



Sen. William E. Brady

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LRB101 06594 JLS 59292 a

1 AMENDMENT TO SENATE BILL 996

2 AMENDMENT NO. _____. Amend Senate Bill 996 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Beer Industry Fair Dealing Act is amended
5 by changing Section 3 as follows:

6 (815 ILCS 720/3) (from Ch. 43, par. 303)

7 Sec. 3. Termination and notice of cancellation.

8 (1) Except as provided in subsection (3) of this Section,
9 no brewer or beer wholesaler may cancel, fail to renew, or
10 otherwise terminate an agreement unless the brewer or
11 wholesaler furnishes prior notification to the affected party
12 in accordance with subsection (2).

13 (2) The notification required under subsection (1) shall be
14 in writing and sent to the affected party by certified mail not
15 less than 90 days before the date on which the agreement will
16 be cancelled, not renewed, or otherwise terminated. The

1 notification shall contain (a) a statement of intention to
2 cancel, failure to renew, or otherwise terminate an agreement,
3 (b) a complete statement of reasons therefor ~~therefore~~,
4 including all data and documentation necessary to fully apprise
5 the wholesaler of the reasons for the action, and (c) the date
6 on which the action shall take effect.

7 (3) A brewer may cancel, fail to renew, or otherwise
8 terminate an agreement without furnishing any prior
9 notification for any of the following reasons:

10 (A) Wholesaler's failure to pay any account when due
11 and upon demand by the brewer for such payment, in
12 accordance with agreed payment terms.

13 (B) Wholesaler's assignment for the benefit of
14 creditors, or similar disposition, of substantially all of
15 the assets of such party's business.

16 (C) Insolvency of wholesaler, or the institution of
17 proceedings in bankruptcy by or against the wholesaler.

18 (D) Dissolution or liquidation of the wholesaler.

19 (E) Wholesaler's conviction of, or plea of guilty or no
20 contest, to a charge of violating a law or regulation, in
21 this State which materially and adversely affects the
22 ability of either party to continue to sell beer in this
23 State, or, unless otherwise provided by agreement, the
24 revocation or suspension of a license or permit to sell
25 beer in this State for a period of not less than 30 days
26 which has a material and adverse effect on the wholesaler's

1 ability to sell beer in this State.

2 (F) Any attempted transfer of business assets of the
3 wholesaler, voting stock of the wholesaler, voting stock of
4 any parent corporation of the wholesaler, or any change in
5 the beneficial ownership or control of any entity without
6 obtaining the prior consent or approval as provided for
7 under Section 6 unless the brewer neither approves,
8 consents to, nor objects to the transfer within 60 days
9 after receiving all requested information from the
10 wholesaler regarding the proposed purchase, in which event
11 the brewer shall be deemed to have consented to the
12 proposed transaction.

13 (G) Fraudulent conduct by the wholesaler in its
14 dealings with the brewer.

15 (Source: P.A. 88-410; revised 10-9-18.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."