

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 5-1, 6-6, 6-6.5, 8-1, and 8-5 and by adding  
6 Sections 6-5.5 and 6-6.6 as follows:

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

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

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

16 (b) Distributor's license,

17 (c) Importing Distributor's license,

18 (d) Retailer's license,

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

20 (f) Railroad license,

21 (g) Boat license,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 brewer wholly owned and operated by the same licensee.

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

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

1 from the class 2 brewer's licensed location.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

1 Class 4, not to exceed ..... 10,000 gallons

2 Class 5, not to exceed ..... 50,000 gallons

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

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

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

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

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

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

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

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

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

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

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

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



1 its registrants thereunder.

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

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

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

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

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

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

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

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

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

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

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

23       (p) An auction liquor license shall allow the licensee to  
24 sell and offer for sale at auction wine and spirits for use or  
25 consumption, or for resale by an Illinois liquor licensee in  
26 accordance with provisions of this Act. An auction liquor

1 license will be issued to a person and it will permit the  
2 auction liquor licensee to hold the auction anywhere in the  
3 State. An auction liquor license must be obtained for each  
4 auction at least 14 days in advance of the auction date.

5 (q) A special use permit license shall allow an Illinois  
6 licensed retailer to transfer a portion of its alcoholic liquor  
7 inventory from its retail licensed premises to the premises  
8 specified in the license hereby created; to purchase alcoholic  
9 liquor from a distributor or importing distributor to be  
10 delivered directly to the location specified in the license  
11 hereby created; and to sell or offer for sale at retail, only  
12 in the premises specified in the license hereby created, the  
13 transferred or delivered alcoholic liquor for use or  
14 consumption, but not for resale in any form. A special use  
15 permit license may be granted for the following time periods:  
16 one day or less; 2 or more days to a maximum of 15 days per  
17 location in any 12-month period. An applicant for the special  
18 use permit license must also submit with the application proof  
19 satisfactory to the State Commission that the applicant will  
20 provide dram shop liability insurance to the maximum limits and  
21 have local authority approval.

22 A special use permit license shall allow the holder, a  
23 distributor, or an importing distributor to transfer any  
24 inventory from the holder's special use premises to its retail  
25 premises at the conclusion of the special use event.

26 Nothing in this Act prohibits a distributor or importing

1 distributor from offering credit or a refund for unused,  
2 salable beer to a special use permit licensee or a special use  
3 permit licensee from accepting a credit or refund for unused,  
4 salable beer at the conclusion of the event specified in the  
5 license if: (i) the holder of the special use permit license  
6 has not transferred alcoholic liquor from its retail licensed  
7 premises to the premises specified in the special use permit  
8 license; (ii) the distributor or importing distributor offers  
9 the credit or refund for the unused, salable beer that it  
10 delivered to the premises specified in the special use permit  
11 license and not for any unused, salable beer that the  
12 distributor or importing distributor delivered to the  
13 retailer's premises; and (iii) the unused, salable beer would  
14 likely spoil if transferred to the retailer premises.

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

1 provides any other information the Commission deems necessary.  
2 The application form shall include all addresses from which the  
3 applicant for a winery shipper's license intends to ship wine,  
4 including the name and address of any third party, except for a  
5 common carrier, authorized to ship wine on behalf of the  
6 manufacturer. The application form shall include an  
7 acknowledgement consenting to the jurisdiction of the  
8 Commission, the Illinois Department of Revenue, and the courts  
9 of this State concerning the enforcement of this Act and any  
10 related laws, rules, and regulations, including authorizing  
11 the Department of Revenue and the Commission to conduct audits  
12 for the purpose of ensuring compliance with Public Act 95-634,  
13 and an acknowledgement that the wine manufacturer is in  
14 compliance with Section 6-2 of this Act. Any third party,  
15 except for a common carrier, authorized to ship wine on behalf  
16 of a first-class or second-class wine manufacturer's licensee,  
17 a first-class or second-class wine-maker's licensee, a limited  
18 wine manufacturer's licensee, or a person who is licensed to  
19 make wine under the laws of another state shall also be  
20 disclosed by the winery shipper's licensee, and a copy of the  
21 written appointment of the third-party wine provider, except  
22 for a common carrier, to the wine manufacturer shall be filed  
23 with the State Commission as a supplement to the winery  
24 shipper's license application or any renewal thereof. The  
25 winery shipper's license holder shall affirm under penalty of  
26 perjury, as part of the winery shipper's license application or

1 renewal, that he or she only ships wine, either directly or  
2 indirectly through a third-party provider, from the licensee's  
3 own production.

