amount equal to 22.5% of the taxpayer's
7 actual liability for the month or 27.5% of the taxpayer's
8 liability for the same calendar month of the preceding year. If
9 the month during which such tax liability is incurred begins on
10 or after January 1, 1987 and prior to January 1, 1988, each
11 payment shall be in an amount equal to 22.5% of the taxpayer's
12 actual liability for the month or 26.25% of the taxpayer's
13 liability for the same calendar month of the preceding year. If
14 the month during which such tax liability is incurred begins on
15 or after January 1, 1988, and prior to January 1, 1989, or
16 begins on or after January 1, 1996, each payment shall be in an
17 amount equal to 22.5% of the taxpayer's actual liability for
18 the month or 25% of the taxpayer's liability for the same
19 calendar month of the preceding year. If the month during which
20 such tax liability is incurred begins on or after January 1,
21 1989, and prior to January 1, 1996, each payment shall be in an
22 amount equal to 22.5% of the taxpayer's actual liability for
23 the month or 25% of the taxpayer's liability for the same
24 calendar month of the preceding year or 100% of the taxpayer's
25 actual liability for the quarter monthly reporting period. The
26 amount of such quarter monthly payments shall be credited

1 against the final tax liability of the taxpayer's return for
2 that month. Before October 1, 2000, once applicable, the
3 requirement of the making of quarter monthly payments to the
4 Department by taxpayers having an average monthly tax liability
5 of \$10,000 or more as determined in the manner provided above
6 shall continue until such taxpayer's average monthly liability
7 to the Department during the preceding 4 complete calendar
8 quarters (excluding the month of highest liability and the
9 month of lowest liability) is less than \$9,000, or until such
10 taxpayer's average monthly liability to the Department as
11 computed for each calendar quarter of the 4 preceding complete
12 calendar quarter period is less than \$10,000. However, if a
13 taxpayer can show the Department that a substantial change in
14 the taxpayer's business has occurred which causes the taxpayer
15 to anticipate that his average monthly tax liability for the
16 reasonably foreseeable future will fall below the \$10,000
17 threshold stated above, then such taxpayer may petition the
18 Department for a change in such taxpayer's reporting status. On
19 and after October 1, 2000, once applicable, the requirement of
20 the making of quarter monthly payments to the Department by
21 taxpayers having an average monthly tax liability of \$20,000 or
22 more as determined in the manner provided above shall continue
23 until such taxpayer's average monthly liability to the
24 Department during the preceding 4 complete calendar quarters
25 (excluding the month of highest liability and the month of
26 lowest liability) is less than \$19,000 or until such taxpayer's

1 average monthly liability to the Department as computed for
2 each calendar quarter of the 4 preceding complete calendar
3 quarter period is less than \$20,000. However, if a taxpayer can
4 show the Department that a substantial change in the taxpayer's
5 business has occurred which causes the taxpayer to anticipate
6 that his average monthly tax liability for the reasonably
7 foreseeable future will fall below the \$20,000 threshold stated
8 above, then such taxpayer may petition the Department for a
9 change in such taxpayer's reporting status. The Department
10 shall change such taxpayer's reporting status unless it finds
11 that such change is seasonal in nature and not likely to be
12 long term. If any such quarter monthly payment is not paid at
13 the time or in the amount required by this Section, then the
14 taxpayer shall be liable for penalties and interest on the
15 difference between the minimum amount due as a payment and the
16 amount of such quarter monthly payment actually and timely
17 paid, except insofar as the taxpayer has previously made
18 payments for that month to the Department in excess of the
19 minimum payments previously due as provided in this Section.
20 The Department shall make reasonable rules and regulations to
21 govern the quarter monthly payment amount and quarter monthly
22 payment dates for taxpayers who file on other than a calendar
23 monthly basis.

24 The provisions of this paragraph apply before October 1,
25 2001. Without regard to whether a taxpayer is required to make
26 quarter monthly payments as specified above, any taxpayer who

1 is required by Section 2d of this Act to collect and remit
2 prepaid taxes and has collected prepaid taxes which average in
3 excess of \$25,000 per month during the preceding 2 complete
4 calendar quarters, shall file a return with the Department as
5 required by Section 2f and shall make payments to the
6 Department on or before the 7th, 15th, 22nd and last day of the
7 month during which such liability is incurred. If the month
8 during which such tax liability is incurred began prior to the
9 effective date of this amendatory Act of 1985, each payment
10 shall be in an amount not less than 22.5% of the taxpayer's
11 actual liability under Section 2d. If the month during which
12 such tax liability is incurred begins on or after January 1,
13 1986, each payment shall be in an amount equal to 22.5% of the
14 taxpayer's actual liability for the month or 27.5% of the
15 taxpayer's liability for the same calendar month of the
16 preceding calendar year. If the month during which such tax
17 liability is incurred begins on or after January 1, 1987, each
18 payment shall be in an amount equal to 22.5% of the taxpayer's
19 actual liability for the month or 26.25% of the taxpayer's
20 liability for the same calendar month of the preceding year.
21 The amount of such quarter monthly payments shall be credited
22 against the final tax liability of the taxpayer's return for
23 that month filed under this Section or Section 2f, as the case
24 may be. Once applicable, the requirement of the making of
25 quarter monthly payments to the Department pursuant to this
26 paragraph shall continue until such taxpayer's average monthly

1 prepaid tax collections during the preceding 2 complete
2 calendar quarters is \$25,000 or less. If any such quarter
3 monthly payment is not paid at the time or in the amount
4 required, the taxpayer shall be liable for penalties and
5 interest on such difference, except insofar as the taxpayer has
6 previously made payments for that month in excess of the
7 minimum payments previously due.

8 The provisions of this paragraph apply on and after October
9 1, 2001. Without regard to whether a taxpayer is required to
10 make quarter monthly payments as specified above, any taxpayer
11 who is required by Section 2d of this Act to collect and remit
12 prepaid taxes and has collected prepaid taxes that average in
13 excess of \$20,000 per month during the preceding 4 complete
14 calendar quarters shall file a return with the Department as
15 required by Section 2f and shall make payments to the
16 Department on or before the 7th, 15th, 22nd and last day of the
17 month during which the liability is incurred. Each payment
18 shall be in an amount equal to 22.5% of the taxpayer's actual
19 liability for the month or 25% of the taxpayer's liability for
20 the same calendar month of the preceding year. The amount of
21 the quarter monthly payments shall be credited against the
22 final tax liability of the taxpayer's return for that month
23 filed under this Section or Section 2f, as the case may be.
24 Once applicable, the requirement of the making of quarter
25 monthly payments to the Department pursuant to this paragraph
26 shall continue until the taxpayer's average monthly prepaid tax

1 collections during the preceding 4 complete calendar quarters
2 (excluding the month of highest liability and the month of
3 lowest liability) is less than \$19,000 or until such taxpayer's
4 average monthly liability to the Department as computed for
5 each calendar quarter of the 4 preceding complete calendar
6 quarters is less than \$20,000. If any such quarter monthly
7 payment is not paid at the time or in the amount required, the
8 taxpayer shall be liable for penalties and interest on such
9 difference, except insofar as the taxpayer has previously made
10 payments for that month in excess of the minimum payments
11 previously due.

12 If any payment provided for in this Section exceeds the
13 taxpayer's liabilities under this Act, the Use Tax Act, the
14 Service Occupation Tax Act and the Service Use Tax Act, as
15 shown on an original monthly return, the Department shall, if
16 requested by the taxpayer, issue to the taxpayer a credit
17 memorandum no later than 30 days after the date of payment. The
18 credit evidenced by such credit memorandum may be assigned by
19 the taxpayer to a similar taxpayer under this Act, the Use Tax
20 Act, the Service Occupation Tax Act or the Service Use Tax Act,
21 in accordance with reasonable rules and regulations to be
22 prescribed by the Department. If no such request is made, the
23 taxpayer may credit such excess payment against tax liability
24 subsequently to be remitted to the Department under this Act,
25 the Use Tax Act, the Service Occupation Tax Act or the Service
26 Use Tax Act, in accordance with reasonable rules and

1 regulations prescribed by the Department. If the Department
2 subsequently determined that all or any part of the credit
3 taken was not actually due to the taxpayer, the taxpayer's 2.1%
4 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
5 of the difference between the credit taken and that actually
6 due, and that taxpayer shall be liable for penalties and
7 interest on such difference.

8 If a retailer of motor fuel is entitled to a credit under
9 Section 2d of this Act which exceeds the taxpayer's liability
10 to the Department under this Act for the month which the
11 taxpayer is filing a return, the Department shall issue the
12 taxpayer a credit memorandum for the excess.

13 Beginning January 1, 1990, each month the Department shall
14 pay into the Local Government Tax Fund, a special fund in the
15 State treasury which is hereby created, the net revenue
16 realized for the preceding month from the 1% tax on sales of
17 food for human consumption which is to be consumed off the
18 premises where it is sold (other than alcoholic beverages, soft
19 drinks and food which has been prepared for immediate
20 consumption) and prescription and nonprescription medicines,
21 drugs, medical appliances and insulin, urine testing
22 materials, syringes and needles used by diabetics.

23 Beginning January 1, 1990, each month the Department shall
24 pay into the County and Mass Transit District Fund, a special
25 fund in the State treasury which is hereby created, 4% of the
26 net revenue realized for the preceding month from the 6.25%

1 general rate.

2 Beginning August 1, 2000, each month the Department shall
3 pay into the County and Mass Transit District Fund 20% of the
4 net revenue realized for the preceding month from the 1.25%
5 rate on the selling price of motor fuel and gasohol. Beginning
6 September 1, 2010, each month the Department shall pay into the
7 County and Mass Transit District Fund 20% of the net revenue
8 realized for the preceding month from the 1.25% rate on the
9 selling price of sales tax holiday items.

10 Beginning January 1, 1990, each month the Department shall
11 pay into the Local Government Tax Fund 16% of the net revenue
12 realized for the preceding month from the 6.25% general rate on
13 the selling price of tangible personal property.

14 Beginning August 1, 2000, each month the Department shall
15 pay into the Local Government Tax Fund 80% of the net revenue
16 realized for the preceding month from the 1.25% rate on the
17 selling price of motor fuel and gasohol. Beginning September 1,
18 2010, each month the Department shall pay into the Local
19 Government Tax Fund 80% of the net revenue realized for the
20 preceding month from the 1.25% rate on the selling price of
21 sales tax holiday items.

22 Beginning October 1, 2009, each month the Department shall
23 pay into the Capital Projects Fund an amount that is equal to
24 an amount estimated by the Department to represent 80% of the
25 net revenue realized for the preceding month from the sale of
26 candy, grooming and hygiene products, and soft drinks that had

1 been taxed at a rate of 1% prior to September 1, 2009 but that
2 are now taxed at 6.25%.

3 Beginning July 1, 2011, each month the Department shall pay
4 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
5 realized for the preceding month from the 6.25% general rate on
6 the selling price of sorbents used in Illinois in the process
7 of sorbent injection as used to comply with the Environmental
8 Protection Act or the federal Clean Air Act, but the total
9 payment into the Clean Air Act (CAA) Permit Fund under this Act
10 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal
11 year.

12 Beginning July 1, 2013, each month the Department shall pay
13 into the Underground Storage Tank Fund from the proceeds
14 collected under this Act, the Use Tax Act, the Service Use Tax
15 Act, and the Service Occupation Tax Act an amount equal to the
16 average monthly deficit in the Underground Storage Tank Fund
17 during the prior year, as certified annually by the Illinois
18 Environmental Protection Agency, but the total payment into the
19 Underground Storage Tank Fund under this Act, the Use Tax Act,
20 the Service Use Tax Act, and the Service Occupation Tax Act
21 shall not exceed \$18,000,000 in any State fiscal year. As used
22 in this paragraph, the "average monthly deficit" shall be equal
23 to the difference between the average monthly claims for
24 payment by the fund and the average monthly revenues deposited
25 into the fund, excluding payments made pursuant to this
26 paragraph.

1	1986	\$54,800,000
2	1987	\$76,650,000
3	1988	\$80,480,000
4	1989	\$88,510,000
5	1990	\$115,330,000
6	1991	\$145,470,000
7	1992	\$182,730,000
8	1993	\$206,520,000;

9 and means the Certified Annual Debt Service Requirement (as
10 defined in Section 13 of the Build Illinois Bond Act) or the
11 Tax Act Amount, whichever is greater, for fiscal year 1994 and
12 each fiscal year thereafter; and further provided, that if on
13 the last business day of any month the sum of (1) the Tax Act
14 Amount required to be deposited into the Build Illinois Bond
15 Account in the Build Illinois Fund during such month and (2)
16 the amount transferred to the Build Illinois Fund from the
17 State and Local Sales Tax Reform Fund shall have been less than
18 1/12 of the Annual Specified Amount, an amount equal to the
19 difference shall be immediately paid into the Build Illinois
20 Fund from other moneys received by the Department pursuant to
21 the Tax Acts; and, further provided, that in no event shall the
22 payments required under the preceding proviso result in
23 aggregate payments into the Build Illinois Fund pursuant to
24 this clause (b) for any fiscal year in excess of the greater of
25 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
26 such fiscal year. The amounts payable into the Build Illinois

1 Fund under clause (b) of the first sentence in this paragraph
2 shall be payable only until such time as the aggregate amount
3 on deposit under each trust indenture securing Bonds issued and
4 outstanding pursuant to the Build Illinois Bond Act is
5 sufficient, taking into account any future investment income,
6 to fully provide, in accordance with such indenture, for the
7 defeasance of or the payment of the principal of, premium, if
8 any, and interest on the Bonds secured by such indenture and on
9 any Bonds expected to be issued thereafter and all fees and
10 costs payable with respect thereto, all as certified by the
11 Director of the Bureau of the Budget (now Governor's Office of
12 Management and Budget). If on the last business day of any
13 month in which Bonds are outstanding pursuant to the Build
14 Illinois Bond Act, the aggregate of moneys deposited in the
15 Build Illinois Bond Account in the Build Illinois Fund in such
16 month shall be less than the amount required to be transferred
17 in such month from the Build Illinois Bond Account to the Build
18 Illinois Bond Retirement and Interest Fund pursuant to Section
19 13 of the Build Illinois Bond Act, an amount equal to such
20 deficiency shall be immediately paid from other moneys received
21 by the Department pursuant to the Tax Acts to the Build
22 Illinois Fund; provided, however, that any amounts paid to the
23 Build Illinois Fund in any fiscal year pursuant to this
24 sentence shall be deemed to constitute payments pursuant to
25 clause (b) of the first sentence of this paragraph and shall
26 reduce the amount otherwise payable for such fiscal year

1 pursuant to that clause (b). The moneys received by the
 2 Department pursuant to this Act and required to be deposited
 3 into the Build Illinois Fund are subject to the pledge, claim
 4 and charge set forth in Section 12 of the Build Illinois Bond
 5 Act.

6 Subject to payment of amounts into the Build Illinois Fund
 7 as provided in the preceding paragraph or in any amendment
 8 thereto hereafter enacted, the following specified monthly
 9 installment of the amount requested in the certificate of the
 10 Chairman of the Metropolitan Pier and Exposition Authority
 11 provided under Section 8.25f of the State Finance Act, but not
 12 in excess of sums designated as "Total Deposit", shall be
 13 deposited in the aggregate from collections under Section 9 of
 14 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 15 9 of the Service Occupation Tax Act, and Section 3 of the
 16 Retailers' Occupation Tax Act into the McCormick Place
 17 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
18		
19	1993	\$0
20	1994	53,000,000
21	1995	58,000,000
22	1996	61,000,000
23	1997	64,000,000
24	1998	68,000,000
25	1999	71,000,000

1	2000	75,000,000
2	2001	80,000,000
3	2002	93,000,000
4	2003	99,000,000
5	2004	103,000,000
6	2005	108,000,000
7	2006	113,000,000
8	2007	119,000,000
9	2008	126,000,000
10	2009	132,000,000
11	2010	139,000,000
12	2011	146,000,000
13	2012	153,000,000
14	2013	161,000,000
15	2014	170,000,000
16	2015	179,000,000
17	2016	189,000,000
18	2017	199,000,000
19	2018	210,000,000
20	2019	221,000,000
21	2020	233,000,000
22	2021	246,000,000
23	2022	260,000,000
24	2023	275,000,000
25	2024	275,000,000
26	2025	275,000,000

1	2026	279,000,000
2	2027	292,000,000
3	2028	307,000,000
4	2029	322,000,000
5	2030	338,000,000
6	2031	350,000,000
7	2032	350,000,000

8 and

9 each fiscal year

10 thereafter that bonds

11 are outstanding under

12 Section 13.2 of the

13 Metropolitan Pier and

14 Exposition Authority Act,

15 but not after fiscal year 2060.

16 Beginning July 20, 1993 and in each month of each fiscal
17 year thereafter, one-eighth of the amount requested in the
18 certificate of the Chairman of the Metropolitan Pier and
19 Exposition Authority for that fiscal year, less the amount
20 deposited into the McCormick Place Expansion Project Fund by
21 the State Treasurer in the respective month under subsection
22 (g) of Section 13 of the Metropolitan Pier and Exposition
23 Authority Act, plus cumulative deficiencies in the deposits
24 required under this Section for previous months and years,
25 shall be deposited into the McCormick Place Expansion Project
26 Fund, until the full amount requested for the fiscal year, but

1 not in excess of the amount specified above as "Total Deposit",
2 has been deposited.

3 Subject to payment of amounts into the Build Illinois Fund
4 and the McCormick Place Expansion Project Fund pursuant to the
5 preceding paragraphs or in any amendments thereto hereafter
6 enacted, beginning July 1, 1993 and ending on September 30,
7 2013, the Department shall each month pay into the Illinois Tax
8 Increment Fund 0.27% of 80% of the net revenue realized for the
9 preceding month from the 6.25% general rate on the selling
10 price of tangible personal property.

11 Subject to payment of amounts into the Build Illinois Fund
12 and the McCormick Place Expansion Project Fund pursuant to the
13 preceding paragraphs or in any amendments thereto hereafter
14 enacted, beginning with the receipt of the first report of
15 taxes paid by an eligible business and continuing for a 25-year
16 period, the Department shall each month pay into the Energy
17 Infrastructure Fund 80% of the net revenue realized from the
18 6.25% general rate on the selling price of Illinois-mined coal
19 that was sold to an eligible business. For purposes of this
20 paragraph, the term "eligible business" means a new electric
21 generating facility certified pursuant to Section 605-332 of
22 the Department of Commerce and Economic Opportunity Law of the
23 Civil Administrative Code of Illinois.

24 Subject to payment of amounts into the Build Illinois Fund,
25 the McCormick Place Expansion Project Fund, the Illinois Tax
26 Increment Fund, and the Energy Infrastructure Fund pursuant to

1 the preceding paragraphs or in any amendments to this Section
2 hereafter enacted, beginning on the first day of the first
3 calendar month to occur on or after the effective date of this
4 amendatory Act of the 98th General Assembly, each month, from
5 the collections made under Section 9 of the Use Tax Act,
6 Section 9 of the Service Use Tax Act, Section 9 of the Service
7 Occupation Tax Act, and Section 3 of the Retailers' Occupation
8 Tax Act, the Department shall pay into the Tax Compliance and
9 Administration Fund, to be used, subject to appropriation, to
10 fund additional auditors and compliance personnel at the
11 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
12 the cash receipts collected during the preceding fiscal year by
13 the Audit Bureau of the Department under the Use Tax Act, the
14 Service Use Tax Act, the Service Occupation Tax Act, the
15 Retailers' Occupation Tax Act, and associated local occupation
16 and use taxes administered by the Department.

17 Of the remainder of the moneys received by the Department
18 pursuant to this Act, 75% thereof shall be paid into the State
19 Treasury and 25% shall be reserved in a special account and
20 used only for the transfer to the Common School Fund as part of
21 the monthly transfer from the General Revenue Fund in
22 accordance with Section 8a of the State Finance Act.

