



Rep. Esther Golar

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09800HB1463ham001

LRB098 07279 MGM 42981 a

1 AMENDMENT TO HOUSE BILL 1463

2 AMENDMENT NO. _____. Amend House Bill 1463 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 7-5 as follows:

6 (235 ILCS 5/7-5) (from Ch. 43, par. 149)

7 Sec. 7-5. The local liquor control commissioner may revoke
8 or suspend any license issued by him if he determines that the
9 licensee has violated any of the provisions of this Act or of
10 any valid ordinance or resolution enacted by the particular
11 city council, president, or board of trustees or county board
12 (as the case may be) or any applicable rule or regulations
13 established by the local liquor control commissioner or the
14 State commission which is not inconsistent with law. Upon
15 notification by the Illinois Department of Revenue, the State
16 Commission, in accordance with Section 3-12, may refuse the

1 issuance or renewal of a license, fine a licensee, or suspend
2 or revoke any license issued by the State Commission if the
3 licensee or license applicant has violated the provisions of
4 Section 3 of the Retailers' Occupation Tax Act. In addition to
5 the suspension, the local liquor control commissioner in any
6 county or municipality may levy a fine on the licensee for such
7 violations. The fine imposed shall not exceed \$1000 for a first
8 violation within a 12-month period, \$1,500 for a second
9 violation within a 12-month period, and \$2,500 for a third or
10 subsequent violation within a 12-month period. Each day on
11 which a violation continues shall constitute a separate
12 violation. Not more than \$15,000 in fines under this Section
13 may be imposed against any licensee during the period of his
14 license. Proceeds from such fines shall be paid into the
15 general corporate fund of the county or municipal treasury, as
16 the case may be.

17 However, no such license shall be so revoked or suspended
18 and no licensee shall be fined except after a public hearing by
19 the local liquor control commissioner with a 3 day written
20 notice to the licensee affording the licensee an opportunity to
21 appear and defend. All such hearings shall be open to the
22 public and the local liquor control commissioner shall reduce
23 all evidence to writing and shall maintain an official record
24 of the proceedings. If the local liquor control commissioner
25 has reason to believe that any continued operation of a
26 particular licensed premises will immediately threaten the

1 welfare of the community he may, upon the issuance of a written
2 order stating the reason for such conclusion and without notice
3 or hearing order the licensed premises closed for not more than
4 7 days, giving the licensee an opportunity to be heard during
5 that period, except that if such licensee shall also be engaged
6 in the conduct of another business or businesses on the
7 licensed premises such order shall not be applicable to such
8 other business or businesses.

9 The local liquor control commissioner shall within 5 days
10 after such hearing, if he determines after such hearing that
11 the license should be revoked or suspended or that the licensee
12 should be fined, state the reason or reasons for such
13 determination in a written order, and either the amount of the
14 fine, the period of suspension, or that the license has been
15 revoked, and shall serve a copy of such order within the 5 days
16 upon the licensee.

17 If the premises for which the license was issued are
18 located outside of a city, village or incorporated town having
19 a population of 500,000 or more inhabitants, the licensee after
20 the receipt of such order of suspension or revocation shall
21 have the privilege within a period of 20 days after the receipt
22 of such order of suspension or revocation of appealing the
23 order to the State commission for a decision sustaining,
24 reversing or modifying the order of the local liquor control
25 commissioner. If the State commission affirms the local
26 commissioner's order to suspend or revoke the license at the

1 first hearing, the appellant shall cease to engage in the
2 business for which the license was issued, until the local
3 commissioner's order is terminated by its own provisions or
4 reversed upon rehearing or by the courts.

5 If the premises for which the license was issued are
6 located within a city, village or incorporated town having a
7 population of 500,000 or more inhabitants, the licensee shall
8 have the privilege, within a period of 20 days after the
9 receipt of such order of fine, suspension or revocation, of
10 appealing the order to the local license appeal commission and
11 upon the filing of such an appeal by the licensee the license
12 appeal commission shall determine the appeal upon certified
13 record of proceedings of the local liquor commissioner in
14 accordance with the provisions of Section 7-9. Within 30 days
15 after such appeal was heard the license appeal commission shall
16 render a decision sustaining or reversing the order of the
17 local liquor control commissioner.

18 If the premises for which a license was issued are located
19 within a city, village, or incorporated town having a
20 population of 1,000,000 or more inhabitants and the local
21 liquor control commissioner has reason to believe, based upon
22 the occurrence of criminal activity, that any continued
23 operation of the licensed premises poses an excessive risk to
24 the health, safety, or welfare of the community, then the local
25 liquor control commissioner may, upon the issuance of a written
26 order stating the reason for that conclusion and without notice

1 or hearing, order the licensed premises closed for not more
2 than 30 days, giving the licensee an opportunity to be heard
3 during that period, provided that, if the licensee is also
4 engaged in the conduct of another business or businesses on the
5 licensed premises, the order shall not be applicable to the
6 other business or businesses.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."