4 Except for a common carrier, a third-party provider  
5 shipping wine on behalf of a winery shipper's license holder is  
6 the agent of the winery shipper's license holder and, as such,  
7 a winery shipper's license holder is responsible for the acts  
8 and omissions of the third-party provider acting on behalf of  
9 the license holder. A third-party provider, except for a common  
10 carrier, that engages in shipping wine into Illinois on behalf  
11 of a winery shipper's license holder shall consent to the  
12 jurisdiction of the State Commission and the State. Any  
13 third-party, except for a common carrier, holding such an  
14 appointment shall, by February 1 of each calendar year and upon  
15 request by the State Commission or the Department of Revenue,  
16 file with the State Commission a statement detailing each  
17 shipment made to an Illinois resident. The statement shall  
18 include the name and address of the third-party provider filing  
19 the statement, the time period covered by the statement, and  
20 the following information:

21 (1) the name, address, and license number of the winery  
22 shipper on whose behalf the shipment was made;

23 (2) the quantity of the products delivered; and

24 (3) the date and address of the shipment.

25 If the Department of Revenue or the State Commission requests a  
26 statement under this paragraph, the third-party provider must



1 provide that statement no later than 30 days after the request  
2 is made. Any books, records, supporting papers, and documents  
3 containing information and data relating to a statement under  
4 this paragraph shall be kept and preserved for a period of 3  
5 years, unless their destruction sooner is authorized, in  
6 writing, by the Director of Revenue, and shall be open and  
7 available to inspection by the Director of Revenue or the State  
8 Commission or any duly authorized officer, agent, or employee  
9 of the State Commission or the Department of Revenue, at all  
10 times during business hours of the day. Any person who violates  
11 any provision of this paragraph or any rule of the State  
12 Commission for the administration and enforcement of the  
13 provisions of this paragraph is guilty of a Class C  
14 misdemeanor. In case of a continuing violation, each day's  
15 continuance thereof shall be a separate and distinct offense.

16 The State Commission shall adopt rules as soon as  
17 practicable to implement the requirements of Public Act 99-904  
18 and shall adopt rules prohibiting any such third-party  
19 appointment of a third-party provider, except for a common  
20 carrier, that has been deemed by the State Commission to have  
21 violated the provisions of this Act with regard to any winery  
22 shipper licensee.

23 A winery shipper licensee must pay to the Department of  
24 Revenue the State liquor gallonage tax under Section 8-1 for  
25 all wine that is sold by the licensee and shipped to a person  
26 in this State. For the purposes of Section 8-1, a winery

1 shipper licensee shall be taxed in the same manner as a  
2 manufacturer of wine. A licensee who is not otherwise required  
3 to register under the Retailers' Occupation Tax Act must  
4 register under the Use Tax Act to collect and remit use tax to  
5 the Department of Revenue for all gallons of wine that are sold  
6 by the licensee and shipped to persons in this State. If a  
7 licensee fails to remit the tax imposed under this Act in  
8 accordance with the provisions of Article VIII of this Act, the  
9 winery shipper's license shall be revoked in accordance with  
10 the provisions of Article VII of this Act. If a licensee fails  
11 to properly register and remit tax under the Use Tax Act or the  
12 Retailers' Occupation Tax Act for all wine that is sold by the  
13 winery shipper and shipped to persons in this State, the winery  
14 shipper's license shall be revoked in accordance with the  
15 provisions of Article VII of this Act.

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

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

25 As used in this subsection, "third-party provider" means  
26 any entity that provides fulfillment house services, including

1 warehousing, packaging, distribution, order processing, or  
2 shipment of wine, but not the sale of wine, on behalf of a  
3 licensed winery shipper.

