

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 Section 6-9 as follows:

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

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

1 importer who owns or controls the trade mark, brand or name of
2 the alcoholic liquor products sold to such persons, and to
3 restrict the geographic area or areas within which such persons
4 sell such alcoholic liquor at wholesale, as provided in this
5 Section.

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

1 Commission, provided that the person furnishes a copy of that
2 registration statement to the manufacturer, non-resident
3 dealer, distributor, importing distributor, or foreign
4 importer within 30 days of filing the registration statement.

5 The registration statement shall state:

6 (1) the name of the person appointed;

7 (2) the name of the manufacturer, non-resident dealer,
8 distributor, importing distributor, or foreign importer from
9 whom the person received the right to sell alcoholic liquor;

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

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

15 Such manufacturer, non-resident dealer, distributor,
16 importing distributor, or foreign importer may grant the right
17 to sell at wholesale any trade mark, brand or name of any
18 alcoholic liquor in any geographical area to more than one
19 person. If the registration is received after the effective
20 date, the Commission shall treat the date the registration was
21 received in the Chicago office as the effective date. Such
22 registration shall be made on a form prescribed by the State
23 Commission and the State Commission may require such
24 registration to be on a form provided by it.

25 No such registration shall be made in any other manner than
26 as is provided in this Section and only those persons

1 registered by the manufacturer, non-resident dealer,
2 distributor, importing distributor or foreign importer, shall
3 have the right to sell at wholesale in this State, the brand of
4 alcoholic liquor specified on the registration form.

5 Prior to amending or withdrawing such registration, each
6 manufacturer, non-resident dealer, distributor, importing
7 distributor, or foreign importer who owns or controls the trade
8 mark, brand name, or name of any alcoholic liquor shall, at
9 least 30 days prior to the effective date of the registration
10 amendment or withdrawal, notify each person to whom such
11 manufacturer, non-resident dealer, distributor, importing
12 distributor, or foreign importer previously granted the right
13 to sell at wholesale, specifying the particular trade mark,
14 brand, or name of alcoholic liquor as to which such right is
15 amended or withdrawn and the geographical area or areas for
16 which such right is amended or withdrawn to such person. At the
17 written request of all affected parties, the 30 day
18 notification requirement may be waived by the Commission.

19 However, a licensed Illinois distributor who has not been
20 registered to sell a brand of alcoholic liquor, but for a
21 period of 2 years prior to November 8, 1979 has been engaged in
22 the purchase of a brand for resale from a licensed Illinois
23 distributor who has the right to sell that brand at wholesale,
24 may continue to purchase and resell the brand at wholesale, and
25 may purchase from the same distributor and resell at wholesale
26 any new brands of the same manufacturer, provided that:

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

5 (2) Thereafter, he notifies the State Commission in
6 writing of any brands of the same manufacturer which he
7 wishes to purchase from the same distributor that were not
8 available for distribution on or before November 8, 1979,
9 and that the Commission within 30 days of such notification
10 verifies that the brand is a new brand of the same
11 manufacturer, and that the same licensed Illinois
12 distributor has the right to sell the new brand at
13 wholesale;

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

18 (4) His sales are made within the geographical area for
19 which the licensed Illinois distributor from whom the
20 purchases are made has the right to sell the brand or
21 brands of alcoholic liquor and only to retail licensees
22 whose licensed premises are located within the
23 aforementioned geographical area.

24 No person to whom such right is granted shall sell at
25 wholesale in this State any alcoholic liquor bearing such trade
26 mark, brand or name outside of the geographical area for which

1 such person holds such selling right, as registered with the
2 State Commission, nor shall he sell such alcoholic liquor
3 within such geographical area to a retail licensee if the
4 premises specified in such retailer's license are located
5 outside such geographical area. Any licensed Illinois
6 distributor who has not been granted the right to sell any
7 alcoholic liquor at wholesale and is purchasing alcoholic
8 liquor from a person who has been granted the right to sell at
9 wholesale may sell and deliver only to retail licensees whose
10 licensed premises are within the same geographical area as the
11 person who has been granted the right to sell at wholesale.

12 No manufacturer, importing distributor, distributor,
13 non-resident dealer, or foreign importer shall sell or deliver
14 any package containing alcoholic liquor manufactured or
15 distributed by him for resale, unless the person to whom such
16 package is sold or delivered is authorized to receive such
17 package in accordance with the provisions of this Act.

18 (Source: P.A. 92-105, eff. 1-1-02.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.