23 The Department may, upon separate written notice to a
24 taxpayer, require the taxpayer to prepare and file with the
25 Department on a form prescribed by the Department within not
26 less than 60 days after receipt of the notice an annual

1 information return for the tax year specified in the notice.
2 Such annual return to the Department shall include a statement
3 of gross receipts as shown by the retailer's last Federal
4 income tax return. If the total receipts of the business as
5 reported in the Federal income tax return do not agree with the
6 gross receipts reported to the Department of Revenue for the
7 same period, the retailer shall attach to his annual return a
8 schedule showing a reconciliation of the 2 amounts and the
9 reasons for the difference. The retailer's annual return to the
10 Department shall also disclose the cost of goods sold by the
11 retailer during the year covered by such return, opening and
12 closing inventories of such goods for such year, costs of goods
13 used from stock or taken from stock and given away by the
14 retailer during such year, payroll information of the
15 retailer's business during such year and any additional
16 reasonable information which the Department deems would be
17 helpful in determining the accuracy of the monthly, quarterly
18 or annual returns filed by such retailer as provided for in
19 this Section.

20 If the annual information return required by this Section
21 is not filed when and as required, the taxpayer shall be liable
22 as follows:

23 (i) Until January 1, 1994, the taxpayer shall be liable
24 for a penalty equal to 1/6 of 1% of the tax due from such
25 taxpayer under this Act during the period to be covered by
26 the annual return for each month or fraction of a month

1 until such return is filed as required, the penalty to be
2 assessed and collected in the same manner as any other
3 penalty provided for in this Act.

4 (ii) On and after January 1, 1994, the taxpayer shall
5 be liable for a penalty as described in Section 3-4 of the
6 Uniform Penalty and Interest Act.

7 The chief executive officer, proprietor, owner or highest
8 ranking manager shall sign the annual return to certify the
9 accuracy of the information contained therein. Any person who
10 willfully signs the annual return containing false or
11 inaccurate information shall be guilty of perjury and punished
12 accordingly. The annual return form prescribed by the
13 Department shall include a warning that the person signing the
14 return may be liable for perjury.

15 The provisions of this Section concerning the filing of an
16 annual information return do not apply to a retailer who is not
17 required to file an income tax return with the United States
18 Government.

19 As soon as possible after the first day of each month, upon
20 certification of the Department of Revenue, the Comptroller
21 shall order transferred and the Treasurer shall transfer from
22 the General Revenue Fund to the Motor Fuel Tax Fund an amount
23 equal to 1.7% of 80% of the net revenue realized under this Act
24 for the second preceding month. Beginning April 1, 2000, this
25 transfer is no longer required and shall not be made.

26 Net revenue realized for a month shall be the revenue

1 collected by the State pursuant to this Act, less the amount
2 paid out during that month as refunds to taxpayers for
3 overpayment of liability.

4 For greater simplicity of administration, manufacturers,
5 importers and wholesalers whose products are sold at retail in
6 Illinois by numerous retailers, and who wish to do so, may
7 assume the responsibility for accounting and paying to the
8 Department all tax accruing under this Act with respect to such
9 sales, if the retailers who are affected do not make written
10 objection to the Department to this arrangement.

11 Any person who promotes, organizes, provides retail
12 selling space for concessionaires or other types of sellers at
13 the Illinois State Fair, DuQuoin State Fair, county fairs,
14 local fairs, art shows, flea markets and similar exhibitions or
15 events, including any transient merchant as defined by Section
16 2 of the Transient Merchant Act of 1987, is required to file a
17 report with the Department providing the name of the merchant's
18 business, the name of the person or persons engaged in
19 merchant's business, the permanent address and Illinois
20 Retailers Occupation Tax Registration Number of the merchant,
21 the dates and location of the event and other reasonable
22 information that the Department may require. The report must be
23 filed not later than the 20th day of the month next following
24 the month during which the event with retail sales was held.
25 Any person who fails to file a report required by this Section
26 commits a business offense and is subject to a fine not to

1 exceed \$250.

2 Any person engaged in the business of selling tangible
3 personal property at retail as a concessionaire or other type
4 of seller at the Illinois State Fair, county fairs, art shows,
5 flea markets and similar exhibitions or events, or any
6 transient merchants, as defined by Section 2 of the Transient
7 Merchant Act of 1987, may be required to make a daily report of
8 the amount of such sales to the Department and to make a daily
9 payment of the full amount of tax due. The Department shall
10 impose this requirement when it finds that there is a
11 significant risk of loss of revenue to the State at such an
12 exhibition or event. Such a finding shall be based on evidence
13 that a substantial number of concessionaires or other sellers
14 who are not residents of Illinois will be engaging in the
15 business of selling tangible personal property at retail at the
16 exhibition or event, or other evidence of a significant risk of
17 loss of revenue to the State. The Department shall notify
18 concessionaires and other sellers affected by the imposition of
19 this requirement. In the absence of notification by the
20 Department, the concessionaires and other sellers shall file
21 their returns as otherwise required in this Section.

22 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
23 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
24 8-26-14; 99-352, eff. 8-12-15.)

25 Section 15. The Counties Code is amended by changing

1 Section 3-9007 as follows:

2 (55 ILCS 5/3-9007) (from Ch. 34, par. 3-9007)

3 Sec. 3-9007. Home rule unit liquor tax ordinance;
4 prosecutions. Where any county, municipality or other unit of
5 local government has adopted any ordinance or other regulation
6 imposing a tax upon the privilege of engaging in business as a
7 manufacturer, ~~importing distributor,~~ retailer, or distributor
8 of beer, alcohol or other spirits, pursuant to its home rule
9 powers under Article VII, Section 6 of the Constitution of the
10 State of Illinois, nothing shall prohibit a State's attorney
11 from prosecuting any offense under the Criminal Code of 1961 or
12 the Criminal Code of 2012 which may also constitute a violation
13 of the applicable ordinance or regulation.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 Section 30. The Liquor Control Act of 1934 is amended by
16 changing Sections 1-3.05, 1-3.15, 1-3.21, 1-3.27, 1-3.29,
17 1-3.33, 1-3.38, 3-12, 3-14, 4-4, 5-1, 5-3, 6-2, 6-4, 6-4.5,
18 6-5, 6-6, 6-6.3, 6-6.5, 6-7, 6-8, 6-9, 6-17, 6-17.1, 6-22,
19 6-23, 6-27.1, 6-29, 6-29.1, 6-31, 7-1, 7-6, 8-1, 8-2, 8-5,
20 8-10, 9-13, 10-1, and 10-7.1 and by renumbering and changing
21 Section 1-3.40 as added by Public Act 99-448 as follows:

22 (235 ILCS 5/1-3.05) (from Ch. 43, par. 95.05)

23 Sec. 1-3.05. "Alcoholic liquor" includes alcohol, spirits,

1 wine and beer, and every liquid or solid, patented or not,
2 containing alcohol, spirits, wine or beer, and capable of being
3 consumed as a beverage by a human being. The provisions of this
4 Act shall not apply to alcohol used in the manufacture of
5 denatured alcohol produced in accordance with Acts of Congress
6 and regulations promulgated thereunder, nor to any liquid or
7 solid containing one-half of one per cent, or less, of alcohol
8 by volume. No tax provided for in Article VIII of this Act
9 shall apply to wine intended for use and used by any church or
10 religious organization for sacramental purposes, provided that
11 such wine shall be purchased from a licensed manufacturer or
12 ~~importing~~ distributor under this Act.

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

14 (235 ILCS 5/1-3.15) (from Ch. 43, par. 95.15)

15 Sec. 1-3.15. "Distributor" means any person, other than a
16 manufacturer or non-resident dealer licensed under this Act,
17 who is engaged in this State in purchasing, storing, possessing
18 or warehousing any alcoholic liquors for resale or reselling at
19 wholesale, whether within or without this State. "Distributor"
20 also means any person other than a non-resident dealer licensed
21 under this Act who imports into this State, from any point in
22 the United States outside this State, whether for himself or
23 for another, any alcoholic liquors for sale or resale, or for
24 use in the manufacture, preparation or compounding of products
25 other than alcoholic liquors, or who imports into this State,

1 from any point in the United States outside this State, for
2 consumption in any one calendar year, more than one gallon of
3 such liquors.

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

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

6 Sec. 1-3.21. "Sale" means any transfer, exchange or barter
7 in any manner, or by any means whatsoever, including the
8 transfer of alcoholic liquors by and through the transfer or
9 negotiation of warehouse receipts or certificates, and
10 includes and means all sales made by any person, whether
11 principal, proprietor, agent, servant or employee. The term
12 "sale" includes any transfer of alcoholic liquor from a foreign
13 importer's license to a ~~an importing~~ distributor's license even
14 if both licenses are held by the same person.

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

16 (235 ILCS 5/1-3.27) (from Ch. 43, par. 95.27)

17 Sec. 1-3.27. "Foreign importer" means anyone other than a
18 non-resident dealer licensed under this Act who imports into
19 this State, from any point outside the United States, any
20 alcoholic liquors other than in bulk for sale to a licensed
21 ~~importing~~ distributor.

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

23 (235 ILCS 5/1-3.29) (from Ch. 43, par. 95.29)

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

13 Any licensed Illinois manufacturer of Class 1, Class 2, or
14 Class 3 may obtain a Non-Resident Dealer's License at no fee. A
15 manufacturer whose production of alcoholic liquor is less than
16 500,000 gallons per year may obtain a Non-Resident Dealer's
17 License for an annual fee of \$75.

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

19 (235 ILCS 5/1-3.33)

20 Sec. 1-3.33. "Brew Pub" means a person who manufactures no
21 more than 155,000 gallons of beer per year only at a designated
22 licensed premises to make sales to ~~importing distributors,~~
23 ~~distributors,~~ and to non-licensees for use and consumption
24 only, who stores beer at the designated premises, and who is
25 allowed to sell at retail from the licensed premises, provided

1 that a brew pub licensee shall not sell for off-premises
2 consumption more than 155,000 gallons per year.

3 (Source: P.A. 99-448, eff. 8-24-15.)

4 (235 ILCS 5/1-3.38)

5 Sec. 1-3.38. Class 1 brewer. "Class 1 brewer" means a
6 person who is a holder of a brewer license or non-resident
7 dealer license who manufactures up to 930,000 gallons of beer
8 per year and who may make sales and deliveries to ~~importing~~
9 ~~distributors~~ and distributors and to retail licensees in
10 accordance with the conditions set forth in paragraph (18) of
11 subsection (a) of Section 3-12 of this Act.

12 (Source: P.A. 98-401, eff. 8-16-13; 99-448, eff. 8-24-15.)

13 (235 ILCS 5/1-3.42)

14 Sec. 1-3.42 ~~1-3.40~~. Class 2 brewer. "Class 2 brewer" means
15 a person who is a holder of a brewer license or non-resident
16 dealer license who manufactures up to 3,720,000 gallons of beer
17 per year for sale to a licensed ~~importing distributor or~~
18 distributor.

19 (Source: P.A. 99-448, eff. 8-24-15; revised 10-28-15.)

20 (235 ILCS 5/3-12)

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

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

1 (1) To receive applications and to issue licenses to
2 manufacturers, foreign importers, ~~importing distributors,~~
3 distributors, non-resident dealers, on premise consumption
4 retailers, off premise sale retailers, special event
5 retailer licensees, special use permit licenses, auction
6 liquor licenses, brew pubs, caterer retailers,
7 non-beverage users, railroads, including owners and
8 lessees of sleeping, dining and cafe cars, airplanes,
9 boats, brokers, and wine maker's premises licensees in
10 accordance with the provisions of this Act, and to suspend
11 or revoke such licenses upon the State commission's
12 determination, upon notice after hearing, that a licensee
13 has violated any provision of this Act or any rule or
14 regulation issued pursuant thereto and in effect for 30
15 days prior to such violation. Except in the case of an
16 action taken pursuant to a violation of Section 6-3, 6-5,
17 or 6-9, any action by the State Commission to suspend or
18 revoke a licensee's license may be limited to the license
19 for the specific premises where the violation occurred.

20 In lieu of suspending or revoking a license, the
21 commission may impose a fine, upon the State commission's
22 determination and notice after hearing, that a licensee has
23 violated any provision of this Act or any rule or
24 regulation issued pursuant thereto and in effect for 30
25 days prior to such violation.

26 For the purpose of this paragraph (1), when determining

1 multiple violations for the sale of alcohol to a person
2 under the age of 21, a second or subsequent violation for
3 the sale of alcohol to a person under the age of 21 shall
4 only be considered if it was committed within 5 years after
5 the date when a prior violation for the sale of alcohol to
6 a person under the age of 21 was committed.

7 The fine imposed under this paragraph may not exceed
8 \$500 for each violation. Each day that the activity, which
9 gave rise to the original fine, continues is a separate
10 violation. The maximum fine that may be levied against any
11 licensee, for the period of the license, shall not exceed
12 \$20,000. The maximum penalty that may be imposed on a
13 licensee for selling a bottle of alcoholic liquor with a
14 foreign object in it or serving from a bottle of alcoholic
15 liquor with a foreign object in it shall be the destruction
16 of that bottle of alcoholic liquor for the first 10 bottles
17 so sold or served from by the licensee. For the eleventh
18 bottle of alcoholic liquor and for each third bottle
19 thereafter sold or served from by the licensee with a
20 foreign object in it, the maximum penalty that may be
21 imposed on the licensee is the destruction of the bottle of
22 alcoholic liquor and a fine of up to \$50.

23 (2) To adopt such rules and regulations consistent with
24 the provisions of this Act which shall be necessary to
25 carry on its functions and duties to the end that the
26 health, safety and welfare of the People of the State of

1 Illinois shall be protected and temperance in the
2 consumption of alcoholic liquors shall be fostered and
3 promoted and to distribute copies of such rules and
4 regulations to all licensees affected thereby.

5 (3) To call upon other administrative departments of
6 the State, county and municipal governments, county and
7 city police departments and upon prosecuting officers for
8 such information and assistance as it deems necessary in
9 the performance of its duties.

10 (4) To recommend to local commissioners rules and
11 regulations, not inconsistent with the law, for the
12 distribution and sale of alcoholic liquors throughout the
13 State.

14 (5) To inspect, or cause to be inspected, any premises
15 in this State where alcoholic liquors are manufactured,
16 distributed, warehoused, or sold. Nothing in this Act
17 authorizes an agent of the Commission to inspect private
18 areas within the premises without reasonable suspicion or a
19 warrant during an inspection. "Private areas" include, but
20 are not limited to, safes, personal property, and closed
21 desks.

22 (5.1) Upon receipt of a complaint or upon having
23 knowledge that any person is engaged in business as a
24 manufacturer, ~~importing distributor,~~ distributor, or
25 retailer without a license or valid license, to notify the
26 local liquor authority, file a complaint with the State's

1 Attorney's Office of the county where the incident
2 occurred, or initiate an investigation with the
3 appropriate law enforcement officials.

4 (5.2) To issue a cease and desist notice to persons
5 shipping alcoholic liquor into this State from a point
6 outside of this State if the shipment is in violation of
7 this Act.

8 (5.3) To receive complaints from licensees, local
9 officials, law enforcement agencies, organizations, and
10 persons stating that any licensee has been or is violating
11 any provision of this Act or the rules and regulations
12 issued pursuant to this Act. Such complaints shall be in
13 writing, signed and sworn to by the person making the
14 complaint, and shall state with specificity the facts in
15 relation to the alleged violation. If the Commission has
16 reasonable grounds to believe that the complaint
17 substantially alleges a violation of this Act or rules and
18 regulations adopted pursuant to this Act, it shall conduct
19 an investigation. If, after conducting an investigation,
20 the Commission is satisfied that the alleged violation did
21 occur, it shall proceed with disciplinary action against
22 the licensee as provided in this Act.

23 (6) To hear and determine appeals from orders of a
24 local commission in accordance with the provisions of this
25 Act, as hereinafter set forth. Hearings under this
26 subsection shall be held in Springfield or Chicago, at

1 whichever location is the more convenient for the majority
2 of persons who are parties to the hearing.

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

1 (8) In the conduct of any hearing authorized to be held
2 by the commission, to appoint, at the commission's
3 discretion, hearing officers to conduct hearings involving
4 complex issues or issues that will require a protracted
5 period of time to resolve, to examine, or cause to be
6 examined, under oath, any licensee, and to examine or cause
7 to be examined the books and records of such licensee; to
8 hear testimony and take proof material for its information
9 in the discharge of its duties hereunder; to administer or
10 cause to be administered oaths; for any such purpose to
11 issue subpoena or subpoenas to require the attendance of
12 witnesses and the production of books, which shall be
13 effective in any part of this State, and to adopt rules to
14 implement its powers under this paragraph (8).

15 Any Circuit Court may by order duly entered, require
16 the attendance of witnesses and the production of relevant
17 books subpoenaed by the State commission and the court may
18 compel obedience to its order by proceedings for contempt.

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

26 (10) To adopt such rules and regulations consistent

1 with the provisions of this Act which shall be necessary
2 for the control, sale or disposition of alcoholic liquor
3 damaged as a result of an accident, wreck, flood, fire or
4 other similar occurrence.

5 (11) To develop industry educational programs related
6 to responsible serving and selling, particularly in the
7 areas of overserving consumers and illegal underage
8 purchasing and consumption of alcoholic beverages.

9 (11.1) To license persons providing education and
10 training to alcohol beverage sellers and servers for
11 mandatory and non-mandatory training under the Beverage
12 Alcohol Sellers and Servers Education and Training
13 (BASSET) programs and to develop and administer a public
14 awareness program in Illinois to reduce or eliminate the
15 illegal purchase and consumption of alcoholic beverage
16 products by persons under the age of 21. Application for a
17 license shall be made on forms provided by the State
18 Commission.

19 (12) To develop and maintain a repository of license
20 and regulatory information.

21 (13) On or before January 15, 1994, the Commission
22 shall issue a written report to the Governor and General
23 Assembly that is to be based on a comprehensive study of
24 the impact on and implications for the State of Illinois of
25 Section 1926 of the Federal ADAMHA Reorganization Act of
26 1992 (Public Law 102-321). This study shall address the

1 extent to which Illinois currently complies with the
2 provisions of P.L. 102-321 and the rules promulgated
3 pursuant thereto.

4 As part of its report, the Commission shall provide the
5 following essential information:

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

8 (ii) the number of reported citations and
9 successful convictions, categorized by type and
10 location of retail distributor, for violation of the
11 Prevention of Tobacco Use by Minors and Sale and
12 Distribution of Tobacco Products Act and the Smokeless
13 Tobacco Limitation Act;

14 (iii) the extent and nature of organized
15 educational and governmental activities that are
16 intended to promote, encourage or otherwise secure
17 compliance with any Illinois laws that prohibit the
18 sale or distribution of tobacco products to minors; and

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

21 To obtain the data necessary to comply with the
22 provisions of P.L. 102-321 and the requirements of this
23 report, the Commission shall conduct random, unannounced
24 inspections of a geographically and scientifically
25 representative sample of the State's retail tobacco
26 distributors.

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

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

12 (14) On or before April 30, 2008 and every 2 years
13 thereafter, the Commission shall present a written report
14 to the Governor and the General Assembly that shall be
15 based on a study of the impact of this amendatory Act of
16 the 95th General Assembly on the business of soliciting,
17 selling, and shipping wine from inside and outside of this
18 State directly to residents of this State. As part of its
19 report, the Commission shall provide all of the following
20 information:

21 (A) The amount of State excise and sales tax
22 revenues generated.

23 (B) The amount of licensing fees received.

24 (C) The number of cases of wine shipped from inside
25 and outside of this State directly to residents of this
26 State.