4 (s) A craft distiller tasting permit license shall allow an  
5 Illinois licensed craft distiller to transfer a portion of its  
6 alcoholic liquor inventory from its craft distiller licensed  
7 premises to the premises specified in the license hereby  
8 created and to conduct a sampling, only in the premises  
9 specified in the license hereby created, of the transferred  
10 alcoholic liquor in accordance with subsection (c) of Section  
11 6-31 of this Act. The transferred alcoholic liquor may not be  
12 sold or resold in any form. An applicant for the craft  
13 distiller tasting permit license must also submit with the  
14 application proof satisfactory to the State Commission that the  
15 applicant will provide dram shop liability insurance to the  
16 maximum limits and have local authority approval.

17 A brewer warehouse permit may be issued to the holder of a  
18 class 1 brewer license or a class 2 brewer license. If the  
19 holder of the permit is a class 1 brewer licensee, the brewer  
20 warehouse permit shall allow the holder to store or warehouse  
21 up to 930,000 gallons of tax-determined beer manufactured by  
22 the holder of the permit at the premises specified on the  
23 permit. If the holder of the permit is a class 2 brewer  
24 licensee, the brewer warehouse permit shall allow the holder to  
25 store or warehouse up to 3,720,000 gallons of tax-determined  
26 beer manufactured by the holder of the permit at the premises

1 specified on the permit. Sales to non-licensees are prohibited  
2 at the premises specified in the brewer warehouse permit.

3 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;  
4 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.  
5 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,  
6 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;  
7 revised 10-2-18.)

8 (235 ILCS 5/6-5.5 new)

9 Sec. 6-5.5. Consignment sales prohibited; retailer  
10 returns.

11 (a) In this Section, "retailer" means a retailer, special  
12 event retailer, special use permit licensee, caterer retailer,  
13 or brew pub.

14 (b) It is unlawful for a manufacturer with  
15 self-distribution privileges, importing distributor, or  
16 distributor to sell, offer for sale, or contract to sell to any  
17 retailer, or for any such retailer to purchase, offer to  
18 purchase, or contract to purchase any products:

19 (1) on consignment or conditional sale, pursuant to  
20 which the retailer has no obligation to pay for the product  
21 until sold;

22 (2) with the privilege of return unless expressly  
23 authorized in this Act;

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

25 (4) if any part of the sale involves, directly or

1 indirectly, the acquisition by the retailer of other  
2 products from a manufacturer with self-distribution  
3 privileges, importing distributor, or distributor, or an  
4 agreement to acquire other products from the manufacturer  
5 with self-distribution privileges, importing distributor,  
6 or distributor.

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

10 (d) Unless there is a bona fide business reason for  
11 replacement of an alcoholic liquor product when delivered, the  
12 alcoholic liquor product may not be replaced free of charge to  
13 a retailer. Replacement of an alcoholic liquor product damaged  
14 while in a retailer's possession constitutes the providing of  
15 something of value and is a violation of Sections 6-4, 6-5, and  
16 6-6 of this Act. A manufacturer with self-distribution  
17 privileges, importing distributor, or distributor is not  
18 required to accept the return of products for the reasons  
19 stated in items (1) through (7) of subsection (f).

20 (1) A manufacturer with self-distribution privileges,  
21 importing distributor, or distributor may not accept the  
22 return of alcoholic liquor products as breakage if the  
23 product was damaged after delivery and while in the  
24 possession of the retailer. The manufacturer with  
25 self-distribution privileges, importing distributor, or  
26 distributor may replace damaged cartons, packaging, or

1 carrying containers of alcoholic liquor at any time.

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

6 (3) If an alcoholic liquor product has been damaged  
7 prior to or at the time of actual delivery, the product may  
8 only be exchanged for an equal quantity of identical  
9 product or returned for credit. If an identical product is  
10 unavailable, a similar type of product, including a  
11 similarly priced product, may be exchanged.

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

16 (A) If the pre-delivery damage is visible at the  
17 time of delivery, the retailer must identify the  
18 damaged product immediately.

19 (B) If the damage is latent and not visible at the  
20 time of delivery, the retailer must notify the  
21 manufacturer with self-distribution privileges,  
22 importing distributor, or distributor of the  
23 pre-delivery damage within 15 days after delivery, or  
24 the date of invoice, whichever is later.

25 (e) It is unlawful to sell, offer to sell, or contract to  
26 sell alcoholic liquor products with the privilege of return for

1 any reason, other than those considered to be ordinary and  
2 usual commercial reasons, arising after the product has been  
3 sold. A manufacturer with self-distribution privileges,  
4 importing distributor, or distributor is under no obligation to  
5 accept a return or make an exchange for any product. A  
6 manufacturer with self-distribution privileges, importing  
7 distributor, or distributor that elects to make an authorized  
8 exchange of a product or return of a product for cash or credit  
9 does so at its sole discretion and must maintain proper books  
10 and records of the transaction in accordance with 11 Ill. Adm.  
11 Code 100.130.

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

14 (1) Defective products. Products that are unmarketable  
15 because of product deterioration, leaking containers,  
16 damaged labels, or missing or mutilated tamper evident  
17 closures may be exchanged for an equal quantity of  
18 identical or similar products, including similarly priced  
19 products, or credit against outstanding indebtedness.

20 (2) Error in products delivered. Any discrepancy  
21 between products ordered and products delivered may be  
22 corrected, within 15 days after the date of delivery or  
23 date of invoice, whichever is later, by exchange of the  
24 products delivered for those that were ordered or by a  
25 return for credit against outstanding indebtedness.

26 (3) Products that may no longer be lawfully sold.

1 Products that may no longer be lawfully sold may be  
2 returned for credit against outstanding indebtedness. This  
3 includes situations in which, due to a change in regulation  
4 or administrative procedure over which a retailer has no  
5 control, a particular size or brand is no longer permitted  
6 to be sold.

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

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

15 (6) Discontinued products. If a manufacturer,  
16 non-resident dealer, foreign importer, or importing  
17 distributor discontinues the production or importation of  
18 a product, a retailer may return its inventory of that  
19 product for cash or credit against outstanding  
20 indebtedness.

21 (7) Seasonal dealers. Manufacturers with  
22 self-distribution privileges, importing distributors, or  
23 distributors may accept the return of product from  
24 retailers who are only open a portion of the year if the  
25 products are likely to spoil during the off-season. These  
26 returns shall be for cash or credit against outstanding



1 indebtedness.

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

5 (1) Overstocked and slow-moving alcoholic liquor  
6 products. The return or exchange of a product because it is  
7 overstocked or slow moving does not constitute a return for  
8 ordinary and usual commercial reasons.

9 (2) Seasonal alcoholic liquor products. The return for  
10 cash or credit or exchange of wine or spirits for which  
11 there is only a limited or seasonal demand, such as holiday  
12 decanters and certain distinctive bottles, does not  
13 constitute a return for ordinary and usual commercial  
14 reasons. Nothing in this item (2) prohibits the exchange of  
15 seasonal beer products for similarly priced beer products.

16 (h) Nothing in this Section prohibits a manufacturer with  
17 self-distribution privileges, importing distributor, or  
18 distributor from accepting the return of beer from a retailer  
19 if the beer is near or beyond its freshness date, code date,  
20 pull date, or other similar date marking the deterioration or  
21 freshness of the beer if:

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

24 (2) the brewer's freshness return or exchange policies  
25 and procedures are readily verifiable and consistently  
26 followed by the brewer; and

1           (3) the container has identifying markings that  
2           correspond with this date.

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

6           For purposes of this Section, beer is near code on any date  
7           on or before the freshness or code date not to exceed 30 days  
8           prior to the freshness or code date. If near-code beer is  
9           returned, a manufacturer with self-distribution privileges,  
10          importing distributor, or distributor may sell near-code beer  
11          to another retailer who may reasonably sell the beer on or  
12          before the expiration of the freshness or code date. No beer  
13          shall be returned as near-code prior to 30 days of the  
14          freshness or code date.

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

17           (235 ILCS 5/6-6) (from Ch. 43, par. 123)

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

1 furnish, lend or give money for payment of such license, or  
2 purchase or become the owner of any note, mortgage, or other  
3 evidence of indebtedness of such licensee or any form of  
4 security therefor, nor shall such manufacturer, or  
5 distributor, or importing distributor, directly or indirectly,  
6 be interested in the ownership, conduct or operation of the  
7 business of any licensee authorized to sell alcoholic liquor at  
8 retail, nor shall any manufacturer, or distributor, or  
9 importing distributor be interested directly or indirectly or  
10 as owner or part owner of said premises or as lessee or lessor  
11 thereof, in any premises upon which alcoholic liquor is sold at  
12 retail.