1 (D) The number of alcohol compliance operations
2 conducted.

3 (E) The number of winery shipper's licenses
4 issued.

5 (F) The number of each of the following: reported
6 violations; cease and desist notices issued by the
7 Commission; notices of violations issued by the
8 Commission and to the Department of Revenue; and
9 notices and complaints of violations to law
10 enforcement officials, including, without limitation,
11 the Illinois Attorney General and the U.S. Department
12 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

13 (15) As a means to reduce the underage consumption of
14 alcoholic liquors, the Commission shall conduct alcohol
15 compliance operations to investigate whether businesses
16 that are soliciting, selling, and shipping wine from inside
17 or outside of this State directly to residents of this
18 State are licensed by this State or are selling or
19 attempting to sell wine to persons under 21 years of age in
20 violation of this Act.

21 (16) The Commission shall, in addition to notifying any
22 appropriate law enforcement agency, submit notices of
23 complaints or violations of Sections 6-29 and 6-29.1 by
24 persons who do not hold a winery shipper's license under
25 this amendatory Act to the Illinois Attorney General and to
26 the U.S. Department of Treasury's Alcohol and Tobacco Tax

1 and Trade Bureau.

2 (17) (A) A person licensed to make wine under the laws
3 of another state who has a winery shipper's license under
4 this amendatory Act and annually produces less than 25,000
5 gallons of wine or a person who has a first-class or
6 second-class wine manufacturer's license, a first-class or
7 second-class wine-maker's license, or a limited wine
8 manufacturer's license under this Act and annually
9 produces less than 25,000 gallons of wine may make
10 application to the Commission for a self-distribution
11 exemption to allow the sale of not more than 5,000 gallons
12 of the exemption holder's wine to retail licensees per
13 year.

14 (B) In the application, which shall be sworn under
15 penalty of perjury, such person shall state (1) the
16 date it was established; (2) its volume of production
17 and sales for each year since its establishment; (3)
18 its efforts to establish distributor relationships;
19 (4) that a self-distribution exemption is necessary to
20 facilitate the marketing of its wine; and (5) that it
21 will comply with the liquor and revenue laws of the
22 United States, this State, and any other state where it
23 is licensed.

24 (C) The Commission shall approve the application
25 for a self-distribution exemption if such person: (1)
26 is in compliance with State revenue and liquor laws;

1 (2) is not a member of any affiliated group that
2 produces more than 25,000 gallons of wine per annum or
3 produces any other alcoholic liquor; (3) will not
4 annually produce for sale more than 25,000 gallons of
5 wine; and (4) will not annually sell more than 5,000
6 gallons of its wine to retail licensees.

7 (D) A self-distribution exemption holder shall
8 annually certify to the Commission its production of
9 wine in the previous 12 months and its anticipated
10 production and sales for the next 12 months. The
11 Commission may fine, suspend, or revoke a
12 self-distribution exemption after a hearing if it
13 finds that the exemption holder has made a material
14 misrepresentation in its application, violated a
15 revenue or liquor law of Illinois, exceeded production
16 of 25,000 gallons of wine in any calendar year, or
17 become part of an affiliated group producing more than
18 25,000 gallons of wine or any other alcoholic liquor.

19 (E) Except in hearings for violations of this Act
20 or amendatory Act or a bona fide investigation by duly
21 sworn law enforcement officials, the Commission, or
22 its agents, the Commission shall maintain the
23 production and sales information of a
24 self-distribution exemption holder as confidential and
25 shall not release such information to any person.

26 (F) The Commission shall issue regulations

1 governing self-distribution exemptions consistent with
2 this Section and this Act.

3 (G) Nothing in this subsection (17) shall prohibit
4 a self-distribution exemption holder from entering
5 into or simultaneously having a distribution agreement
6 with a licensed Illinois distributor.

7 (H) It is the intent of this subsection (17) to
8 promote and continue orderly markets. The General
9 Assembly finds that in order to preserve Illinois'
10 regulatory distribution system it is necessary to
11 create an exception for smaller makers of wine as their
12 wines are frequently adjusted in varietals, mixes,
13 vintages, and taste to find and create market niches
14 sometimes too small for distributor ~~or importing~~
15 ~~distributor~~ business strategies. Limited
16 self-distribution rights will afford and allow smaller
17 makers of wine access to the marketplace in order to
18 develop a customer base without impairing the
19 integrity of the 3-tier system.

20 (18) (A) A class 1 brewer licensee, who must also be
21 either a licensed brewer or licensed non-resident dealer
22 and annually manufacture less than 930,000 gallons of beer,
23 may make application to the State Commission for a
24 self-distribution exemption to allow the sale of not more
25 than 232,500 gallons of the exemption holder's beer to
26 retail licensees per year.

1 (B) In the application, which shall be sworn under
2 penalty of perjury, the class 1 brewer licensee shall
3 state (1) the date it was established; (2) its volume
4 of beer manufactured and sold for each year since its
5 establishment; (3) its efforts to establish
6 distributor relationships; (4) that a
7 self-distribution exemption is necessary to facilitate
8 the marketing of its beer; and (5) that it will comply
9 with the alcoholic beverage and revenue laws of the
10 United States, this State, and any other state where it
11 is licensed.

12 (C) Any application submitted shall be posted on
13 the State Commission's website at least 45 days prior
14 to action by the State Commission. The State Commission
15 shall approve the application for a self-distribution
16 exemption if the class 1 brewer licensee: (1) is in
17 compliance with the State, revenue, and alcoholic
18 beverage laws; (2) is not a member of any affiliated
19 group that manufactures more than 930,000 gallons of
20 beer per annum or produces any other alcoholic
21 beverages; (3) shall not annually manufacture for sale
22 more than 930,000 gallons of beer; (4) shall not
23 annually sell more than 232,500 gallons of its beer to
24 retail licensees; and (5) has relinquished any brew pub
25 license held by the licensee, including any ownership
26 interest it held in the licensed brew pub.

1 (D) A self-distribution exemption holder shall
2 annually certify to the State Commission its
3 manufacture of beer during the previous 12 months and
4 its anticipated manufacture and sales of beer for the
5 next 12 months. The State Commission may fine, suspend,
6 or revoke a self-distribution exemption after a
7 hearing if it finds that the exemption holder has made
8 a material misrepresentation in its application,
9 violated a revenue or alcoholic beverage law of
10 Illinois, exceeded the manufacture of 930,000 gallons
11 of beer in any calendar year or became part of an
12 affiliated group manufacturing more than 930,000
13 gallons of beer or any other alcoholic beverage.

14 (E) The State Commission shall issue rules and
15 regulations governing self-distribution exemptions
16 consistent with this Act.

17 (F) Nothing in this paragraph (18) shall prohibit a
18 self-distribution exemption holder from entering into
19 or simultaneously having a distribution agreement with
20 a licensed Illinois ~~importing distributor or a~~
21 distributor. If a self-distribution exemption holder
22 enters into a distribution agreement and has assigned
23 distribution rights to a ~~an importing distributor or~~
24 distributor, then the self-distribution exemption
25 holder's distribution rights in the assigned
26 territories shall cease in a reasonable time not to

1 exceed 60 days.

2 (G) It is the intent of this paragraph (18) to
3 promote and continue orderly markets. The General
4 Assembly finds that in order to preserve Illinois'
5 regulatory distribution system, it is necessary to
6 create an exception for smaller manufacturers in order
7 to afford and allow such smaller manufacturers of beer
8 access to the marketplace in order to develop a
9 customer base without impairing the integrity of the
10 3-tier system.

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

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

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

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

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

1 violations to law enforcement officials.

2 (Source: P.A. 98-401, eff. 8-16-13; 98-939, eff. 7-1-15;
3 98-941, eff. 1-1-15; 99-78, eff. 7-20-15; 99-448, eff.
4 8-24-15.)

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

6 Sec. 3-14. Issuance of license by Commission. Nothing
7 contained in this Act shall, however, be construed to permit
8 the State Commission to issue any license, other than
9 manufacturer's, foreign importer's, ~~importing distributor's,~~
10 non-resident dealer's, and distributor's, broker's and
11 non-beverage user's license for any premises in any prohibited
12 territory, or to issue any license other than manufacturer's,
13 foreign importer's, ~~importing distributor's,~~ non-resident
14 dealer's, distributor's, railroad's, airplane's, boat's, or
15 broker's license, auction liquor license, or non-beverage
16 user's license, unless the person applying for such license
17 shall have obtained a local license for the same premises. For
18 purposes of this Section and only in regards to a hotel, the
19 local license issued for the same premises may include multiple
20 local licenses issued to a hotel operator for various portions
21 of the hotel building, structure, or adjacent property owned
22 and managed by the hotel operator in which alcoholic liquors
23 may be stored, offered for sale, and sold; however, all of
24 those portions of the hotel building, structure, or adjacent
25 property shall be considered the hotel premises for purposes of

1 the issuance of a retailer's license by the State Commission.
2 When such person has obtained a local license and has made
3 application to the State Commission in conformity with this Act
4 and paid the license fee provided, it shall be the duty of the
5 State Commission to issue a retailer's license to him;
6 provided, however, that the State Commission may refuse the
7 issuance or renewal of a retailer's license, upon notice and
8 after hearing, upon the grounds authorized in Section 6-3 of
9 this Act, and, provided further, that the issuance of such
10 license shall not prejudice the State Commission's action in
11 subsequently suspending or revoking such license if it is
12 determined by the State Commission, upon notice and after
13 hearing, that the licensee has, within the same or the
14 preceding license period, violated any provision of this Act or
15 any rule or regulation issued pursuant thereto and in effect
16 for 30 days prior to such violation. The Commission may also
17 refuse to renew a license if the licensee has failed to pay an
18 offer in compromise, pre-disciplinary settlement, or a fine
19 imposed by order.

20 (Source: P.A. 99-46, eff. 7-15-15.)

21 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

22 Sec. 4-4. Each local liquor control commissioner shall also
23 have the following powers, functions and duties with respect to
24 licenses, other than licenses to manufacturers, ~~importing~~
25 ~~distributors,~~ distributors, foreign importers, non-resident

1 dealers, non-beverage users, brokers, railroads, airplanes and
2 boats.

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

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

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

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

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

1 the case may be.

2 Each local liquor commissioner also has the duty to notify
3 the Secretary of State of any convictions or dispositions of
4 court supervision for a violation of Section 6-20 of this Act
5 or a similar provision of a local ordinance.

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

9 (Source: P.A. 95-166, eff. 1-1-08.)

10 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

19 (b) Distributor's license,

20 (c) (Blank), ~~Importing Distributor's license,~~

21 (d) Retailer's license,

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

23 (f) Railroad license,

24 (g) Boat license,

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

- 1 (i) Wine-maker's premises license,
2 (j) Airplane license,
3 (k) Foreign importer's license,
4 (l) Broker's license,
5 (m) Non-resident dealer's license,
6 (n) Brew Pub license,
7 (o) Auction liquor license,
8 (p) Caterer retailer license,
9 (q) Special use permit license,
10 (r) Winery shipper's license.

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

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

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

23 Class 2. A Rectifier, who is not a distiller, as defined
24 herein, may make sales and deliveries of alcoholic liquor to
25 rectifiers, ~~importing distributors,~~ distributors, retailers, and
26 and non-beverage users and to no other licensees.

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

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

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

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

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) ~~this amendatory Act of the~~
3 ~~95th General Assembly~~, is a holder of a second-class
4 wine-maker's license and annually produces more than 25,000
5 gallons of its own wine and who distributes its wine to
6 licensed retailers shall cease this practice on or before July
7 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~
8 ~~Act of the 95th General Assembly~~.

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

13 Class 9. A craft distiller license shall allow the
14 manufacture of up to 30,000 gallons of spirits by distillation
15 for one year after March 1, 2013 (the effective date of Public
16 Act 97-1166) ~~this amendatory Act of the 97th General Assembly~~
17 and up to 35,000 gallons of spirits by distillation per year
18 thereafter and the storage of such spirits. If a craft
19 distiller licensee is not affiliated with any other
20 manufacturer, then the craft distiller licensee may sell such
21 spirits to distributors in this State and up to 2,500 gallons
22 of such spirits to non-licensees to the extent permitted by any
23 exemption approved by the Commission pursuant to Section 6-4 of
24 this Act.

25 Any craft distiller licensed under this Act who on July 28,
26 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~

1 ~~Act of the 96th General Assembly~~ was licensed as a distiller
2 and manufactured no more spirits than permitted by this Section
3 shall not be required to pay the initial licensing fee.

4 Class 10. A class 1 brewer license, which may only be
5 issued to a licensed brewer or licensed non-resident dealer,
6 shall allow the manufacture of up to 930,000 gallons of beer
7 per year provided that the class 1 brewer licensee does not
8 manufacture more than a combined 930,000 gallons of beer per
9 year and is not a member of or affiliated with, directly or
10 indirectly, a manufacturer that produces more than 930,000
11 gallons of beer per year or any other alcoholic liquor. A class
12 1 brewer licensee may make sales and deliveries to ~~importing~~
13 ~~distributors and~~ distributors and to retail licensees in
14 accordance with the conditions set forth in paragraph (18) of
15 subsection (a) of Section 3-12 of this Act.

16 Class 11. A class 2 brewer license, which may only be
17 issued to a licensed brewer or licensed non-resident dealer,
18 shall allow the manufacture of up to 3,720,000 gallons of beer
19 per year provided that the class 2 brewer licensee does not
20 manufacture more than a combined 3,720,000 gallons of beer per
21 year and is not a member of or affiliated with, directly or
22 indirectly, a manufacturer that produces more than 3,720,000
23 gallons of beer per year or any other alcoholic liquor. A class
24 2 brewer licensee may make sales and deliveries to ~~importing~~
25 ~~distributors and~~ distributors, but shall not make sales or
26 deliveries to any other licensee. If the State Commission

1 provides prior approval, a class 2 brewer licensee may annually
2 transfer up to 3,720,000 gallons of beer manufactured by that
3 class 2 brewer licensee to the premises of a licensed class 2
4 brewer wholly owned and operated by the same licensee.

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

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

1 Commission shall post a list of registered agents on the
2 Commission's website.

3 (b) A distributor's license shall allow the wholesale
4 purchase and storage of alcoholic liquors and sale of alcoholic
5 liquors to licensees in this State and to persons without the
6 State, as may be permitted by law. A distributor's license
7 shall further allow the importation of alcoholic liquor by the
8 licensee into this State from any point in the United States
9 outside this State and the purchase of alcoholic liquor in
10 barrels, casks, or other bulk containers and the bottling of
11 such alcoholic liquors before resale thereof, but all bottles
12 or containers so filled shall be sealed, labeled, stamped, and
13 otherwise made to comply with all provisions, rules, and
14 regulations governing manufacturers in the preparation and
15 bottling of alcoholic liquors. The distributor's license shall
16 also permit such licensee to purchase alcoholic liquor from
17 Illinois licensed non-resident dealers, foreign importers, and
18 other sources as permitted by this Act. A distributor's license
19 may not be granted to any holder of a manufacturer's license,
20 as listed in subsection (a), or holder of a non-resident dealer
21 license.

22 (c) (Blank). ~~An importing distributor's license may be~~
23 ~~issued to and held by those only who are duly licensed~~
24 ~~distributors, upon the filing of an application by a duly~~
25 ~~licensed distributor, with the Commission and the Commission~~
26 ~~shall, without the payment of any fee, immediately issue such~~

1 ~~importing distributor's license to the applicant, which shall~~
2 ~~allow the importation of alcoholic liquor by the licensee into~~
3 ~~this State from any point in the United States outside this~~
4 ~~State, and the purchase of alcoholic liquor in barrels, casks~~
5 ~~or other bulk containers and the bottling of such alcoholic~~
6 ~~liquors before resale thereof, but all bottles or containers so~~
7 ~~filled shall be sealed, labeled, stamped and otherwise made to~~
8 ~~comply with all provisions, rules and regulations governing~~
9 ~~manufacturers in the preparation and bottling of alcoholic~~
10 ~~liquors. The importing distributor's license shall permit such~~
11 ~~licensee to purchase alcoholic liquor from Illinois licensed~~
12 ~~non-resident dealers and foreign importers only.~~

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

1 consumption retailer, (ii) an off premise sale retailer, or
2 (iii) a combined on premise consumption and off premise sale
3 retailer.

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

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

1 Tax Act, does not hold a resale number under Section 2c of the
2 Retailers' Occupation Tax Act, and does not hold an exemption
3 number under Section 1g of the Retailers' Occupation Tax Act,
4 in which event the Commission shall set forth on the special
5 event retailer's license a statement to that effect; (ii)
6 submit with the application proof satisfactory to the State
7 Commission that the applicant will provide dram shop liability
8 insurance in the maximum limits; and (iii) show proof
9 satisfactory to the State Commission that the applicant has
10 obtained local authority approval.

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

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

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

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

- 22 Class 1, not to exceed 500 gallons
- 23 Class 2, not to exceed 1,000 gallons
- 24 Class 3, not to exceed 5,000 gallons
- 25 Class 4, not to exceed 10,000 gallons
- 26 Class 5, not to exceed 50,000 gallons

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

1 least equal to the maximum liability amounts set forth in
2 subsection (a) of Section 6-21 of this Act.

3 (j) An airplane license shall permit the licensee to import
4 alcoholic liquors into this State from any point in the United
5 States outside this State and to store such alcoholic liquors
6 in this State; to make wholesale purchases of alcoholic liquors
7 directly from manufacturers, foreign importers, and
8 distributors ~~and importing distributors~~ from within or outside
9 this State; and to store such alcoholic liquors in this State;
10 provided that the above powers may be exercised only in
11 connection with the importation, purchase or storage of
12 alcoholic liquors to be sold or dispensed on an airplane; and
13 provided further, that airplane licensees exercising the above
14 powers shall be subject to all provisions of Article VIII of
15 this Act as applied to ~~importing~~ distributors. An airplane
16 licensee shall also permit the sale or dispensing of alcoholic
17 liquors on any passenger airplane regularly operated by a
18 common carrier in this State, but shall not permit the sale for
19 resale of any alcoholic liquors to any licensee within this
20 State. A single airplane license shall be required of an
21 airline company if liquor service is provided on board aircraft
22 in this State. The annual fee for such license shall be as
23 determined in Section 5-3.

24 (k) A foreign importer's license shall permit such licensee
25 to purchase alcoholic liquor from Illinois licensed
26 non-resident dealers only, and to import alcoholic liquor other

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

13 (1) (i) A broker's license shall be required of all persons
14 who solicit orders for, offer to sell or offer to supply
15 alcoholic liquor to retailers in the State of Illinois, or who
16 offer to retailers to ship or cause to be shipped or to make
17 contact with distillers, rectifiers, brewers or manufacturers
18 or any other party within or without the State of Illinois in
19 order that alcoholic liquors be shipped to a distributor~~7~~
20 ~~importing distributor~~ or foreign importer, whether such
21 solicitation or offer is consummated within or without the
22 State of Illinois.

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

1 holder of a valid broker's license.

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

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

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

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

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

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

19 (n) A brew pub license shall allow the licensee to only (i)
20 manufacture up to 155,000 gallons of beer per year only on the
21 premises specified in the license, (ii) make sales of the beer
22 manufactured on the premises or, with the approval of the
23 Commission, beer manufactured on another brew pub licensed
24 premises that is wholly owned and operated by the same licensee
25 to ~~importing distributors,~~ distributors, and to non-licensees
26 for use and consumption, (iii) store the beer upon the

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

11 A brew pub licensee shall not under any circumstance sell
12 or offer for sale beer manufactured by the brew pub licensee to
13 retail licensees.