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

1 with a retail establishment on which the products of the  
2 manufacturer, distributor or importing distributor are sold,  
3 the following signs and inside advertising materials as  
4 authorized in subparts (i), (ii), (iii), and (iv):

5 (i) Permanent outside signs shall cost not more than  
6 \$3,000 per brand ~~manufacturer~~, exclusive of erection,  
7 installation, repair and maintenance costs, and permit  
8 fees and shall bear only the manufacturer's name, brand  
9 name, trade name, slogans, markings, trademark, or other  
10 symbols commonly associated with and generally used in  
11 identifying the product including, but not limited to,  
12 "cold beer", "on tap", "carry out", and "packaged liquor".

13 (ii) Temporary outside signs shall include, but not be  
14 limited to, banners, flags, pennants, streamers, and other  
15 items of a temporary and non-permanent nature, and shall  
16 cost not more than \$1,000 per manufacturer. Each temporary  
17 outside sign must include the manufacturer's name, brand  
18 name, trade name, slogans, markings, trademark, or other  
19 symbol commonly associated with and generally used in  
20 identifying the product. Temporary outside signs may also  
21 include, for example, the product, price, packaging, date  
22 or dates of a promotion and an announcement of a retail  
23 licensee's specific sponsored event, if the temporary  
24 outside sign is intended to promote a product, and provided  
25 that the announcement of the retail licensee's event and  
26 the product promotion are held simultaneously. However,

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

1 mirrors, and tap handles are the property of the  
2 manufacturer and shall be returned to the manufacturer or  
3 its agent upon request. All permanent inside signs in place  
4 and in use at any one time shall cost in the aggregate not  
5 more than \$6,000 per manufacturer. A permanent inside sign  
6 must include the manufacturer's name, brand name, trade  
7 name, slogans, markings, trademark, or other symbol  
8 commonly associated with and generally used in identifying  
9 the product. However, permanent inside signs may not  
10 include names, slogans, markings, or logos that relate to  
11 the retailer. For the purpose of this subpart (iii), all  
12 permanent inside signs may be displayed in an adjacent  
13 courtyard or patio commonly referred to as a "beer garden"  
14 that is a part of the retailer's licensed premises.

15 (iv) Temporary inside signs shall include, but are not  
16 limited to, lighted chalk boards, acrylic table tent  
17 beverage or hors d'oeuvre list holders, banners, flags,  
18 pennants, streamers, and inside advertising materials such  
19 as posters, placards, bowling sheets, table tents, inserts  
20 for acrylic table tent beverage or hors d'oeuvre list  
21 holders, sports schedules, or similar printed or  
22 illustrated materials and product displays, such as  
23 display racks, bins, barrels, or similar items, the primary  
24 function of which is to temporarily hold and display  
25 alcoholic beverages; however, such items, for example, as  
26 coasters, trays, napkins, glassware and cups shall not be

1           deemed to be inside signs or advertising materials and may  
2           only be sold to retailers at fair market value, which shall  
3           be no less than the cost of the item to the manufacturer,  
4           distributor, or importing distributor. All temporary  
5           inside signs and inside advertising materials in place and  
6           in use at any one time shall cost in the aggregate not more  
7           than \$1,000 per manufacturer. Nothing in this subpart (iv)  
8           prohibits a distributor or importing distributor from  
9           paying the cost of printing or creating any temporary  
10          inside banner or inserts for acrylic table tent beverage or  
11          hors d'oeuvre list holders for a retail licensee, provided  
12          that the primary purpose for the banner or insert is to  
13          highlight, promote, or advertise the product. For the  
14          purpose of this subpart (iv), all temporary inside signs  
15          and inside advertising materials may be displayed in an  
16          adjacent courtyard or patio commonly referred to as a "beer  
17          garden" that is a part of the retailer's licensed premises.

18          The restrictions contained in this Section 6-6 do not apply  
19          to signs, or promotional or advertising materials furnished by  
20          manufacturers, distributors or importing distributors to a  
21          government owned or operated facility holding a retailer's  
22          license as described in Section 6-5.

23          No distributor or importing distributor shall directly or  
24          indirectly or through a subsidiary or affiliate, or by any  
25          officer, director or firm of such manufacturer, distributor or  
26          importing distributor, furnish, give, lend or rent, install,

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

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

25 A distributor or importing distributor shall be deemed the  
26 owner of such signs or advertising materials purchased from a



1 manufacturer or a manufacturer's designated supplier.

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

6 A manufacturer, distributor, or importing distributor may  
7 furnish free social media advertising to a retail licensee if  
8 the social media advertisement does not contain the retail  
9 price of any alcoholic liquor and the social media  
10 advertisement complies with any applicable rules or  
11 regulations issued by the Alcohol and Tobacco Tax and Trade  
12 Bureau of the United States Department of the Treasury. A  
13 manufacturer, distributor, or importing distributor may list  
14 the names of one or more unaffiliated retailers in the  
15 advertisement of alcoholic liquor through social media.  
16 Nothing in this Section shall prohibit a retailer from  
17 communicating with a manufacturer, distributor, or importing  
18 distributor on social media or sharing media on the social  
19 media of a manufacturer, distributor, or importing  
20 distributor. A retailer may request free social media  
21 advertising from a manufacturer, distributor, or importing  
22 distributor. Nothing in this Section shall prohibit a  
23 manufacturer, distributor, or importing distributor from  
24 sharing, reposting, or otherwise forwarding a social media post  
25 by a retail licensee, so long as the sharing, reposting, or  
26 forwarding of the social media post does not contain the retail

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

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

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

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

2 (235 ILCS 5/6-6.5)

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

6 A manufacturer, distributor, or importing distributor may  
7 sell dispensing accessories to retail licensees at a price not  
8 less than the cost to the manufacturer, distributor, or  
9 importing distributor who initially purchased them. Dispensing  
10 accessories include, but are not limited to, items such as  
11 standards, faucets, cold plates, rods, vents, taps, tap  
12 standards, hoses, washers, couplings, gas gauges, vent  
13 tongues, shanks, and check valves. A manufacturer,  
14 distributor, or importing distributor may service, balance, or  
15 inspect draft beer, wine, or distilled spirits systems at  
16 regular intervals and may provide labor to replace or install  
17 dispensing accessories.

18 Coil cleaning supplies consisting of detergents, cleaning  
19 chemicals, brushes, or similar type cleaning devices may be  
20 sold at a price not less than the cost to the manufacturer,  
21 distributor, or importing distributor.

22 A distributor or importing distributor shall not sell or  
23 give coil cleaning services to a retailer, special use permit  
24 licensee, caterer retailer, or brew pub.

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

1 (235 ILCS 5/6-6.6 new)

2 Sec. 6-6.6. Giving, selling, and leasing dispensing  
3 equipment. Notwithstanding any provision of this Act to the  
4 contrary, a manufacturer, distributor, or importing  
5 distributor may:

6 (1) give dispensing equipment free of charge to a  
7 retailer, special use permit licensee, or caterer retailer  
8 one time per year for a one-day period. A manufacturer,  
9 distributor, or importing distributor shall not supply a  
10 retailer, special use permit licensee, or caterer retailer  
11 with free beer, wine, spirits, or any other item of value  
12 for the same one-day period the dispensing equipment is  
13 given, except as otherwise provided in this Act or the  
14 Illinois Administrative Code;

15 (2) give dispensing equipment free of charge to a  
16 special event retailer only for the duration of the  
17 licensed special event. A manufacturer, distributor, or  
18 importing distributor shall not supply a special event  
19 retailer with free beer, wine, or distilled spirits for the  
20 event the dispensing equipment is given, except as  
21 otherwise provided in this Act or the Illinois  
22 Administrative Code; or

23 (3) sell dispensing equipment to a retailer, special  
24 event retailer, special use permit licensee, or caterer  
25 retailer for a price that is not less than the cost to the

1 manufacturer, distributor, or importing distributor. For  
2 purposes of this paragraph (3), the cost of dispensing  
3 equipment is the amount that the manufacturer,  
4 distributor, or importing distributor paid for the  
5 dispensing equipment. If the manufacturer, distributor, or  
6 importing distributor did not pay for the dispensing  
7 equipment but was given the equipment, the cost of the  
8 dispensing equipment is equal to (i) the amount another  
9 manufacturer, distributor, or importing distributor paid  
10 for the dispensing equipment, (ii) the cost of  
11 manufacturing or producing the dispensing equipment, or  
12 (iii) the fair market value of the dispensing equipment.