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

25 Notwithstanding any other provision of this Act, a licensed
26 brewer, class 2 brewer, or non-resident dealer who before July

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

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

17 (p) An auction liquor license shall allow the licensee to
18 sell and offer for sale at auction wine and spirits for use or
19 consumption, or for resale by an Illinois liquor licensee in
20 accordance with provisions of this Act. An auction liquor
21 license will be issued to a person and it will permit the
22 auction liquor licensee to hold the auction anywhere in the
23 State. An auction liquor license must be obtained for each
24 auction at least 14 days in advance of the auction date.

25 (q) A special use permit license shall allow an Illinois
26 licensed retailer to transfer a portion of its alcoholic liquor

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

13 (r) A winery shipper's license shall allow a person with a
14 first-class or second-class wine manufacturer's license, a
15 first-class or second-class wine-maker's license, or a limited
16 wine manufacturer's license or who is licensed to make wine
17 under the laws of another state to ship wine made by that
18 licensee directly to a resident of this State who is 21 years
19 of age or older for that resident's personal use and not for
20 resale. Prior to receiving a winery shipper's license, an
21 applicant for the license must provide the Commission with a
22 true copy of its current license in any state in which it is
23 licensed as a manufacturer of wine. An applicant for a winery
24 shipper's license must also complete an application form that
25 provides any other information the Commission deems necessary.
26 The application form shall include an acknowledgement

1 consenting to the jurisdiction of the Commission, the Illinois
2 Department of Revenue, and the courts of this State concerning
3 the enforcement of this Act and any related laws, rules, and
4 regulations, including authorizing the Department of Revenue
5 and the Commission to conduct audits for the purpose of
6 ensuring compliance with Public Act 95-634 ~~this amendatory Act.~~

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

26 A winery shipper licensee must collect, maintain, and

1 submit to the Commission on a semi-annual basis the total
 2 number of cases per resident of wine shipped to residents of
 3 this State. A winery shipper licensed under this subsection (r)
 4 must comply with the requirements of Section 6-29 of this
 5 ~~amendatory~~ Act.

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

10 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
 11 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

12 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

13 Sec. 5-3. License fees. Except as otherwise provided
 14 herein, at the time application is made to the State Commission
 15 for a license of any class, the applicant shall pay to the
 16 State Commission the fee hereinafter provided for the kind of
 17 license applied for.

18 The fee for licenses issued by the State Commission shall
 19 be as follows:

20 For a manufacturer's license:

21	Class 1. Distiller	\$3,600
22	Class 2. Rectifier	3,600
23	Class 3. Brewer	900
24	Class 4. First-class Wine Manufacturer	600
25	Class 5. Second-class	

1	Wine Manufacturer.....	1,200
2	Class 6. First-class wine-maker	600
3	Class 7. Second-class wine-maker	1200
4	Class 8. Limited Wine Manufacturer	120
5	Class 9. Craft Distiller	1,800
6	Class 10. Class 1 Brewer	25
7	Class 11. Class 2 Brewer	25
8	For a Brew Pub License	1,050
9	For a caterer retailer's license	200
10	For a foreign importer's license	25
11	For an importing distributor's license	25
12	For a distributor's license	270
13	For a non-resident dealer's license	
14	(500,000 gallons or over)	270
15	For a non-resident dealer's license	
16	(under 500,000 gallons)	90
17	For a wine-maker's premises license	100
18	For a winery shipper's license	
19	(under 250,000 gallons)	150
20	For a winery shipper's license	
21	(250,000 or over, but under 500,000 gallons)	500
22	For a winery shipper's license	
23	(500,000 gallons or over)	1,000
24	For a wine-maker's premises license,	
25	second location.....	350
26	For a wine-maker's premises license,	

1	third location	350
2	For a retailer's license	500
3	For a special event retailer's license,	
4	(not-for-profit)	25
5	For a special use permit license,	
6	one day only	50
7	2 days or more	100
8	For a railroad license	60
9	For a boat license	180
10	For an airplane license, times the	
11	licensee's maximum number of aircraft	
12	in flight, serving liquor over the	
13	State at any given time, which either	
14	originate, terminate, or make	
15	an intermediate stop in the State	60
16	For a non-beverage user's license:	
17	Class 1	24
18	Class 2	60
19	Class 3	120
20	Class 4	240
21	Class 5	600
22	For a broker's license	600
23	For an auction liquor license	50
24	For a homebrewer special event permit	25
25	Fees collected under this Section shall be paid into the	
26	Dram Shop Fund. On and after July 1, 2003, of the funds	

1 received for a retailer's license, in addition to the first
2 \$175, an additional \$75 shall be paid into the Dram Shop Fund,
3 and \$250 shall be paid into the General Revenue Fund. Beginning
4 June 30, 1990 and on June 30 of each subsequent year through
5 June 29, 2003, any balance over \$5,000,000 remaining in the
6 Dram Shop Fund shall be credited to State liquor licensees and
7 applied against their fees for State liquor licenses for the
8 following year. The amount credited to each licensee shall be a
9 proportion of the balance in the Dram Fund that is the same as
10 the proportion of the license fee paid by the licensee under
11 this Section for the period in which the balance was
12 accumulated to the aggregate fees paid by all licensees during
13 that period.

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

16 (a) Hospitals, sanitariums, or clinics when their use
17 of alcoholic liquor is exclusively medicinal, mechanical
18 or scientific.

19 (b) Universities, colleges of learning or schools when
20 their use of alcoholic liquor is exclusively medicinal,
21 mechanical or scientific.

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

24 (Source: P.A. 98-55, eff. 7-5-13; 99-448, eff. 8-24-15.)

25 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

1 Sec. 6-2. Issuance of licenses to certain persons
2 prohibited.

3 (a) Except as otherwise provided in subsection (b) of this
4 Section and in paragraph (1) of subsection (a) of Section 3-12,
5 no license of any kind issued by the State Commission or any
6 local commission shall be issued to:

7 (1) A person who is not a resident of any city, village
8 or county in which the premises covered by the license are
9 located; except in case of railroad or boat licenses.

10 (2) A person who is not of good character and
11 reputation in the community in which he resides.

12 (3) A person who is not a citizen of the United States.

13 (4) A person who has been convicted of a felony under
14 any Federal or State law, unless the Commission determines
15 that such person has been sufficiently rehabilitated to
16 warrant the public trust after considering matters set
17 forth in such person's application and the Commission's
18 investigation. The burden of proof of sufficient
19 rehabilitation shall be on the applicant.

20 (5) A person who has been convicted of keeping a place
21 of prostitution or keeping a place of juvenile
22 prostitution, promoting prostitution that involves keeping
23 a place of prostitution, or promoting juvenile
24 prostitution that involves keeping a place of juvenile
25 prostitution.

26 (6) A person who has been convicted of pandering or

1 other crime or misdemeanor opposed to decency and morality.

2 (7) A person whose license issued under this Act has
3 been revoked for cause.

4 (8) A person who at the time of application for renewal
5 of any license issued hereunder would not be eligible for
6 such license upon a first application.

7 (9) A copartnership, if any general partnership
8 thereof, or any limited partnership thereof, owning more
9 than 5% of the aggregate limited partner interest in such
10 copartnership would not be eligible to receive a license
11 hereunder for any reason other than residence within the
12 political subdivision, unless residency is required by
13 local ordinance.

14 (10) A corporation or limited liability company, if any
15 member, officer, manager or director thereof, or any
16 stockholder or stockholders owning in the aggregate more
17 than 5% of the stock of such corporation, would not be
18 eligible to receive a license hereunder for any reason
19 other than citizenship and residence within the political
20 subdivision.

21 (10a) A corporation or limited liability company
22 unless it is incorporated or organized in Illinois, or
23 unless it is a foreign corporation or foreign limited
24 liability company which is qualified under the Business
25 Corporation Act of 1983 or the Limited Liability Company
26 Act to transact business in Illinois. The Commission shall

1 permit and accept from an applicant for a license under
2 this Act proof prepared from the Secretary of State's
3 website that the corporation or limited liability company
4 is in good standing and is qualified under the Business
5 Corporation Act of 1983 or the Limited Liability Company
6 Act to transact business in Illinois.

7 (11) A person whose place of business is conducted by a
8 manager or agent unless the manager or agent possesses the
9 same qualifications required by the licensee.

10 (12) A person who has been convicted of a violation of
11 any Federal or State law concerning the manufacture,
12 possession or sale of alcoholic liquor, subsequent to the
13 passage of this Act or has forfeited his bond to appear in
14 court to answer charges for any such violation.

15 (13) A person who does not beneficially own the
16 premises for which a license is sought, or does not have a
17 lease thereon for the full period for which the license is
18 to be issued.

19 (14) Any law enforcing public official, including
20 members of local liquor control commissions, any mayor,
21 alderman, or member of the city council or commission, any
22 president of the village board of trustees, any member of a
23 village board of trustees, or any president or member of a
24 county board; and no such official shall have a direct
25 interest in the manufacture, sale, or distribution of
26 alcoholic liquor, except that a license may be granted to

1 such official in relation to premises that are not located
2 within the territory subject to the jurisdiction of that
3 official if the issuance of such license is approved by the
4 State Liquor Control Commission and except that a license
5 may be granted, in a city or village with a population of
6 55,000 or less, to any alderman, member of a city council,
7 or member of a village board of trustees in relation to
8 premises that are located within the territory subject to
9 the jurisdiction of that official if (i) the sale of
10 alcoholic liquor pursuant to the license is incidental to
11 the selling of food, (ii) the issuance of the license is
12 approved by the State Commission, (iii) the issuance of the
13 license is in accordance with all applicable local
14 ordinances in effect where the premises are located, and
15 (iv) the official granted a license does not vote on
16 alcoholic liquor issues pending before the board or council
17 to which the license holder is elected. Notwithstanding any
18 provision of this paragraph (14) to the contrary, an
19 alderman or member of a city council or commission, a
20 member of a village board of trustees other than the
21 president of the village board of trustees, or a member of
22 a county board other than the president of a county board
23 may have a direct interest in the manufacture, sale, or
24 distribution of alcoholic liquor as long as he or she is
25 not a law enforcing public official, a mayor, a village
26 board president, or president of a county board. To prevent

1 any conflict of interest, the elected official with the
2 direct interest in the manufacture, sale, or distribution
3 of alcoholic liquor shall not participate in any meetings,
4 hearings, or decisions on matters impacting the
5 manufacture, sale, or distribution of alcoholic liquor.
6 Furthermore, the mayor of a city with a population of
7 55,000 or less or the president of a village with a
8 population of 55,000 or less may have an interest in the
9 manufacture, sale, or distribution of alcoholic liquor as
10 long as the council or board over which he or she presides
11 has made a local liquor control commissioner appointment
12 that complies with the requirements of Section 4-2 of this
13 Act.

14 (15) A person who is not a beneficial owner of the
15 business to be operated by the licensee.

16 (16) A person who has been convicted of a gambling
17 offense as proscribed by any of subsections (a) (3) through
18 (a) (11) of Section 28-1 of, or as proscribed by Section
19 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
20 Criminal Code of 2012, or as proscribed by a statute
21 replaced by any of the aforesaid statutory provisions.

22 (17) A person or entity to whom a federal wagering
23 stamp has been issued by the federal government, unless the
24 person or entity is eligible to be issued a license under
25 the Raffles and Poker Runs Act or the Illinois Pull Tabs
26 and Jar Games Act.

1 (18) A person who intends to sell alcoholic liquors for
2 use or consumption on his or her licensed retail premises
3 who does not have liquor liability insurance coverage for
4 that premises in an amount that is at least equal to the
5 maximum liability amounts set out in subsection (a) of
6 Section 6-21.

7 (19) A person who is licensed by any licensing
8 authority as a manufacturer of beer, or any partnership,
9 corporation, limited liability company, or trust or any
10 subsidiary, affiliate, or agent thereof, or any other form
11 of business enterprise licensed as a manufacturer of beer,
12 having any legal, equitable, or beneficial interest,
13 directly or indirectly, in a person licensed in this State
14 as a distributor ~~or importing distributor~~. For purposes of
15 this paragraph (19), a person who is licensed by any
16 licensing authority as a "manufacturer of beer" shall also
17 mean a brewer and a non-resident dealer who is also a
18 manufacturer of beer, including a partnership,
19 corporation, limited liability company, or trust or any
20 subsidiary, affiliate, or agent thereof, or any other form
21 of business enterprise licensed as a manufacturer of beer.

22 (20) A person who is licensed in this State as a
23 distributor ~~or importing distributor~~, or any partnership,
24 corporation, limited liability company, or trust or any
25 subsidiary, affiliate, or agent thereof, or any other form
26 of business enterprise licensed in this State as a

1 distributor ~~or importing distributor~~ having any legal,
2 equitable, or beneficial interest, directly or indirectly,
3 in a person licensed as a manufacturer of beer by any
4 licensing authority, or any partnership, corporation,
5 limited liability company, or trust or any subsidiary,
6 affiliate, or agent thereof, or any other form of business
7 enterprise, except for a person who owns, on or after the
8 effective date of this amendatory Act of the 98th General
9 Assembly, no more than 5% of the outstanding shares of a
10 manufacturer of beer whose shares are publicly traded on an
11 exchange within the meaning of the Securities Exchange Act
12 of 1934. For the purposes of this paragraph (20), a person
13 who is licensed by any licensing authority as a
14 "manufacturer of beer" shall also mean a brewer and a
15 non-resident dealer who is also a manufacturer of beer,
16 including a partnership, corporation, limited liability
17 company, or trust or any subsidiary, affiliate, or agent
18 thereof, or any other form of business enterprise licensed
19 as a manufacturer of beer.

20 (b) A criminal conviction of a corporation is not grounds
21 for the denial, suspension, or revocation of a license applied
22 for or held by the corporation if the criminal conviction was
23 not the result of a violation of any federal or State law
24 concerning the manufacture, possession or sale of alcoholic
25 liquor, the offense that led to the conviction did not result
26 in any financial gain to the corporation and the corporation

1 has terminated its relationship with each director, officer,
2 employee, or controlling shareholder whose actions directly
3 contributed to the conviction of the corporation. The
4 Commission shall determine if all provisions of this subsection
5 (b) have been met before any action on the corporation's
6 license is initiated.

7 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;
8 98-10, eff. 5-6-13; 98-21, eff. 6-13-13; 98-644, eff. 6-10-14;
9 98-756, eff. 7-16-14.)

10 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

11 Sec. 6-4. (a) No person licensed by any licensing authority
12 as a distiller, or a wine manufacturer, or any subsidiary or
13 affiliate thereof, or any officer, associate, member, partner,
14 representative, employee, agent or shareholder owning more
15 than 5% of the outstanding shares of such person shall be
16 issued a ~~an importing distributor's or~~ distributor's license,
17 nor shall any person licensed by any licensing authority as a
18 ~~an importing distributor,~~ distributor or retailer, or any
19 subsidiary or affiliate thereof, or any officer or associate,
20 member, partner, representative, employee, agent or
21 shareholder owning more than 5% of the outstanding shares of
22 such person be issued a distiller's license or a wine
23 manufacturer's license; and no person or persons licensed as a
24 distiller by any licensing authority shall have any interest,
25 directly or indirectly, with such distributor ~~or importing~~

1 ~~distributor.~~

2 However, an importing distributor or distributor, which on
3 January 1, 1985 is owned by a brewer, or any subsidiary or
4 affiliate thereof or any officer, associate, member, partner,
5 representative, employee, agent or shareholder owning more
6 than 5% of the outstanding shares of the importing distributor
7 or distributor referred to in this paragraph, may own or
8 acquire an ownership interest of more than 5% of the
9 outstanding shares of a wine manufacturer and be issued a wine
10 manufacturer's license by any licensing authority.

11 (b) The foregoing provisions shall not apply to any person
12 licensed by any licensing authority as a distiller or wine
13 manufacturer, or to any subsidiary or affiliate of any
14 distiller or wine manufacturer who shall have been heretofore
15 licensed by the State Commission as either an importing
16 distributor or distributor during the annual licensing period
17 expiring June 30, 1947, and shall actually have made sales
18 regularly to retailers.

19 (c) Provided, however, that in such instances where a
20 distributor's or importing distributor's license has been
21 issued to any distiller or wine manufacturer or to any
22 subsidiary or affiliate of any distiller or wine manufacturer
23 who has, during the licensing period ending June 30, 1947, sold
24 or distributed as such licensed distributor or importing
25 distributor alcoholic liquors and wines to retailers, such
26 distiller or wine manufacturer or any subsidiary or affiliate

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

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

24 (e) Any person licensed as a brewer, class 1 brewer, or
25 class 2 brewer shall be permitted to sell on the licensed
26 premises to non-licensees for on or off-premises consumption

1 for the premises in which he or she actually conducts such
2 business beer manufactured by the brewer, class 1 brewer, or
3 class 2 brewer. Such sales shall be limited to on-premises,
4 in-person sales only, for lawful consumption on or off
5 premises. Such authorization shall be considered a privilege
6 granted by the brewer license and, other than a manufacturer of
7 beer as stated above, no manufacturer or distributor ~~or~~
8 ~~importing distributor~~, excluding airplane licensees exercising
9 powers provided in paragraph (i) of Section 5-1 of this Act, or
10 any subsidiary or affiliate thereof, or any officer, associate,
11 member, partner, representative, employee or agent, or
12 shareholder shall be issued a retailer's license, nor shall any
13 person having a retailer's license, excluding airplane
14 licensees exercising powers provided in paragraph (i) of
15 Section 5-1 of this Act, or any subsidiary or affiliate
16 thereof, or any officer, associate, member, partner,
17 representative or agent, or shareholder be issued a
18 manufacturer's license or ~~importing~~ distributor's license.

19 A person who holds a class 1 or class 2 brewer license and
20 is authorized by this Section to sell beer to non-licensees
21 shall not sell beer to non-licensees from more than 3 total
22 brewer or commonly owned brew pub licensed locations in this
23 State. The class 1 or class 2 brewer shall designate to the
24 State Commission the brewer or brew pub locations from which it
25 will sell beer to non-licensees.

26 A person licensed as a craft distiller not affiliated with

1 any other person manufacturing spirits may be authorized by the
2 Commission to sell up to 2,500 gallons of spirits produced by
3 the person to non-licensees for on or off-premises consumption
4 for the premises in which he or she actually conducts business
5 permitting only the retail sale of spirits manufactured at such
6 premises. Such sales shall be limited to on-premises, in-person
7 sales only, for lawful consumption on or off premises, and such
8 authorization shall be considered a privilege granted by the
9 craft distiller license. A craft distiller licensed for retail
10 sale shall secure liquor liability insurance coverage in an
11 amount at least equal to the maximum liability amounts set
12 forth in subsection (a) of Section 6-21 of this Act.

13 (f) (Blank).

14 (g) Notwithstanding any of the foregoing prohibitions, a
15 limited wine manufacturer may sell at retail at its
16 manufacturing site for on or off premises consumption and may
17 sell to distributors. A limited wine manufacturer licensee
18 shall secure liquor liability insurance coverage in an amount
19 at least equal to the maximum liability amounts set forth in
20 subsection (a) of Section 6-21 of this Act.

21 (h) The changes made to this Section by Public Act 99-47
22 ~~this amendatory Act of the 99th General Assembly~~ shall not
23 diminish or impair the rights of any person, whether a
24 distiller, wine manufacturer, agent, or affiliate thereof, who
25 requested in writing and submitted documentation to the State
26 Commission on or before February 18, 2015 to be approved for a

1 retail license pursuant to what has heretofore been subsection
2 (f); provided that, on or before that date, the State
3 Commission considered the intent of that person to apply for
4 the retail license under that subsection and, by recorded vote,
5 the State Commission approved a resolution indicating that such
6 a license application could be lawfully approved upon that
7 person duly filing a formal application for a retail license
8 and if that person, within 90 days of the State Commission
9 appearance and recorded vote, first filed an application with
10 the appropriate local commission, which application was
11 subsequently approved by the appropriate local commission
12 prior to consideration by the State Commission of that person's
13 application for a retail license. It is further provided that
14 the State Commission may approve the person's application for a
15 retail license or renewals of such license if such person
16 continues to diligently adhere to all representations made in
17 writing to the State Commission on or before February 18, 2015,
18 or thereafter, or in the affidavit filed by that person with
19 the State Commission to support the issuance of a retail
20 license and to abide by all applicable laws and duly adopted
21 rules.

22 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;
23 revised 10-30-15.)

24 (235 ILCS 5/6-4.5)

25 Sec. 6-4.5. Prohibited ownership interests in a

1 distributor, ~~importing distributor~~, manufacturer of beer, or
2 non-resident dealer.

3 (a) The General Assembly finds, consistent with Section
4 6-1.5, that the 3-tier regulatory system is designed to prevent
5 a manufacturer of beer as described in paragraph (19) of
6 subsection (a) of Section 6-2 from exercising vertical
7 integration between a manufacturer of beer and a distributor ~~or~~
8 ~~importing distributor~~ through any ownership interest, or
9 through control of the distributor ~~or importing distributor~~.

10 The General Assembly further finds, consistent with Section
11 6-1.5, that the 3-tier regulatory system is designed to prevent
12 a distributor ~~or importing distributor~~ as described in
13 paragraph (20) of subsection (a) of Section 6-2 from having any
14 ownership interest in a manufacturer of beer as described in
15 paragraph (20) of subsection (a) of Section 6-2 except for the
16 ownership of no more than 5% of the outstanding shares of a
17 manufacturer of beer whose shares are publicly traded on an
18 exchange within the meaning of the Securities Exchange Act of
19 1934. The General Assembly further finds that it is necessary
20 to have the State Commission undertake an expedited
21 investigation, in accordance with procedural due process, to
22 determine whether any existing manufacturer of beer described
23 in paragraph (19) of subsection (a) of Section 6-2 or any
24 existing distributor or importing distributor described in
25 paragraph (20) of subsection (a) of Section 6-2 owns a
26 prohibited ownership interest, and an orderly process by which

1 an existing manufacturer of beer, distributor, or importing
2 distributor may divest itself of or sever the prohibited
3 ownership interest by no later than January 1, 2015.

4 (b) Notwithstanding any provision of this Act to the
5 contrary, no person licensed as a manufacturer of beer as
6 described in paragraph (19) of subsection (a) of Section 6-2
7 shall have any prohibited ownership interest, directly or
8 indirectly, in a person licensed as a distributor ~~or importing~~
9 ~~distributor~~. Any person who holds a prohibited ownership
10 interest in a person licensed as a distributor or importing
11 distributor prior to this amendatory Act of the 98th General
12 Assembly shall, in accordance with paragraph (19) of subsection
13 (a) of Section 6-2, be ineligible to receive or hold any
14 license issued by the State Commission, unless that person
15 complies with the provisions of this Section.

16 (c) Notwithstanding any provision of this Act to the
17 contrary, no person licensed in this State as a distributor ~~or~~
18 ~~importing distributor~~ as described in paragraph (20) of
19 subsection (a) of Section 6-2 shall have any prohibited
20 ownership interest, directly or indirectly, in a person
21 licensed as a manufacturer of beer as described in paragraph
22 (20) of subsection (a) of Section 6-2. Any person who holds an
23 interest in a person licensed as a distributor or importing
24 distributor in this State prior to this amendatory Act of the
25 98th General Assembly shall, in accordance with paragraph (20)
26 of subsection (a) of Section 6-2, be ineligible to receive or

1 hold a license by the State Commission, unless the person
2 complies with the provisions of this Section. This subsection
3 (c) shall not apply to a person who owns, on or after the
4 effective date of this amendatory Act of the 98th General
5 Assembly, no more than 5% of the outstanding shares of a
6 manufacturer of beer whose shares are publicly traded on an
7 exchange within the meaning of the Securities Exchange Act of
8 1934.

9 (d) Within 30 days after the effective date of this
10 amendatory Act of the 98th General Assembly, the State
11 Commission shall notify in writing all persons licensed by the
12 State Commission as a manufacturer of beer, as described in
13 paragraph (19) of subsection (a) of Section 6-2 of the
14 prohibited ownership interest provision set forth in
15 subsection (b) of this Section and paragraph (19) of subsection
16 (a) of Section 6-2. Also within 30 days after the effective
17 date of this amendatory Act of the 98th General Assembly, the
18 State Commission shall notify in writing all persons licensed
19 by the State Commission as a distributor or importing
20 distributor of the prohibited ownership interest provision set
21 forth in subsection (c) of this Section and paragraph (20) of
22 subsection (a) of Section 6-2. The notice provided by the State
23 Commission shall also state for a manufacturer of beer, as
24 described in paragraph (19) of subsection (a) of Section 6-2,
25 that it is required to disclose in writing any ownership
26 interest it directly or indirectly possesses in a distributor

1 or importing distributor, as described in paragraph (20) of
2 subsection (a) of Section 6-2, the type and amount of ownership
3 interest possessed by it, the length of time the manufacturer
4 of beer has held the ownership interest in the distributor or
5 importing distributor, and any other information specified by
6 the State Commission in its written notice. The notice provided
7 by the State Commission shall also state for a distributor or
8 importing distributor, as described in paragraph (20) of
9 subsection (a) of Section 6-2, that it is required to disclose
10 in writing any ownership interest it directly or indirectly
11 possesses in a manufacturer of beer, as described in paragraph
12 (19) of subsection (a) of Section 6-2, the type and amount of
13 ownership interest possessed by it, the length of time the
14 manufacturer of beer has held the ownership interest in the
15 distributor or importing distributor, and any other
16 information specified by the State Commission in its written
17 notice.

18 (e) Within 60 days after the effective date of this
19 amendatory Act of the 98th General Assembly, each manufacturer
20 of beer, distributor, or importing distributor subject to
21 notification under subsection (d) of this Section shall
22 disclose in writing and under oath the relevant ownership
23 interest and other required information specified in the
24 notification provided by the State Commission pursuant to that
25 subsection. The written disclosure shall, as a mandatory
26 obligation, be tendered to the State Commission by either

1 personal service or via certified or registered mail at the
2 State Commission's Springfield or Chicago office on or before
3 the 60th day during regular business hours. Failure to tender
4 the required written disclosure shall result in the immediate
5 entry of an order by the State Commission suspending the
6 licensee's license within 5 days after the 60th day, and the
7 initiation of proceedings by the State Commission to enter an
8 order to permanently revoke the licensee's license no later
9 than 45 days after providing the licensee with notice and an
10 opportunity for a hearing. Whenever the State Commission has
11 reason to believe that a person has failed to comply with the
12 Commission notice under this Section, it shall notify the
13 Department of Revenue and the Attorney General, and shall file
14 a complaint with the State's Attorney of the county where the
15 alcoholic liquor was delivered or with appropriate law
16 enforcement officials. Failure to make the written disclosure
17 required under this subsection shall constitute a business
18 offense for which the person shall be fined not more than
19 \$5,000 for a first offense, not more than \$10,000 for a second
20 offense, and not more than \$15,000 for a third or subsequent
21 offense.

22 (f) Within 180 days after the effective date of this
23 amendatory Act of the 98th General Assembly, the State
24 Commission shall review each of the disclosures tendered to the
25 State Commission by licensees pursuant to subsection (e) and
26 enter an order determining whether or not each licensee is in

1 compliance with subsection (b) or (c) of this Section,
2 whichever is applicable, after providing each licensee with
3 notice and an opportunity for a hearing. As part of making its
4 determination, the State Commission shall also consider any
5 information otherwise admissible under Section 10-40 of the
6 Illinois Administrative Procedure Act.

7 (g) If the State Commission determines, based on a
8 preponderance of record evidence, that a manufacturer of beer,
9 distributor, or importing distributor has no prohibited
10 ownership interest in a licensee in violation of subsection (b)
11 or (c) of this Section, then the State Commission shall enter
12 an order finding that the manufacturer of beer, distributor, or
13 importing distributor is in compliance with this Section,
14 record the matter as closed, and serve a copy of the order of
15 compliance on the licensee and each person with an ownership
16 interest in the licensee.

17 If the State Commission determines, based on a
18 preponderance of record evidence, that a manufacturer of beer,
19 as described in paragraph (19) of subsection (a) of Section
20 6-2, has a prohibited ownership interest as set forth in
21 subsection (b) of this Section, then the State Commission shall
22 enter an order finding that the manufacturer of beer is not in
23 compliance with this Section and that the manufacturer of beer
24 shall divest itself of that interest on or before January 1,
25 2015, subject to the State Commission's approval of the
26 successive owner pursuant to the State Commission's authority

1 provided in this Act. In addition, the State Commission shall
2 find that the relevant distributor or importing distributor is
3 not in compliance with this Section and that the distributor or
4 importing distributor is required to sever the prohibited
5 ownership interest possessed by the relevant manufacturer of
6 beer on or before January 1, 2015, subject to the State
7 Commission's approval of the successive owner pursuant to the
8 State Commission's authority provided in this Act.

9 If the State Commission determines, based on a
10 preponderance of record evidence, that a distributor or
11 importing distributor, as described in paragraph (20) of
12 subsection (a) of Section 6-2, has a prohibited ownership
13 interest as set forth in subsection (c) of this Section, then
14 the State Commission shall enter an order finding that the
15 relevant distributor or importing distributor is not in
16 compliance with this Section and that the relevant distributor
17 or importing distributor shall divest itself of that interest
18 on or before January 1, 2015, subject to the State Commission's
19 approval of the successive owner pursuant to the State
20 Commission's authority provided in this Act. In addition, the
21 State Commission shall find that the manufacturer of beer is
22 not in compliance with this Section and that the manufacturer
23 of beer shall sever the prohibited ownership interest possessed
24 by the distributor or importing distributor on or before
25 January 1, 2015, subject to the State Commission's approval of
26 the successive owner pursuant to the State Commission's

1 authority provided in this Act.

2 The State Commission's order shall further find that the
3 continued ownership of the prohibited ownership interest
4 beyond January 1, 2015 by the manufacturer of beer,
5 distributor, or importing distributor is against the public
6 interest and a violation of this Section and Section 6-1.5 of
7 the Act.

8 The State Commission's order shall further find for a
9 manufacturer of beer, as described in paragraph (19) of
10 subsection (a) of Section 6-2, found in non-compliance with
11 subsection (b) of this Section that its license is revoked on
12 January 16, 2015 as to the transport, transfer, or sale of any
13 alcoholic liquor to the relevant distributor or importing
14 distributor that the manufacturer of beer has a prohibited
15 ownership interest in if that interest is not properly divested
16 on January 1, 2015, subject to the State Commission's approval
17 of the successive owner pursuant to the State Commission's
18 authority provided in this Act. In addition, the State
19 Commission shall find that the license of a distributor or
20 importing distributor that is subject to the prohibited
21 ownership interest of the manufacturer of beer is revoked on
22 January 16, 2015 as to the transport, transfer, or sale of
23 alcoholic liquor from the relevant manufacturer of beer to any
24 retailer if that ownership interest is not properly severed on
25 January 1, 2015, subject to the State Commission's approval of
26 the successive owner pursuant to the State Commission's

1 authority provided in this Act.

2 The State Commission's order shall further find for a
3 distributor or importing distributor, as described in
4 paragraph (20) of subsection (a) of Section 6-2, found in
5 non-compliance with subsection (c) of this Section, that its
6 license is revoked on January 16, 2015 as to the transport,
7 transfer, or sale of any alcoholic liquor from the relevant
8 manufacturer of beer to any retailer if that prohibited
9 ownership interest in the manufacturer of beer is not properly
10 divested on January 1, 2015, subject to the State Commission's
11 approval of the successive owner pursuant to the State
12 Commission's authority provided in this Act. In addition, the
13 State Commission shall find that the license of the
14 manufacturer of beer that is subject to the prohibited
15 ownership interest of a distributor or importing distributor is
16 revoked on January 16, 2015 as to the transport, transfer, or
17 sale of alcoholic liquor to the distributor or importing
18 distributor if that ownership interest is not properly severed
19 on January 1, 2015, subject to the State Commission's approval
20 of the successive owner pursuant to the State Commission's
21 authority provided in this Act.

22 The State Commission shall serve a copy of the order of
23 non-compliance on the licensee and each person with an
24 ownership interest in the licensee.

25 (h) If a person with a prohibited ownership interest in a
26 licensee under subsection (b) or (c) of this Section succeeds

1 in divesting itself of or severing that interest and obtains
2 the State Commission's approval of the successive owner
3 pursuant to its authority provided in this Act on or before
4 January 1, 2015, then the State Commission shall enter an order
5 finding that the licensee is in compliance, record the matter
6 as closed, and serve a copy of the order of compliance on the
7 licensee and each person with an ownership interest in the
8 licensee.

9 If a person with a prohibited ownership interest in
10 violation of subsection (b) or (c) of this Section fails to
11 divest itself of or sever that interest and obtain the State
12 Commission's approval of the successive owner pursuant to the
13 State Commission's authority provided in this Act on or before
14 January 1, 2015, then the State Commission shall, after notice
15 and an opportunity for a hearing, revoke each licensee's
16 license as specified in subsection (g) of this Section on
17 January 16, 2015. The State Commission, when entering the
18 order, shall give notice to the person by certified mail to
19 cease and desist all shipments of alcoholic liquor into or
20 within this State and to withdraw from this State within 5
21 working days after receipt of the notice all shipments of
22 alcoholic liquor in transit. Whenever the State Commission has
23 reason to believe that a person has failed to comply with the
24 State Commission's notice under this Section, it shall notify
25 the Department of Revenue and the Attorney General, and shall
26 file a complaint with the State's Attorney of the county where

1 the alcoholic liquor was delivered, or with appropriate law
2 enforcement officials. Failure to comply with the notice issued
3 by the State Commission under this Section is against the
4 public interest and constitutes a business offense for which
5 the person shall be fined not more than \$5,000 for a first
6 offense, not more than \$10,000 for a second offense, and not
7 more than \$15,000 for a third or subsequent offense. Each
8 shipment or transfer of alcoholic liquor in violation of the
9 cease and desist notice shall constitute a separate offense.

10 (i) The power and authority granted to the State Commission
11 under this Section is in addition to any existing power or
12 authority the State Commission has under this Act and its
13 exercise shall be accorded precedence on the State Commission's
14 meeting agenda so as to fully accommodate the schedule for any
15 proceeding under the provisions of this Section. Nothing in
16 this Act shall be construed as limiting or otherwise impairing
17 the ability of the State Commission to conduct future
18 investigations and proceedings sua sponte or pursuant to a
19 complaint to ensure compliance with this Section or paragraph
20 (19) or (20) of subsection (a) of Section 6-2 of this Act. Any
21 future investigations and proceedings shall be conducted by the
22 State Commission on an expedited basis and pursuant to an
23 initiating order entered by the State Commission. The State
24 Commission shall enter its initiating order within 30 days
25 after the receipt of a complaint. The initiating order shall
26 set forth a schedule by which the required notices,

1 disclosures, determinations, or orders specified in
2 subsections (d), (e), (f), (g), and (h) shall be made or
3 entered, and the period of time by which a licensee shall
4 divest itself of or sever a prohibited ownership interest,
5 which shall be no later than 540 days after the entry of the
6 initiating order.

7 (j) Any association or non-profit corporation representing
8 beer distributors in this State shall have standing to
9 intervene and otherwise participate as a party in any
10 proceeding undertaken by the State Commission under this
11 Section to review and determine compliance or non-compliance
12 with this Section.

13 (k) For purposes of this Section, the term "ownership
14 interest" means a legal, equitable, or beneficial interest
15 recognized under Illinois law. The term "prohibited ownership
16 interest" means an ownership interest in a distributor~~7~~
17 ~~importing distributor~~, or manufacturer of beer as specified in
18 this Section.

19 (Source: P.A. 98-21, eff. 6-13-13.)

20 (235 ILCS 5/6-5) (from Ch. 43, par. 122)

21 Sec. 6-5. Except as otherwise provided in this Section, it
22 is unlawful for any person having a retailer's license or any
23 officer, associate, member, representative or agent of such
24 licensee to accept, receive or borrow money, or anything else
25 of value, or accept or receive credit (other than merchandising

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

1 retail licensee delinquent beyond the 30 day period specified
2 in this Section shall solicit, accept or receive credit,
3 purchase or acquire alcoholic liquors, directly or indirectly
4 from any other licensee, and no manufacturer or, distributor ~~or~~
5 ~~importing distributor~~ shall knowingly grant or extend credit,
6 sell, furnish or supply alcoholic liquors to any such
7 delinquent retail licensee; provided that the purchase price of
8 all beer sold to a retail licensee shall be paid by the retail
9 licensee in cash on or before delivery of the beer, and unless
10 the purchase price payable by a retail licensee for beer sold
11 to him in returnable bottles shall expressly include a charge
12 for the bottles and cases, the retail licensee shall, on or
13 before delivery of such beer, pay the seller in cash a deposit
14 in an amount not less than the deposit required to be paid by
15 the distributor to the brewer; but where the brewer sells
16 direct to the retailer, the deposit shall be an amount no less
17 than that required by the brewer from his own distributors; and
18 provided further, that in no instance shall this deposit be
19 less than 50 cents for each case of beer in pint or smaller
20 bottles and 60 cents for each case of beer in quart or
21 half-gallon bottles; and provided further, that the purchase
22 price of all beer sold to a ~~an importing distributor or~~
23 distributor shall be paid by such ~~importing distributor or~~
24 distributor in cash on or before the 15th day (Sundays and
25 holidays excepted) after delivery of such beer to such
26 purchaser; and unless the purchase price payable by such

1 ~~importing distributor or~~ distributor for beer sold in
2 returnable bottles and cases shall expressly include a charge
3 for the bottles and cases, such ~~importing distributor or~~
4 distributor shall, on or before the 15th day (Sundays and
5 holidays excepted) after delivery of such beer to such
6 purchaser, pay the seller in cash a required amount as a
7 deposit to assure the return of such bottles and cases. Nothing
8 herein contained shall prohibit any licensee from crediting or
9 refunding to a purchaser the actual amount of money paid for
10 bottles, cases, kegs or barrels returned by the purchaser to
11 the seller or paid by the purchaser as a deposit on bottles,
12 cases, kegs or barrels, when such containers or packages are
13 returned to the seller. Nothing herein contained shall prohibit
14 any manufacturer, ~~importing distributor or~~ distributor from
15 extending usual and customary credit for alcoholic liquor sold
16 to customers or purchasers who live in or maintain places of
17 business outside of this State when such alcoholic liquor is
18 actually transported and delivered to such points outside of
19 this State.

20 A manufacturer or, distributor, ~~or importing distributor~~
21 may furnish free social media advertising to a retail licensee
22 if the social media advertisement does not contain the retail
23 price of any alcoholic liquor and the social media
24 advertisement complies with any applicable rules or
25 regulations issued by the Alcohol and Tobacco Tax and Trade
26 Bureau of the United States Department of the Treasury. A

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

1 No right of action shall exist for the collection of any
2 claim based upon credit extended to a distributor,~~importing~~
3 ~~distributor~~ or retail licensee contrary to the provisions of
4 this Section.

5 Every manufacturer,~~importing distributor~~ and distributor
6 shall submit or cause to be submitted, to the State Commission,
7 in triplicate, not later than Thursday of each calendar week, a
8 verified written list of the names and respective addresses of
9 each retail licensee purchasing spirits or wine from such
10 manufacturer,~~importing distributor~~ or distributor who, on the
11 first business day of that calendar week, was delinquent beyond
12 the above mentioned permissible merchandising credit period of
13 30 days; or, if such is the fact, a verified written statement
14 that no retail licensee purchasing spirits or wine was then
15 delinquent beyond such permissible merchandising credit period
16 of 30 days.