13 A manufacturer, distributor, or importing distributor may  
14 also enter into a written lease for the fair market value of  
15 the dispensing equipment to retailers, special event  
16 retailers, special use permit licensees, or caterer retailers.  
17 The manufacturer, distributor, or importing distributor shall  
18 invoice and collect the sale price or payment for the entire  
19 lease period from the retailer, special event retailer, special  
20 use permit licensee, or caterer retailer within 30 days of the  
21 date of the invoice or from the date the lease is executed. The  
22 term of any lease for dispensing equipment shall not exceed 180  
23 days and no 180-day lease shall be renewed automatically. Upon  
24 expiration of a 180-day lease, there shall be a lapse of 30  
25 consecutive days before the beginning of a new lease term.

26 Notwithstanding any provision of this Section to the

1 contrary, a manufacturer, distributor, or importing  
2 distributor may also enter into a written lease for the fair  
3 market value of the dispensing equipment to retailers, special  
4 event retailers, special use permit licensees, or caterer  
5 retailers that sell alcoholic liquor at concert venues,  
6 stadiums, convention or conference centers, theaters or music  
7 venues where the primary purpose of the venue is to host live  
8 entertainment, and State and county fairs, for which the term  
9 of the lease shall correspond with the entire season or  
10 calendar of games, concerts, conferences, or other events of a  
11 similar nature. At the direction of the manufacturer,  
12 distributor, or importing distributor, the retailer, special  
13 event retailer, special use permit licensee, or caterer  
14 retailer shall return the equipment or the manufacturer,  
15 distributor, or importing distributor shall retrieve the  
16 dispensing equipment at the termination of the lease.

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

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

10       (235 ILCS 5/8-1)

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

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

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

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

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

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

25 A tax at the rate of 1¢ per gallon on beer and 48¢ per  
26 gallon on alcohol and spirits is also imposed upon the



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

12 The provisions of this Section shall be construed to apply  
13 to any importing distributor engaging in business in this  
14 State, whether licensed or not.

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

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

8 Patent and proprietary medicines and medicinal,  
9 antiseptic, culinary and toilet preparations;

10 Flavoring extracts and syrups and food products;

11 Scientific, industrial and chemical products, excepting  
12 denatured alcohol;

13 Or for scientific, chemical, experimental or mechanical  
14 purposes;

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

19 The tax herein imposed shall be in addition to all other  
20 occupation or privilege taxes imposed by the State of Illinois  
21 or political subdivision thereof.

22 If any alcoholic liquor manufactured in or imported into  
23 this State is sold to a licensed manufacturer or importing  
24 distributor by a licensed manufacturer or importing  
25 distributor to be used solely as an ingredient in the  
26 manufacture of any beverage for human consumption, the tax

1 imposed upon such purchasing manufacturer or importing  
2 distributor shall be reduced by the amount of the taxes which  
3 have been paid by the selling manufacturer or importing  
4 distributor under this Act as to such alcoholic liquor so used  
5 to the Department of Revenue.

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

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

19 No tax is imposed by this Act on sales of alcoholic liquor  
20 by Illinois licensed foreign importers to Illinois licensed  
21 importing distributors.

22 All of the proceeds of the additional tax imposed by Public  
23 Act 96-34 shall be deposited by the Department into the Capital  
24 Projects Fund. The remainder of the tax imposed by this Act  
25 shall be deposited by the Department into the General Revenue  
26 Fund.

1           A manufacturer of beer that imports or transfers beer into  
2 this State must comply with the provisions of this Section with  
3 regard to the beer imported into this State.