17 Every manufacturer,~~importing distributor~~ and distributor
18 shall submit or cause to be submitted, to the State Commission,
19 in triplicate, a verified written list of the names and
20 respective addresses of each previously reported delinquent
21 retail licensee who has cured such delinquency by payment,
22 which list shall be submitted not later than the close of the
23 second full business day following the day such delinquency was
24 so cured.

25 Such written verified reports required to be submitted by
26 this Section shall be posted by the State Commission in each of

1 its offices in places available for public inspection not later
2 than the day following receipt thereof by the Commission. The
3 reports so posted shall constitute notice to every
4 manufacturer, ~~importing distributor~~ and distributor of the
5 information contained therein. Actual notice to manufacturers, ~~7~~
6 ~~importing distributors~~ and distributors of the information
7 contained in any such posted reports, however received, shall
8 also constitute notice of such information.

9 The 30 day merchandising credit period allowed by this
10 Section shall commence with the day immediately following the
11 date of invoice and shall include all successive days including
12 Sundays and holidays to and including the 30th successive day.

13 In addition to other methods allowed by law, payment by
14 check during the period for which merchandising credit may be
15 extended under the provisions of this Section shall be
16 considered payment. All checks received in payment for
17 alcoholic liquor shall be promptly deposited for collection. A
18 post dated check or a check dishonored on presentation for
19 payment shall not be deemed payment.

20 A retail licensee shall not be deemed to be delinquent in
21 payment for any alleged sale to him of alcoholic liquor when
22 there exists a bona fide dispute between such retailer and a
23 manufacturer, ~~importing distributor~~ or distributor with
24 respect to the amount of indebtedness existing because of such
25 alleged sale.

26 A delinquent retail licensee who engages in the retail

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

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

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

14 (Source: P.A. 99-448, eff. 8-24-15.)

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

16 Sec. 6-6. Except as otherwise provided in this Act no
17 manufacturer or distributor ~~or importing distributor~~ shall,
18 directly or indirectly, sell, supply, furnish, give or pay for,
19 or loan or lease, any furnishing, fixture or equipment on the
20 premises of a place of business of another licensee authorized
21 under this Act to sell alcoholic liquor at retail, either for
22 consumption on or off the premises, nor shall he or she,
23 directly or indirectly, pay for any such license, or advance,
24 furnish, lend or give money for payment of such license, or
25 purchase or become the owner of any note, mortgage, or other

1 evidence of indebtedness of such licensee or any form of
2 security therefor, nor shall such manufacturer~~7~~ or
3 distributor, ~~or importing distributor~~, directly or indirectly,
4 be interested in the ownership, conduct or operation of the
5 business of any licensee authorized to sell alcoholic liquor at
6 retail, nor shall any manufacturer~~7~~ or distributor~~7~~, ~~or~~
7 ~~importing distributor~~ be interested directly or indirectly or
8 as owner or part owner of said premises or as lessee or lessor
9 thereof, in any premises upon which alcoholic liquor is sold at
10 retail.

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

1 sold, the following signs and inside advertising materials as
2 authorized in subparts (i), (ii), (iii), and (iv):

3 (i) Permanent outside signs shall be limited to one
4 outside sign, per brand, in place and in use at any one
5 time, costing not more than \$893, exclusive of erection,
6 installation, repair and maintenance costs, and permit
7 fees and shall bear only the manufacturer's name, brand
8 name, trade name, slogans, markings, trademark, or other
9 symbols commonly associated with and generally used in
10 identifying the product including, but not limited to,
11 "cold beer", "on tap", "carry out", and "packaged liquor".

12 (ii) Temporary outside signs shall be limited to one
13 temporary outside sign per brand. Examples of temporary
14 outside signs are banners, flags, pennants, streamers, and
15 other items of a temporary and non-permanent nature. Each
16 temporary outside sign must include the manufacturer's
17 name, brand name, trade name, slogans, markings,
18 trademark, or other symbol commonly associated with and
19 generally used in identifying the product. Temporary
20 outside signs may also include, for example, the product,
21 price, packaging, date or dates of a promotion and an
22 announcement of a retail licensee's specific sponsored
23 event, if the temporary outside sign is intended to promote
24 a product, and provided that the announcement of the retail
25 licensee's event and the product promotion are held
26 simultaneously. However, temporary outside signs may not

1 include names, slogans, markings, or logos that relate to
2 the retailer. Nothing in this subpart (ii) shall prohibit a
3 distributor ~~or importing distributor~~ from bearing the cost
4 of creating or printing a temporary outside sign for the
5 retail licensee's specific sponsored event or from bearing
6 the cost of creating or printing a temporary sign for a
7 retail licensee containing, for example, community
8 goodwill expressions, regional sporting event
9 announcements, or seasonal messages, provided that the
10 primary purpose of the temporary outside sign is to
11 highlight, promote, or advertise the product. In addition,
12 temporary outside signs provided by the manufacturer to the
13 distributor ~~or importing distributor~~ may also include, for
14 example, subject to the limitations of this Section,
15 preprinted community goodwill expressions, sporting event
16 announcements, seasonal messages, and manufacturer
17 promotional announcements. However, a distributor ~~or~~
18 ~~importing distributor~~ shall not bear the cost of such
19 manufacturer preprinted signs.

20 (iii) Permanent inside signs, whether visible from the
21 outside or the inside of the premises, include, but are not
22 limited to: alcohol lists and menus that may include names,
23 slogans, markings, or logos that relate to the retailer;
24 neons; illuminated signs; clocks; table lamps; mirrors;
25 tap handles; decalcomanias; window painting; and window
26 trim. All permanent inside signs in place and in use at any

1 one time shall cost in the aggregate not more than \$2000
2 per manufacturer. A permanent inside sign must include the
3 manufacturer's name, brand name, trade name, slogans,
4 markings, trademark, or other symbol commonly associated
5 with and generally used in identifying the product.
6 However, permanent inside signs may not include names,
7 slogans, markings, or logos that relate to the retailer.
8 For the purpose of this subpart (iii), all permanent inside
9 signs may be displayed in an adjacent courtyard or patio
10 commonly referred to as a "beer garden" that is a part of
11 the retailer's licensed premises.

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

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

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

22 No distributor ~~or importing distributor~~ shall directly or
23 indirectly or through a subsidiary or affiliate, or by any
24 officer, director or firm of such manufacturer or distributor
25 ~~or importing distributor~~, furnish, give, lend or rent, install,
26 repair or maintain, to or for any retail licensee in this

1 State, any signs or inside advertising materials described in
2 subparts (i), (ii), (iii), or (iv) of this Section except as
3 the agent for or on behalf of a manufacturer, provided that the
4 total cost of any signs and inside advertising materials
5 including but not limited to labor, erection, installation and
6 permit fees shall be paid by the manufacturer whose product or
7 products said signs and inside advertising materials advertise
8 and except as follows:

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

24 A distributor ~~or importing distributor~~ shall be deemed the
25 owner of such signs or advertising materials purchased from a
26 manufacturer or a manufacturer's designated supplier.

1 The provisions of Public Act 90-373 concerning signs or
2 advertising materials delivered by a manufacturer to a
3 distributor or importing distributor shall apply only to signs
4 or advertising materials delivered on or after August 14, 1997.

5 A manufacturer or distributor, ~~or importing distributor~~
6 may furnish free social media advertising to a retail licensee
7 if the social media advertisement does not contain the retail
8 price of any alcoholic liquor and the social media
9 advertisement complies with any applicable rules or
10 regulations issued by the Alcohol and Tobacco Tax and Trade
11 Bureau of the United States Department of the Treasury. A
12 manufacturer or distributor, ~~or importing distributor~~ may
13 list the names of one or more unaffiliated retailers in the
14 advertisement of alcoholic liquor through social media.
15 Nothing in this Section shall prohibit a retailer from
16 communicating with a manufacturer or distributor, ~~or~~
17 ~~importing distributor~~ on social media or sharing media on the
18 social media of a manufacturer or distributor, ~~or importing~~
19 ~~distributor~~. A retailer may request free social media
20 advertising from a manufacturer or distributor, ~~or importing~~
21 ~~distributor~~. Nothing in this Section shall prohibit a
22 manufacturer or distributor, ~~or importing distributor~~ from
23 sharing, reposting, or otherwise forwarding a social media post
24 by a retail licensee, so long as the sharing, reposting, or
25 forwarding of the social media post does not contain the retail
26 price of any alcoholic liquor. No manufacturer or distributor,

1 ~~or importing distributor~~ shall pay or reimburse a retailer,
2 directly or indirectly, for any social media advertising
3 services, except as specifically permitted in this Act. No
4 retailer shall accept any payment or reimbursement, directly or
5 indirectly, for any social media advertising services offered
6 by a manufacturer or, distributor, ~~or importing distributor,~~
7 except as specifically permitted in this Act. For the purposes
8 of this Section, "social media" means a service, platform, or
9 site where users communicate with one another and share media,
10 such as pictures, videos, music, and blogs, with other users
11 free of charge.

12 No person engaged in the business of manufacturing,
13 importing or distributing alcoholic liquors shall, directly or
14 indirectly, pay for, or advance, furnish, or lend money for the
15 payment of any license for another. Any licensee who shall
16 permit or assent, or be a party in any way to any violation or
17 infringement of the provisions of this Section shall be deemed
18 guilty of a violation of this Act, and any money loaned
19 contrary to a provision of this Act shall not be recovered
20 back, or any note, mortgage or other evidence of indebtedness,
21 or security, or any lease or contract obtained or made contrary
22 to this Act shall be unenforceable and void.

23 This Section shall not apply to airplane licensees
24 exercising powers provided in paragraph (i) of Section 5-1 of
25 this Act.

26 (Source: P.A. 98-756, eff. 7-16-14; 99-448, eff. 8-24-15.)

1 (235 ILCS 5/6-6.3)

2 Sec. 6-6.3. Non-alcoholic merchandise.

3 (a) Nothing in this Act shall authorize the Illinois Liquor
4 Control Commission to regulate or exercise jurisdiction over
5 any action, transaction, and business of manufacturers,
6 distributors, or retailers engaged in any transaction
7 involving the furnishing, selling, or offering for sale of
8 non-alcoholic merchandise by manufacturers, distributors, or
9 retailers, unless the transaction involves expressed or
10 implied agreements or understandings prohibited by this Act.

11 (b) Non-alcoholic merchandise may be sold by a manufacturer
12 class license holder, non-resident dealer, foreign importer,
13 ~~importing distributor,~~ or distributor to a retail licensee if:

14 (1) the manufacturer class license holder,
15 non-resident dealer, foreign importer, ~~importing~~
16 ~~distributor,~~ or distributor is also in business as a bona
17 fide producer or vendor of other merchandise;

18 (2) the merchandise is sold at its fair market value;

19 (3) the non-alcoholic merchandise is not sold in
20 combination with alcoholic liquor or conditioned on the
21 sale of alcoholic liquor;

22 (4) the manufacturer class license holder's,
23 non-resident dealer's, foreign importer's, ~~importing~~
24 ~~distributor's,~~ or distributor's acquisition or production
25 costs of the non-alcoholic merchandise appear on the

1 manufacturer class license holder's, non-resident
2 dealer's, foreign importer's, ~~importing distributor's,~~ or
3 distributor's purchase invoices or other records;

4 (5) the individual selling prices of the non-alcoholic
5 merchandise and alcoholic liquor sold in a single
6 transaction can be determined from commercial documents
7 covering the sales transaction if non-alcoholic
8 merchandise is sold in the same transaction as alcoholic
9 liquor; and

10 (6) the price is collected by the manufacturer class
11 license holder, non-resident dealer, foreign importer, or
12 distributor within 30 days of the date of the sale, unless
13 other terms are established in writing between the parties.

14 (c) The State Commission may not prohibit the sale of
15 non-alcoholic merchandise if it is sold in the manner in which
16 the non-alcoholic merchandise is sold by a manufacturer or
17 distributor that is not licensed by the State Commission;
18 provided, however, that all invoices for non-alcoholic
19 merchandise sold by a manufacturer class license holder,
20 non-resident dealer, foreign importer, ~~importing distributor,~~
21 or distributor that is also in business as a bona fide producer
22 or vendor of other merchandise must be in compliance with the
23 books and records requirements of 11 Ill. Adm. Code 100.130. If
24 the non-alcoholic merchandise is sold on the same invoice as an
25 alcoholic liquor product, the 30-day merchandising credit
26 provisions of Section 6-5 of this Act shall apply to the entire

1 transaction, including the non-alcoholic merchandise.

2 (d) Except as provided in subsection (f), a manufacturer
3 class license holder, non-resident dealer, foreign importer,
4 ~~importing distributor~~, or distributor that is also in business
5 as a bona fide producer or vendor of non-alcoholic merchandise
6 shall not condition the sale of its alcoholic liquor on the
7 sale of its non-alcoholic merchandise and shall not combine the
8 sale of its alcoholic liquor with the sale of its non-alcoholic
9 merchandise. A manufacturer class license holder, non-resident
10 dealer, foreign importer, ~~importing distributor~~, or
11 distributor that is also in business as a bona fide producer or
12 vendor of non-alcoholic merchandise may sell, market, and
13 promote non-alcoholic merchandise in the same manner in which
14 the non-alcoholic merchandise is sold, marketed, or promoted by
15 a manufacturer or distributor not licensed by the State
16 Commission.

17 (e) Notwithstanding the prohibited furnishing or providing
18 of fixtures, equipment, and furnishings to retailers as
19 contained in Section 6-6 of this Act, the act of a manufacturer
20 class license holder, non-resident dealer, foreign importer,
21 ~~importing distributor~~, or distributor furnishing or providing
22 retailers with fixtures, equipment, or furnishings for the
23 limited purpose of storing, servicing, displaying,
24 advertising, furnishing, selling, or aiding in the sale of
25 non-alcoholic merchandise is permitted, only to the extent
26 allowed by this Section, and such fixtures, equipment, and

1 furnishings shall not be used by the retail licensee to store,
2 service, display, advertise, furnish, sell, or aid in the sale
3 of alcoholic liquors. All such fixtures, equipment, or
4 furnishings shall be identified by the retail licensee as being
5 furnished by a manufacturer class license holder, non-resident
6 dealer, foreign importer, ~~importing distributor,~~ or
7 distributor licensed by the State Commission and, if purchased
8 by the retail licensee and sold on the same invoice as
9 alcoholic liquor products, the price must be collected by the
10 manufacturer class license holder, non-resident dealer,
11 foreign importer, ~~importing distributor,~~ or distributor
12 selling the same within 30 days of the date of sale.

13 (f) Notwithstanding any provision of this Act to the
14 contrary, a manufacturer class license holder, non-resident
15 dealer, foreign importer, ~~importing distributor,~~ or
16 distributor may package and distribute alcoholic liquor in
17 combination with other non-alcoholic merchandise products if
18 the alcoholic liquor and non-alcoholic merchandise was
19 originally packaged together for ultimate sale to consumers by
20 the manufacturer or agent of the manufacturer as originally
21 packaged by the manufacturer or agent of the manufacturer for
22 ultimate sale to consumers.

23 (Source: P.A. 99-282, eff. 8-5-15.)

24 (235 ILCS 5/6-6.5)

25 Sec. 6-6.5. Sanitation. A manufacturer or distributor, ~~or~~

1 ~~importing distributor~~ may sell coil cleaning services to a
2 retail licensee at fair market cost.

3 A manufacturer or distributor, ~~or importing distributor~~
4 may sell dispensing accessories to retail licensees at a price
5 not less than the cost to the manufacturer or distributor, ~~or~~
6 ~~importing distributor~~ who initially purchased them. Dispensing
7 accessories include, but are not limited to, items such as
8 standards, faucets, cold plates, rods, vents, taps, tap
9 standards, hoses, washers, couplings, gas gauges, vent
10 tongues, shanks, and check valves.

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

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

16 (235 ILCS 5/6-7) (from Ch. 43, par. 124)

17 Sec. 6-7. No manufacturer or distributor ~~or importing~~
18 ~~distributor~~ or foreign importer shall sell or deliver any
19 package containing alcoholic liquor manufactured or
20 distributed by him unless the same shall have affixed thereto
21 all cancelled revenue stamps which may be provided by Federal
22 law, and shall also bear thereon a clear and legible label
23 containing the name and address of the manufacturer, the kind
24 of alcoholic liquor contained therein, and in the case of
25 alcoholic liquor (other than beer and imported Scotch whiskey

1 and brandy 4 years old or more) the date when manufactured and
2 the minimum alcoholic content thereof. No person or persons,
3 corporation, partnership or firm shall label alcoholic liquor
4 as "whiskey" or "gin" or shall import for sale or shall sell in
5 this State alcoholic liquor labeled as "whiskey" or "gin"
6 unless the entire alcoholic content thereof, except flavoring
7 materials, is a distillate of fermented mash of grain or
8 mixture of grains. Alcoholic liquor of the type of whiskey or
9 gin not conforming to this requirement must be labeled
10 "imitation whiskey" or "imitation gin" (as the case may be). No
11 spirits shall contain any substance, compound or ingredient
12 which is injurious to health or deleterious for human
13 consumption. No package shall be delivered by any manufacturer
14 or distributor ~~or importing distributor~~ or foreign importer
15 unless the same shall be securely sealed so that the contents
16 thereof cannot be removed without breaking the seal so placed
17 thereon by said manufacturer, and no other licensee shall sell,
18 have in his possession, or use any package or container which
19 does not comply with this Section or does not bear evidence
20 that said package, when delivered to him, complied herewith.
21 (Source: P.A. 82-783.)

22 (235 ILCS 5/6-8) (from Ch. 43, par. 125)

23 Sec. 6-8. Each manufacturer ~~or importing distributor~~ or
24 foreign importer shall keep an accurate record of all alcoholic
25 liquors manufactured, distributed, sold, used, or delivered by

1 him in this State during each month, showing therein to whom
2 sold, and shall furnish a copy thereof or a report thereon to
3 the State Commission, as the State Commission may, request.

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

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

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

1 (235 ILCS 5/6-9) (from Ch. 43, par. 126)

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

24 Each manufacturer, non-resident dealer, distributor,
25 ~~importing distributor,~~ or foreign importer who owns or controls
26 the trade mark, brand or name of any alcoholic liquor shall

1 register with the State Commission, in the Chicago office, on
2 or before the effective date, the name of each person to whom
3 such manufacturer, non-resident dealer, distributor, ~~importing~~
4 ~~distributor~~, or foreign importer grants the right to sell at
5 wholesale in this State any such alcoholic liquor, specifying
6 the particular trade mark, brand or name of alcoholic liquor as
7 to which such right is granted, the geographical area or areas
8 for which such right is granted and the period of time for
9 which such rights are granted to such person. Each
10 manufacturer, non-resident dealer, distributor ~~or importing~~
11 ~~distributor~~, or foreign importer who is required to register
12 under this Section must furnish a copy of the registration
13 statement at the time of appointment to the person who has been
14 granted the right to sell alcoholic liquor at wholesale.
15 However, if a person who has been appointed the right to sell
16 alcoholic liquor at wholesale does not receive a copy of the
17 registration statement as required under this Section, such
18 person may file a registration statement with the State
19 Commission, provided that the person furnishes a copy of that
20 registration statement to the manufacturer, non-resident
21 dealer, distributor, ~~importing distributor~~, or foreign
22 importer within 30 days of filing the registration statement.
23 The registration statement shall state:

24 (1) the name of the person appointed;

25 (2) the name of the manufacturer, non-resident dealer,
26 distributor, ~~importing distributor~~, or foreign importer from

1 whom the person received the right to sell alcoholic liquor;

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

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

7 Such manufacturer, non-resident dealer, distributor,
8 ~~importing distributor~~, or foreign importer may grant the right
9 to sell at wholesale any trade mark, brand or name of any
10 alcoholic liquor in any geographical area to more than one
11 person. If the registration is received after the effective
12 date, the Commission shall treat the date the registration was
13 received in the Chicago office as the effective date. Such
14 registration shall be made on a form prescribed by the State
15 Commission and the State Commission may require such
16 registration to be on a form provided by it.

17 A non-resident dealer or foreign importer who is not a
18 manufacturer shall file the registration statement jointly
19 with the manufacturer identifying the person authorized by the
20 manufacturer to sign the registration statement on behalf of
21 the manufacturer.

22 No such registration shall be made in any other manner than
23 as is provided in this Section and only those persons
24 registered by the manufacturer, non-resident dealer,
25 distributor, ~~importing distributor~~ or foreign importer, shall
26 have the right to sell at wholesale in this State, the brand of

1 alcoholic liquor specified on the registration form.

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

10 (1) Within 60 days after November 8, 1979 he identifies
11 the brand which he so purchased to the State Commission and
12 the Commission within 30 days thereafter verifies that the
13 purchases have occurred;

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

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

1 (4) His sales are made within the geographical area for
2 which the licensed Illinois distributor from whom the
3 purchases are made has the right to sell the brand or
4 brands of alcoholic liquor and only to retail licensees
5 whose licensed premises are located within the
6 aforementioned geographical area.

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

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

1 (Source: P.A. 96-482, eff. 8-14-09.)

2 (235 ILCS 5/6-17) (from Ch. 43, par. 133)

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

10 (b) A distributor ~~or an importing distributor~~ may refuse to
11 sell beer, brew, or similar beverages containing 0.5% or less
12 of alcohol by volume to a non-licensee.

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

14 (235 ILCS 5/6-17.1)

15 Sec. 6-17.1. Distributors; sales to retailers. The General
16 Assembly hereby finds and declares that for the purposes of
17 ensuring that all retail licensees have the opportunity to
18 receive alcoholic liquor, reducing the amount of spoiled and
19 overaged alcoholic liquor sold to customers, and maintaining
20 the distribution system and the State's ability to regulate
21 against illegal importation of alcoholic liquor, it is
22 necessary to prevent discrimination among retail licensees as
23 provided in this Section.

24 A distributor ~~or importing distributor~~ designated as a

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

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

13 (235 ILCS 5/6-22) (from Ch. 43, par. 137)

14 Sec. 6-22. No person except a manufacturer or distributor,
15 ~~or importing distributor,~~ shall fill or refill, in whole or in
16 part, any original package of alcoholic liquor with the same or
17 any other kind or quality of alcoholic liquor, and it shall be
18 unlawful for any person to have in his possession for sale at
19 retail any bottles, casks or other containers containing
20 alcoholic liquor, except in original packages.

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

22 (235 ILCS 5/6-23) (from Ch. 43, par. 138)

23 Sec. 6-23. No manufacturer or distributor ~~or importing~~
24 ~~distributor~~ or foreign importer shall enter into any contract

1 with any person licensed to sell at retail whereby such
2 licensee agrees not to sell any alcoholic liquors manufactured
3 or distributed by any other manufacturer or distributor ~~or~~
4 ~~importing distributor~~ or foreign importer, and any provision in
5 any contract violative of this Section shall render the whole
6 of such contract void and no action shall be brought thereon in
7 any court. However, nothing in this Section shall prohibit the
8 Department of Agriculture from entering into contracts for
9 exclusive facilities upon the State Fair Grounds on an equal
10 basis.

11 (Source: P.A. 85-142.)

12 (235 ILCS 5/6-27.1)

13 Sec. 6-27.1. Responsible alcohol service server training.

14 (a) Unless issued a valid server training certificate
15 between July 1, 2012 and July 1, 2015 by a certified Beverage
16 Alcohol Sellers and Servers Education and Training (BASSET)
17 trainer, all alcohol servers in Cook County are required to
18 obtain and complete training in basic responsible alcohol
19 service as outlined in 77 Ill. Adm. Code 3500, as those
20 provisions exist on July 1, 2015 (the effective date of Public
21 Act 98-939), by July 1, 2015 or within 120 days after the
22 alcohol server begins his or her employment, whichever is
23 later. All alcohol servers in a county, other than Cook County,
24 with a population of 200,000 inhabitants or more are required
25 to obtain and complete training in basic responsible alcohol

1 service as outlined in 77 Ill. Adm. Code 3500, as those
2 provisions exist on July 1, 2015 (the effective date of Public
3 Act 98-939), by July 1, 2016 or within 120 days after the
4 alcohol server begins his or her employment, whichever is
5 later. All alcohol servers in a county with a population of
6 more than 30,000 inhabitants and less than 200,000 inhabitants
7 are required to obtain and complete training in basic
8 responsible alcohol service as outlined in 77 Ill. Adm. Code
9 3500, as those provisions exist on July 1, 2015 (the effective
10 date of Public Act 98-939), by July 1, 2017 or within 120 days
11 after the alcohol server begins his or her employment,
12 whichever is later. All alcohol servers in counties with a
13 population of 30,000 inhabitants or less are required to obtain
14 and complete training in basic responsible alcohol service as
15 outlined in 77 Ill. Adm. Code 3500, as those provisions exist
16 on July 1, 2015 (the effective date of Public Act 98-939), by
17 July 1, 2018 or within 120 days after the alcohol server begins
18 his or her employment, whichever is later.

19 There is no limit to the amount of times a server may take
20 the training. A certificate of training belongs to the server,
21 and a server may transfer a certificate of training to a
22 different employer, but shall not transfer a certificate of
23 training to another server. Proof that an alcohol server has
24 been trained must be available upon reasonable request by State
25 law enforcement officials. For the purpose of this Section,
26 "alcohol servers" means persons who sell or serve open

1 containers of alcoholic beverages at retail and anyone whose
2 job description entails the checking of identification for the
3 purchase of open containers of alcoholic beverages at retail or
4 for entry into the licensed premises. The definition does not
5 include (i) a distributor ~~or importing distributor~~ conducting
6 product sampling as authorized in Section 6-31 of this Act or a
7 registered tasting representative, as provided in 11 Ill. Adm.
8 Code 100.40, conducting a tasting, as defined in 11 Ill. Adm.
9 Code 100.10; (ii) a volunteer serving alcoholic beverages at a
10 charitable function; or (iii) an instructor engaged in training
11 or educating on the proper technique for using a system that
12 dispenses alcoholic beverages.

13 (b) Responsible alcohol service training must cover and
14 assess knowledge of the topics noted in 77 Ill. Adm. Code
15 3500.155.

16 (c) Beginning on the effective date of this amendatory Act
17 of the 98th General Assembly, but no later than October 1,
18 2015, all existing BASSET trainers who are already BASSET
19 certified as of the effective date of this amendatory Act of
20 the 98th General Assembly shall be recertified by the State
21 Commission and be required to comply with the conditions for
22 server training set forth in this amendatory Act of the 98th
23 General Assembly.

24 (d) Training modules and certificate program plans must be
25 approved by the State Commission. All documents, materials, or
26 information related to responsible alcohol service training

1 program approval that are submitted to the State Commission are
2 confidential and shall not be open to public inspection or
3 dissemination and are exempt from disclosure.

4 The State Commission shall only approve programs that meet
5 the following criteria:

6 (1) the training course covers the content specified in
7 77 Ill. Adm. Code 3500.155;

8 (2) if the training course is classroom-based, the
9 classroom training is at least 4 hours, is available in
10 English and Spanish, and includes a test;

11 (3) if the training course is online or computer-based,
12 the course is designed in a way that ensures that no
13 content can be skipped, is interactive, has audio for
14 content for servers that have a disability, and includes a
15 test;

16 (4) training and testing is based on a job task
17 analysis that clearly identifies and focuses on the
18 knowledge, skills, and abilities needed to responsibly
19 serve alcoholic beverages and is developed using best
20 practices in instructional design and exam development to
21 ensure that the program is fair and legally defensible;

22 (5) training and testing is conducted by any means
23 available, including, but not limited to, online,
24 computer, classroom, or live trainers; and

25 (6) the program must provide access on a
26 24-hour-per-day, 7-days-per-week basis for certificate

1 verification for State Commission, State law enforcement
2 officials, and employers to be able to verify certificate
3 authenticity.

4 (e) Nothing in subsection (d) of this Section shall be
5 construed to require a program to use a test administrator or
6 proctor.

7 (f) A certificate issued from a BASSET-licensed training
8 program shall be accepted as meeting the training requirements
9 for all server license and permit laws and ordinances in the
10 State.

11 (g) A responsible alcohol service training certificate
12 from a BASSET-licensed program shall be valid for 3 years.

13 (h) The provisions of this Section shall apply beginning
14 July 1, 2015. From July 1, 2015 through December 31, 2015,
15 enforcement of the provisions of this Section shall be limited
16 to education and notification of the requirements to encourage
17 compliance.

18 (i) The provisions of this Section do not apply to a
19 special event retailer.

20 (Source: P.A. 98-939, eff. 7-1-15; 99-46, eff. 7-15-15.)

21 (235 ILCS 5/6-29) (from Ch. 43, par. 144e)
22 Sec. 6-29. Winery shipper's license.

23 (a) The General Assembly declares that the following is the
24 intent of this Section:

25 (1) To authorize direct shipment of wine by an

1 out-of-state maker of wine on the same basis permitted an
2 in-state maker of wine pursuant to the authority of the
3 State under the provisions of Section 2 of the Twenty-First
4 Amendment to the United States Constitution and in
5 conformance with the United States Supreme Court decision
6 decided on May 16, 2005 in Granholm v. Heald.

7 (2) To reaffirm that the General Assembly's findings
8 and declarations that selling alcoholic liquor through
9 various direct marketing means such as catalogs,
10 newspapers, mailings, and the Internet directly to
11 consumers of this State poses a serious threat to the
12 State's efforts to further temperance and prevent youth
13 from accessing alcoholic liquor and the expansion of youth
14 access to additional types of alcoholic liquors.

15 (3) To maintain the State's broad powers granted by
16 Section 2 of the Twenty-First Amendment to the United
17 States Constitution to control the importation or sale of
18 alcoholic liquor and its right to structure its alcoholic
19 liquor distribution system.

20 (4) To ensure that the General Assembly, by authorizing
21 limited direct shipment of wine to meet the directives of
22 the United States Supreme Court, does not intend to impair
23 or modify the State's distribution of wine through
24 distributors ~~or importing distributors~~, but only to permit
25 limited shipment of wine for personal use.

26 (5) To provide that, in the event that a court of

1 competent jurisdiction declares or finds that this
2 Section, which is enacted to conform Illinois law to the
3 United States Supreme Court decision, is invalid or
4 unconstitutional, the Illinois General Assembly at its
5 earliest general session shall conduct hearings and study
6 methods to conform to any directive or order of the court
7 consistent with the temperance and revenue collection
8 purposes of this Act.

9 (b) Notwithstanding any other provision of law, a wine
10 shipper licensee may ship, for personal use and not for resale,
11 not more than 12 cases of wine per year to any resident of this
12 State who is 21 years of age or older.

13 (b-3) Notwithstanding any other provision of law, sale and
14 shipment by a winery shipper licensee pursuant to this Section
15 shall be deemed to constitute a sale in this State.

16 (b-5) The shipping container of any wine shipped under this
17 Section shall be clearly labeled with the following words:
18 "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR
19 OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE
20 SHOWN BEFORE DELIVERY.". This warning must be prominently
21 displayed on the packaging. A licensee shall require the
22 transporter or common carrier that delivers the wine to obtain
23 the signature of a person 21 years of age or older at the
24 delivery address at the time of delivery. At the expense of the
25 licensee, the licensee shall receive a delivery confirmation
26 from the express company, common carrier, or contract carrier

1 indicating the location of the delivery, time of delivery, and
2 the name and signature of the individual 21 years of age or
3 older who accepts delivery. The Commission shall design and
4 create a label or approve a label that must be affixed to the
5 shipping container by the licensee.

6 (c) No broker within this State shall solicit consumers to
7 engage in direct wine shipments under this Section.

8 (d) It is not the intent of this Section to impair the
9 distribution of wine through distributors ~~or importing~~
10 ~~distributors~~, but only to permit shipments of wine for personal
11 use.

12 (Source: P.A. 95-634, eff. 6-1-08.)

13 (235 ILCS 5/6-29.1)

14 Sec. 6-29.1. Direct shipments of alcoholic liquor.

15 (a) The General Assembly makes the following findings:

16 (1) The General Assembly of Illinois, having reviewed
17 this Act in light of the United States Supreme Court's 2005
18 decision in *Granholm v. Heald*, has determined to conform
19 that law to the constitutional principles enunciated by the
20 Court in a manner that best preserves the temperance,
21 revenue, and orderly distribution values of this Act.

22 (2) Minimizing automobile accidents and fatalities,
23 domestic violence, health problems, loss of productivity,
24 unemployment, and other social problems associated with
25 dependency and improvident use of alcoholic beverages

1 remains the policy of Illinois.

2 (3) To the maximum extent constitutionally feasible,
3 Illinois desires to collect sufficient revenue from excise
4 and use taxes on alcoholic beverages for the purpose of
5 responding to such social problems.

6 (4) Combined with family education and individual
7 discipline, retail validation of age, and assessment of the
8 capacity of the consumer remains the best pre-sale social
9 protection against the problems associated with the abuse
10 of alcoholic liquor.

11 (5) Therefore, the paramount purpose of this
12 amendatory Act is to continue to carefully limit direct
13 shipment sales of wine produced by makers of wine and to
14 continue to prohibit such direct shipment sales for spirits
15 and beer.

16 For these reasons, the Commission shall establish a system
17 to notify the out-of-state trade of this prohibition and to
18 detect violations. The Commission shall request the Attorney
19 General to extradite any offender.

20 (b) Pursuant to the Twenty-First Amendment of the United
21 States Constitution allowing states to regulate the
22 distribution and sale of alcoholic liquor and pursuant to the
23 federal Webb-Kenyon Act declaring that alcoholic liquor
24 shipped in interstate commerce must comply with state laws, the
25 General Assembly hereby finds and declares that selling
26 alcoholic liquor from a point outside this State through

1 various direct marketing means, such as catalogs, newspapers,
2 mailers, and the Internet, directly to residents of this State
3 poses a serious threat to the State's efforts to prevent youths
4 from accessing alcoholic liquor; to State revenue collections;
5 and to the economy of this State.

6 Any person manufacturing, distributing, or selling
7 alcoholic liquor who knowingly ships or transports or causes
8 the shipping or transportation of any alcoholic liquor from a
9 point outside this State to a person in this State who does not
10 hold a manufacturer's, distributor's, ~~importing distributor's,~~
11 or non-resident dealer's license issued by the Liquor Control
12 Commission, other than a shipment of sacramental wine to a bona
13 fide religious organization, a shipment authorized by Section
14 6-29, subparagraph (17) of Section 3-12, or any other shipment
15 authorized by this Act, is in violation of this Act.

16 The Commission, upon determining, after investigation,
17 that a person has violated this Section, shall give notice to
18 the person by certified mail to cease and desist all shipments
19 of alcoholic liquor into this State and to withdraw from this
20 State within 5 working days after receipt of the notice all
21 shipments of alcoholic liquor then in transit.

22 Whenever the Commission has reason to believe that a person
23 has failed to comply with the Commission notice under this
24 Section, it shall notify the Department of Revenue and file a
25 complaint with the State's Attorney of the county where the
26 alcoholic liquor was delivered or with appropriate law

1 enforcement officials.

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

9 (Source: P.A. 95-634, eff. 6-1-08.)

10 (235 ILCS 5/6-31)

11 Sec. 6-31. Product sampling.

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

18 (b) Notwithstanding the provisions of subsection (a), an
19 on-premises retail licensee may offer for sale and serve more
20 than one drink per person for sampling purposes. In any event,
21 all provisions of Section 6-28 shall apply to an on-premises
22 retail licensee that conducts product sampling.

23 (Source: P.A. 99-46, eff. 7-15-15.)

24 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

1 Sec. 7-1. An applicant for a retail license from the State
2 Commission shall submit to the State Commission an application
3 in writing under oath stating:

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

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

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

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

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

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

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

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

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

1 (10) The applicant's current State liquor license
2 number;

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

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

7 (13) The applicant's Retailers' Occupation Tax (ROT)
8 Registration Number;

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

11 (15) Whether the applicant is delinquent in the payment
12 of the Retailers' Occupation Tax (Sales Tax), and if so,
13 the reasons therefor;

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

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

19 (18) In the case of a distributor, whether he is
20 delinquent under the 15-day credit law, and if so, the
21 reasons therefor;

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

25 (20) Whether the applicant has ever had any previous
26 liquor license suspended or revoked, and if so, the reasons

1 therefor;

2 (21) Whether the applicant has ever been convicted of a
3 gambling offense or felony, and if so, the particulars
4 thereof;

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

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

10 (24) The applicant's name, sex, date of birth, social
11 security number, position and percentage of ownership in
12 the business; and the name, sex, date of birth, social
13 security number, position and percentage of ownership in
14 the business of every sole owner, partner, corporate
15 officer, director, manager and any person who owns 5% or
16 more of the shares of the applicant business entity or
17 parent corporations of the applicant business entity; and

18 (25) That he has not received or borrowed money or
19 anything else of value, and that he will not receive or
20 borrow money or anything else of value (other than
21 merchandising credit in the ordinary course of business for
22 a period not to exceed 90 days as herein expressly
23 permitted under Section 6-5 hereof), directly or
24 indirectly, from any manufacturer, ~~importing distributor~~
25 or distributor or from any representative of any such
26 manufacturer, ~~importing distributor~~ or distributor, nor be

1 a party in any way, directly or indirectly, to any
2 violation by a manufacturer or distributor ~~or importing~~
3 ~~distributor~~ of Section 6-6 of this Act.

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

23 In addition to the foregoing information, such application
24 shall contain such other and further information as the State
25 Commission and the local commission may, by rule or regulation
26 not inconsistent with law, prescribe.

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

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

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

14 (Source: P.A. 98-756, eff. 7-16-14.)

15 (235 ILCS 5/7-6) (from Ch. 43, par. 150)

16 Sec. 7-6. All proceedings for the revocation or suspension
17 of licenses of manufacturers, distributors, ~~importing~~
18 ~~distributors,~~ non-resident dealers, foreign importers,
19 non-beverage users, railroads, airplanes and boats shall be
20 before the State Commission. All such proceedings and all
21 proceedings for the revocation or suspension of a retailer's
22 license before the State commission shall be in accordance with
23 rules and regulations established by it not inconsistent with
24 law. However, no such license shall be so revoked or suspended
25 except after a hearing by the State commission with reasonable

1 notice to the licensee served by registered or certified mail
2 with return receipt requested at least 10 days prior to the
3 hearings at the last known place of business of the licensee
4 and after an opportunity to appear and defend. Such notice
5 shall specify the time and place of the hearing, the nature of
6 the charges, the specific provisions of the Act and rules
7 violated, and the specific facts supporting the charges or
8 violation. The findings of the Commission shall be predicated
9 upon competent evidence. The revocation of a local license
10 shall automatically result in the revocation of a State
11 license. Upon notification by the Illinois Department of
12 Revenue, the State Commission, in accordance with Section 3-12,
13 may refuse the issuance or renewal of a license, fine a
14 licensee, or suspend or revoke any license issued by the State
15 Commission if the licensee or license applicant has violated
16 the provisions of Section 3 of the Retailers' Occupation Tax
17 Act. All procedures for the suspension or revocation of a
18 license, as enumerated above, are applicable to the levying of
19 fines for violations of this Act or any rule or regulation
20 issued pursuant thereto.