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

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

7           (235 ILCS 5/8-5) (from Ch. 43, par. 163a)

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

9           Sec. 8-5. As soon as practicable after any return is filed,  
10 the Department shall examine such return and shall correct such  
11 return according to its best judgment and information, which  
12 return so corrected by the Department shall be prima facie  
13 correct and shall be prima facie evidence of the correctness of  
14 the amount of tax due, as shown therein. Instead of requiring  
15 the licensee to file an amended return, the Department may  
16 simply notify the licensee of the correction or corrections it  
17 has made. Proof of such correction by the Department, or of the  
18 determination of the amount of tax due as provided in Sections  
19 8-4 and 8-10, may be made at any hearing before the Department  
20 or in any legal proceeding by a reproduced copy of the  
21 Department's record relating thereto in the name of the  
22 Department under the certificate of the Director of Revenue.  
23 Such reproduced copy shall, without further proof, be admitted  
24 into evidence before the Department or in any legal proceeding  
25 and shall be prima facie proof of the correctness of the amount

1 of tax due, as shown therein. If the return so corrected by the  
2 Department discloses the sale or use, by a licensed  
3 manufacturer or importing distributor, of alcoholic liquors as  
4 to which the tax provided for in this Article should have been  
5 paid, but has not been paid, in excess of the alcoholic liquors  
6 reported as being taxable by the licensee, and as to which the  
7 proper tax was paid the Department shall notify the licensee  
8 that it shall issue the taxpayer a notice of tax liability for  
9 the amount of tax claimed by the Department to be due, together  
10 with penalties at the rates prescribed by Sections 3-3, 3-5 and  
11 3-6 of the Uniform Penalty and Interest Act, which amount of  
12 tax shall be equivalent to the amount of tax which, at the  
13 prescribed rate per gallon, should have been paid with respect  
14 to the alcoholic liquors disposed of in excess of those  
15 reported as being taxable. No earlier than 90 days after the  
16 due date of the return, the Department may compare filed  
17 returns, or any amendments thereto, against reports of sales of  
18 alcoholic liquor submitted to the Department by other  
19 manufacturers and distributors. If a return or amended return  
20 is corrected by the Department because the return or amended  
21 return failed to disclose the purchase of alcoholic liquor from  
22 manufacturers or distributors on which the tax provided for in  
23 this Article should have been paid, but has not been paid, the  
24 Department shall issue the taxpayer a notice of tax liability  
25 for the amount of tax claimed by the Department to be due,  
26 together with penalties at the rates prescribed by Sections

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

1 and the admissibility of a reproduced copy of such notice of  
2 the Department's notice of tax liability shall be governed by,  
3 all the provisions of this Act applicable to corrected returns.

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

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

20 If a protest to the notice of tax liability and a request  
21 for a hearing thereon is not filed within 60 days after such  
22 notice of tax liability, such notice of tax liability shall  
23 become final without the necessity of a final assessment being  
24 issued and shall be deemed to be a final assessment.

25 In case of failure to pay the tax, or any portion thereof,  
26 or any penalty provided for herein, when due, the Department

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

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

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

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

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

20 Sec. 8-5. As soon as practicable after any return is filed  
21 ~~but not before 90 days after the return is filed, or any~~  
22 ~~amendments to that return, whichever is later,~~ the Department  
23 shall examine such return or amended return and shall correct  
24 such return according to its best judgment and information,  
25 which return so corrected by the Department shall be prima



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

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

1 shall issue the taxpayer a notice of tax liability for the  
2 amount of tax claimed by the Department to be due for a given  
3 period, but without any obligation upon the Department to  
4 allocate such deficiency to any particular month or months,  
5 together with penalties at the rates prescribed by Sections  
6 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which  
7 amount of tax shall be equivalent to the amount of tax which,  
8 at the prescribed rate per gallon, should have been paid with  
9 respect to the alcoholic liquors disposed of in excess of those  
10 reported being taxable, with the tax thereon having been paid  
11 under which circumstances the aforesaid notice of tax liability  
12 shall be prima facie correct and shall be prima facie evidence  
13 of the correctness of the amount of tax due as shown therein;  
14 and proof of such correctness may be made in accordance with,  
15 and the admissibility of a reproduced copy of such notice of  
16 the Department's notice of tax liability shall be governed by,  
17 all the provisions of this Act applicable to corrected returns.

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

24 If such licensee or legal representative, within 60 days  
25 after such notice of tax liability, files a protest to such  
26 notice of tax liability and requests a hearing thereon, the

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

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

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

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

26 In addition to any other penalty provided for in this

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

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

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