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 (235 ILCS 5/8-1)

23 Sec. 8-1. A tax is imposed upon the privilege of engaging
24 in business as a manufacturer ~~or as an importing distributor~~ of
25 alcoholic liquor other than beer at the rate of ~~\$0.185 per~~

1 ~~gallon until September 1, 2009 and \$0.231 per gallon beginning~~
2 ~~September 1, 2009~~ for cider containing not less than 0.5%
3 alcohol by volume nor more than 7% alcohol by volume, ~~\$0.73 per~~
4 ~~gallon until September 1, 2009 and \$1.39 per gallon beginning~~
5 ~~September 1, 2009~~ for wine other than cider containing less
6 than 7% alcohol by volume, ~~and \$4.50 per gallon until September~~
7 ~~1, 2009 and \$8.55 per gallon beginning September 1, 2009~~ on
8 alcohol and spirits manufactured and sold or used by such
9 manufacturer, or as agent for any other person, ~~or sold or used~~
10 ~~by such importing distributor, or as agent for any other~~
11 ~~person~~. A tax is imposed upon the privilege of engaging in
12 business as a manufacturer of beer ~~or as an importing~~
13 ~~distributor of beer~~ at the rate of ~~\$0.185 per gallon until~~
14 ~~September 1, 2009 and \$0.231 per gallon beginning September 1,~~
15 ~~2009~~ on all beer manufactured and sold or used by such
16 manufacturer, or as agent for any other person, ~~or sold or used~~
17 ~~by such importing distributor, or as agent for any other~~
18 ~~person~~. Any brewer manufacturing beer in this State shall be
19 entitled to and given a credit or refund of 75% of the tax
20 imposed on each gallon of beer up to 4.9 million gallons per
21 year in any given calendar year for tax paid or payable on beer
22 produced and sold in the State of Illinois.

23 For the purpose of this Section, "cider" means any
24 alcoholic beverage obtained by the alcohol fermentation of the
25 juice of apples or pears including, but not limited to,
26 flavored, sparkling, or carbonated cider.

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

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

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

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

22 However, such tax is not imposed upon any such business as
23 to any alcoholic liquor shipped outside Illinois by an Illinois
24 licensed manufacturer or ~~importing~~ distributor, nor as to any
25 alcoholic liquor delivered in Illinois by an Illinois licensed
26 manufacturer or ~~importing~~ distributor to a purchaser for

1 immediate transportation by the purchaser to another state into
2 which the purchaser has a legal right, under the laws of such
3 state, to import such alcoholic liquor, nor as to any alcoholic
4 liquor other than beer sold by one Illinois licensed
5 manufacturer or ~~importing~~ distributor to another Illinois
6 licensed manufacturer or ~~importing~~ distributor to the extent to
7 which the sale of alcoholic liquor other than beer by one
8 Illinois licensed manufacturer or ~~importing~~ distributor to
9 another Illinois licensed manufacturer or ~~importing~~
10 distributor is authorized by the licensing provisions of this
11 Act, nor to alcoholic liquor whether manufactured in or
12 imported into this State when sold to a "non-beverage user"
13 licensed by the State for use in the manufacture of any of the
14 following when they are unfit for beverage purposes:

15 Patent and proprietary medicines and medicinal,
16 antiseptic, culinary and toilet preparations;

17 Flavoring extracts and syrups and food products;

18 Scientific, industrial and chemical products, excepting
19 denatured alcohol;

20 Or for scientific, chemical, experimental or mechanical
21 purposes;

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

26 The tax herein imposed shall be in addition to all other

1 occupation or privilege taxes imposed by the State of Illinois
2 or political subdivision thereof.

3 If any alcoholic liquor manufactured in or imported into
4 this State is sold to a licensed manufacturer or ~~importing~~
5 distributor by a licensed manufacturer or ~~importing~~
6 distributor to be used solely as an ingredient in the
7 manufacture of any beverage for human consumption, the tax
8 imposed upon such purchasing manufacturer or ~~importing~~
9 distributor shall be reduced by the amount of the taxes which
10 have been paid by the selling manufacturer or ~~importing~~
11 distributor under this Act as to such alcoholic liquor so used
12 to the Department of Revenue.

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

22 Nothing in this Article shall be construed to require the
23 payment to the Department of the taxes imposed by this Article
24 more than once with respect to any quantity of alcoholic liquor
25 sold or used within this State.

26 No tax is imposed by this Act on sales of alcoholic liquor

1 by Illinois licensed foreign importers to Illinois licensed
2 ~~importing~~ distributors.

3 All of the proceeds of the additional tax imposed by Public
4 Act 96-34 shall be deposited by the Department into the Capital
5 Projects Fund. The remainder of the tax imposed by this Act
6 shall be deposited by the Department into the General Revenue
7 Fund.

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

10 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
11 eff. 7-13-09; 96-1000, eff. 7-2-10.)

12 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

13 Sec. 8-2. It is the duty of each manufacturer with respect
14 to alcoholic liquor produced or imported by such manufacturer,
15 or purchased tax-free by such manufacturer from another
16 manufacturer or ~~importing~~ distributor, and of each ~~importing~~
17 distributor as to alcoholic liquor purchased by such ~~importing~~
18 distributor from foreign importers or from anyone from any
19 point in the United States outside of this State or purchased
20 tax-free from another manufacturer or ~~importing~~ distributor,
21 to pay the tax imposed by Section 8-1 to the Department of
22 Revenue on or before the 15th day of the calendar month
23 following the calendar month in which such alcoholic liquor is
24 sold or used by such manufacturer or by such ~~importing~~
25 distributor other than in an authorized tax-free manner or to

1 pay that tax electronically as provided in this Section.

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

1 imposed pursuant to Section 8-1, less a discount which is
2 allowed to reimburse the manufacturer or ~~importing~~ distributor
3 for the expenses incurred in keeping and maintaining records,
4 preparing and filing the electronic returns, remitting the tax,
5 and supplying data to the Department upon request.

6 The discount shall be in an amount as follows:

7 (1) For original returns due on or after January 1,
8 2003 through September 30, 2003, the discount shall be
9 1.75% or \$1,250 per return, whichever is less;

10 (2) For original returns due on or after October 1,
11 2003 through September 30, 2004, the discount shall be 2%
12 or \$3,000 per return, whichever is less; and

13 (3) For original returns due on or after October 1,
14 2004, the discount shall be 2% or \$2,000 per return,
15 whichever is less.

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

21 It shall be presumed that all alcoholic liquors acquired or
22 made by any ~~importing~~ distributor or manufacturer have been
23 sold or used by him in this State and are the basis for the tax
24 imposed by this Article unless proven, to the satisfaction of
25 the Department, that such alcoholic liquors are (1) still in
26 the possession of such ~~importing~~ distributor or manufacturer,

1 or (2) prior to the termination of possession have been lost by
2 theft or through unintentional destruction, or (3) that such
3 alcoholic liquors are otherwise exempt from taxation under this
4 Act.

5 The Department may require any foreign importer to file
6 monthly information returns, by the 15th day of the month
7 following the month which any such return covers, if the
8 Department determines this to be necessary to the proper
9 performance of the Department's functions and duties under this
10 Act. Such return shall contain such information as the
11 Department may reasonably require.

12 Every manufacturer and ~~importing~~ distributor shall also
13 file, with the Department, a bond in an amount not less than
14 \$1,000 and not to exceed \$100,000 on a form to be approved by,
15 and with a surety or sureties satisfactory to, the Department.
16 Such bond shall be conditioned upon the manufacturer or
17 ~~importing~~ distributor paying to the Department all monies
18 becoming due from such manufacturer or ~~importing~~ distributor
19 under this Article. The Department shall fix the penalty of
20 such bond in each case, taking into consideration the amount of
21 alcoholic liquor expected to be sold and used by such
22 manufacturer or ~~importing~~ distributor, and the penalty fixed by
23 the Department shall be sufficient, in the Department's
24 opinion, to protect the State of Illinois against failure to
25 pay any amount due under this Article, but the amount of the
26 penalty fixed by the Department shall not exceed twice the

1 amount of tax liability of a monthly return, nor shall the
2 amount of such penalty be less than \$1,000. The Department
3 shall notify the Commission of the Department's approval or
4 disapproval of any such manufacturer's or ~~importing~~
5 distributor's bond, or of the termination or cancellation of
6 any such bond, or of the Department's direction to a
7 manufacturer or ~~importing~~ distributor that he must file
8 additional bond in order to comply with this Section. The
9 Commission shall not issue a license to any applicant for a
10 manufacturer's or ~~importing~~ distributor's license unless the
11 Commission has received a notification from the Department
12 showing that such applicant has filed a satisfactory bond with
13 the Department hereunder and that such bond has been approved
14 by the Department. Failure by any licensed manufacturer or
15 ~~importing~~ distributor to keep a satisfactory bond in effect
16 with the Department or to furnish additional bond to the
17 Department, when required hereunder by the Department to do so,
18 shall be grounds for the revocation or suspension of such
19 manufacturer's or ~~importing~~ distributor's license by the
20 Commission. If a manufacturer or ~~importing~~ distributor fails to
21 pay any amount due under this Article, his bond with the
22 Department shall be deemed forfeited, and the Department may
23 institute a suit in its own name on such bond.

24 After notice and opportunity for a hearing the State
25 Commission may revoke or suspend the license of any
26 manufacturer or ~~importing~~ distributor who fails to comply with

1 the provisions of this Section. Notice of such hearing and the
2 time and place thereof shall be in writing and shall contain a
3 statement of the charges against the licensee. Such notice may
4 be given by United States registered or certified mail with
5 return receipt requested, addressed to the person concerned at
6 his last known address and shall be given not less than 7 days
7 prior to the date fixed for the hearing. An order revoking or
8 suspending a license under the provisions of this Section may
9 be reviewed in the manner provided in Section 7-10 of this Act.
10 No new license shall be granted to a person whose license has
11 been revoked for a violation of this Section or, in case of
12 suspension, shall such suspension be terminated until he has
13 paid to the Department all taxes and penalties which he owes
14 the State under the provisions of this Act.

15 Every manufacturer or ~~importing~~ distributor who has, as
16 verified by the Department, continuously complied with the
17 conditions of the bond under this Act for a period of 2 years
18 shall be considered to be a prior continuous compliance
19 taxpayer. In determining the consecutive period of time for
20 qualification as a prior continuous compliance taxpayer, any
21 consecutive period of time of qualifying compliance
22 immediately prior to the effective date of this amendatory Act
23 of 1987 shall be credited to any manufacturer or importing
24 distributor.

25 A manufacturer or ~~importing~~ distributor that is a prior
26 continuous compliance taxpayer under this Section and becomes a

1 successor as the result of an acquisition, merger, or
2 consolidation of a manufacturer or ~~importing~~ distributor shall
3 be deemed to be a prior continuous compliance taxpayer with
4 respect to the acquired, merged, or consolidated entity.

5 Every prior continuous compliance taxpayer shall be exempt
6 from the bond requirements of this Act until the Department has
7 determined the taxpayer to be delinquent in the filing of any
8 return or deficient in the payment of any tax under this Act.
9 Any taxpayer who fails to pay an admitted or established
10 liability under this Act may also be required to post bond or
11 other acceptable security with the Department guaranteeing the
12 payment of such admitted or established liability.

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

22 (Source: P.A. 95-769, eff. 7-29-08.)

23 (235 ILCS 5/8-5) (from Ch. 43, par. 163a)

24 Sec. 8-5. As soon as practicable after any return is filed,
25 the Department shall examine such return and shall correct such

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

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

1 correct and shall be prima facie evidence of the correctness of
2 the amount of tax due as shown therein; and proof of such
3 correctness may be made in accordance with, and the
4 admissibility of a reproduced copy of such notice of the
5 Department's notice of tax liability shall be governed by, all
6 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, any licensee who fails to pay any tax within the time
17 required by this Article shall be subject to assessment of
18 penalties and interest at rates set forth in the Uniform
19 Penalty and Interest Act.

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

21 (235 ILCS 5/8-10) (from Ch. 43, par. 164)

22 Sec. 8-10. It is the duty of each manufacturer, ~~importing~~
23 distributor and foreign importer to keep, at his licensed
24 address or place of business, complete and accurate records of
25 all sales or other dispositions of alcoholic liquor, and

1 complete and accurate records of all alcoholic liquor produced,
2 manufactured, compounded or imported, whether for himself or
3 for another, together with a physical inventory made as of the
4 close of each period for which a return is required, covering
5 all alcoholic liquors on hand. However, the Department of
6 Revenue may grant a ~~an importing~~ distributor a waiver to permit
7 such records to be kept at a central business location within
8 the State upon written request by the ~~importing~~ distributor.
9 The central business location shall be located at a licensed
10 ~~importing~~ distributor's premises. The Department of Revenue
11 may in its discretion prescribe reasonable and uniform methods
12 for keeping such records by manufacturers and ~~importing~~
13 distributors and foreign importers.

14 In case of failure by manufacturers and ~~importing~~
15 distributors to keep such records or to make them available to
16 the Department on demand, the Department shall determine the
17 amount of tax due according to its best judgment and
18 information, which amount so determined by the Department shall
19 be prima facie correct, and the Department's notice of tax
20 liability shall be given, and protest thereto and demand for a
21 hearing may be made and final assessments arrived at, in
22 accordance with the provisions of Section 8-5 hereof.

23 It is the duty of each manufacturer, ~~importing~~ distributor,
24 and foreign importer, who imports alcoholic liquor into the
25 State, and each non-resident dealer who ships alcoholic liquor
26 into the State, to mail to the Department one duplicate

1 invoice, together with a bill of lading, covering such shipment
2 and stating the quantity and, except in the case of alcoholic
3 liquor imported in bulk to be bottled by an authorized licensee
4 in this State using his own label and brand, the invoice shall
5 also state the brand, labels and size of containers.

6 It is the duty of each manufacturer, ~~importing~~ distributor,
7 and foreign importer, who imports spirits into the State, and
8 each non-resident dealer who ships spirits into the State, to
9 mail to the State Commission monthly a report containing a
10 compilation of the information required to be furnished to the
11 Department by the preceding paragraph, except that information
12 concerning spirits imported in bulk need not be included. The
13 report shall include all information mailed to the Department
14 during the preceding month.

15 All books and records, which manufacturers, ~~importing~~
16 distributors, non-resident dealers, and foreign importers are
17 required by this Section to keep, shall be preserved for a
18 period of 3 years, unless the Department, in writing,
19 authorizes their destruction or disposal at an earlier date.

20 (Source: P.A. 98-394, eff. 8-16-13.)

21 (235 ILCS 5/9-13) (from Ch. 43, par. 176)

22 Sec. 9-13. It is unlawful to sell alcoholic liquor at
23 retail or to grant or issue, or cause to be granted or issued,
24 any license to sell alcoholic liquor at retail within the
25 limits of any political subdivision or precinct or at any

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

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

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

20 Sec. 10-1. Violations; penalties. Whereas a substantial
21 threat to the sound and careful control, regulation, and
22 taxation of the manufacture, sale, and distribution of
23 alcoholic liquors exists by virtue of individuals who
24 manufacture, import, distribute, or sell alcoholic liquors
25 within the State without having first obtained a valid license

1 to do so, and whereas such threat is especially serious along
2 the borders of this State, and whereas such threat requires
3 immediate correction by this Act, by active investigation and
4 prosecution by law enforcement officials and prosecutors, and
5 by prompt and strict enforcement through the courts of this
6 State to punish violators and to deter such conduct in the
7 future:

8 (a) Any person who manufactures, imports for distribution
9 or use, or distributes or sells alcoholic liquor at any place
10 within the State without having first obtained a valid license
11 to do so under the provisions of this Act shall be guilty of a
12 business offense and fined not more than \$1,000 for the first
13 such offense and shall be guilty of a Class 4 felony for each
14 subsequent offense.

15 (b) (1) Any retailer, licensed in this State, who knowingly
16 causes to furnish, give, sell, or otherwise being within the
17 State, any alcoholic liquor destined to be used, distributed,
18 consumed or sold in another state, unless such alcoholic liquor
19 was received in this State by a duly licensed distributor, ~~or~~
20 ~~importing distributors~~ shall have his license suspended for 7
21 days for the first offense and for the second offense, shall
22 have his license revoked by the Commission.

23 (2) In the event the Commission receives a certified copy
24 of a final order from a foreign jurisdiction that an Illinois
25 retail licensee has been found to have violated that foreign
26 jurisdiction's laws, rules, or regulations concerning the

1 importation of alcoholic liquor into that foreign
2 jurisdiction, the violation may be grounds for the Commission
3 to revoke, suspend, or refuse to issue or renew a license, to
4 impose a fine, or to take any additional action provided by
5 this Act with respect to the Illinois retail license or
6 licensee. Any such action on the part of the Commission shall
7 be in accordance with this Act and implementing rules.

8 For the purposes of paragraph (2): (i) "foreign
9 jurisdiction" means a state, territory, or possession of the
10 United States, the District of Columbia, or the Commonwealth of
11 Puerto Rico, and (ii) "final order" means an order or judgment
12 of a court or administrative body that determines the rights of
13 the parties respecting the subject matter of the proceeding,
14 that remains in full force and effect, and from which no appeal
15 can be taken.

16 (c) Any person who shall make any false statement or
17 otherwise violates any of the provisions of this Act in
18 obtaining any license hereunder, or who having obtained a
19 license hereunder shall violate any of the provisions of this
20 Act with respect to the manufacture, possession, distribution
21 or sale of alcoholic liquor, or with respect to the maintenance
22 of the licensed premises, or shall violate any other provision
23 of this Act, shall for a first offense be guilty of a petty
24 offense and fined not more than \$500, and for a second or
25 subsequent offense shall be guilty of a Class B misdemeanor.

26 (c-5) Any owner of an establishment that serves alcohol on

1 its premises, if more than 50% of the establishment's gross
2 receipts within the prior 3 months is from the sale of alcohol,
3 who knowingly fails to prohibit concealed firearms on its
4 premises or who knowingly makes a false statement or record to
5 avoid the prohibition of concealed firearms on its premises
6 under the Firearm Concealed Carry Act shall be guilty of a
7 business offense with a fine up to \$5,000.

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

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

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

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

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

26 (2) The Director of State Police under Section 2605-10,

1 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
2 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
3 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
4 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
5 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
6 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
7 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
8 Department of State Police Law (20 ILCS 2605/2605-10,
9 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
10 2605/2605-110, 2605/2605-115, 2605/2605-120,
11 2605/2605-130, 2605/2605-140, 2605/2605-190,
12 2605/2605-200, 2605/2605-205, 2605/2605-210,
13 2605/2605-215, 2605/2605-250, 2605/2605-275,
14 2605/2605-300, 2605/2605-305, 2605/2605-315,
15 2605/2605-325, 2605/2605-335, 2605/2605-340,
16 2605/2605-350, 2605/2605-355, 2605/2605-360,
17 2605/2605-365, 2605/2605-375, 2605/2605-390,
18 2605/2605-400, 2605/2605-405, 2605/2605-420,
19 2605/2605-430, 2605/2605-435, 2605/2605-500,
20 2605/2605-525, or 2605/2605-550); or

21 (3) In cities over 1,000,000, the Superintendent of
22 Police.

23 (Source: P.A. 98-63, eff. 7-9-13.)

24 (235 ILCS 5/10-7.1) (from Ch. 43, par. 189.1)

25 Sec. 10-7.1. The Commission, upon receipt of a complaint or

1 upon having knowledge that any person is engaged in the
2 business as a manufacturer, ~~importing distributor,~~
3 distributor, or retailer without a license or valid license,
4 shall notify the Department of Revenue and the local liquor
5 authority, and file a complaint with the State's Attorney's
6 Office of the County where the incident occurred or initiate an
7 investigation with the appropriate law enforcement officials.
8 (Source: P.A. 90-739, eff. 8-13-98.)

9 (235 ILCS 5/1-3.16 rep.)

10 Section 35. The Liquor Control Act of 1934 is amended by
11 repealing Section 1-3.16."