

SB2755



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2755

Introduced 2/15/2008, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

235 ILCS 5/5-1

from Ch. 43, par. 115

Amends the Liquor Control Act of 1934. Changes the requirements for a foreign importer's license and a non-resident dealer's license to require that the foreign importer or non-resident dealer comply with certain provisions of the Act to the same extent that these provisions apply to manufacturers. Effective immediately.

LRB095 15971 KBJ 41983 b

A BILL FOR

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 5-1 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

7 (Text of Section before amendment by P.A. 95-634)

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,

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

17 (d) Retailer's license,

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

19 (f) Railroad license,

20 (g) Boat license,

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

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

23 (j) Airplane license,

- 1 (k) Foreign importer's license,
- 2 (l) Broker's license,
- 3 (m) Non-resident dealer's license,
- 4 (n) Brew Pub license,
- 5 (o) Auction liquor license,
- 6 (p) Caterer retailer license,
- 7 (q) Special use permit license.

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

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

16 Class 1. A Distiller may make sales and deliveries of
17 alcoholic liquor to distillers, rectifiers, importing
18 distributors, distributors and non-beverage users and to no
19 other licensees.

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

24 Class 3. A Brewer may make sales and deliveries of beer to
25 importing distributors, distributors, and to non-licensees,
26 and to retailers provided the brewer obtains an importing

1 distributor's license or distributor's license in accordance
2 with the provisions of this Act.

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

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

11 Class 6. A first-class wine-maker's license shall allow the
12 manufacture of up to 50,000 gallons of wine per year, and the
13 storage and sale of such wine to distributors in the State and
14 to persons without the State, as may be permitted by law. A
15 first-class wine-maker's license shall allow the sale of no
16 more than 5,000 gallons of the licensee's wine to retailers.
17 The State Commission shall issue only one first-class
18 wine-maker's license to any person, firm, partnership,
19 corporation, or other legal business entity that is engaged in
20 the making of less than 50,000 gallons of wine annually that
21 applies for a first-class wine-maker's license. No subsidiary
22 or affiliate thereof, nor any officer, associate, member,
23 partner, representative, employee, agent, or shareholder may
24 be issued an additional wine-maker's license by the State
25 Commission.

26 Class 7. A second-class wine-maker's license shall allow

1 the manufacture of between 50,000 and 100,000 gallons of wine
2 per year, and the storage and sale of such wine to distributors
3 in this State and to persons without the State, as may be
4 permitted by law. A second-class wine-maker's license shall
5 allow the sale of no more than 10,000 gallons of the licensee's
6 wine directly to retailers. The State Commission shall issue
7 only one second-class wine-maker's license to any person, firm,
8 partnership, corporation, or other legal business entity that
9 is engaged in the making of less than 100,000 gallons of wine
10 annually that applies for a second-class wine-maker's license.
11 No subsidiary or affiliate thereof, or any officer, associate,
12 member, partner, representative, employee, agent, or
13 shareholder may be issued an additional wine-maker's license by
14 the State Commission.

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

19 (a-1) A manufacturer which is licensed in this State to
20 make sales or deliveries of alcoholic liquor and which enlists
21 agents, representatives, or individuals acting on its behalf
22 who contact licensed retailers on a regular and continual basis
23 in this State must register those agents, representatives, or
24 persons acting on its behalf with the State Commission.

25 Registration of agents, representatives, or persons acting
26 on behalf of a manufacturer is fulfilled by submitting a form

1 to the Commission. The form shall be developed by the
2 Commission and shall include the name and address of the
3 applicant, the name and address of the manufacturer he or she
4 represents, the territory or areas assigned to sell to or
5 discuss pricing terms of alcoholic liquor, and any other
6 questions deemed appropriate and necessary. All statements in
7 the forms required to be made by law or by rule shall be deemed
8 material, and any person who knowingly misstates any material
9 fact under oath in an application is guilty of a Class B
10 misdemeanor. Fraud, misrepresentation, false statements,
11 misleading statements, evasions, or suppression of material
12 facts in the securing of a registration are grounds for
13 suspension or revocation of the registration.

14 (b) A distributor's license shall allow the wholesale
15 purchase and storage of alcoholic liquors and sale of alcoholic
16 liquors to licensees in this State and to persons without the
17 State, as may be permitted by law.

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

1 the bottling of such alcoholic liquors before resale thereof,
2 but all bottles or containers so filled shall be sealed,
3 labeled, stamped and otherwise made to comply with all
4 provisions, rules and regulations governing manufacturers in
5 the preparation and bottling of alcoholic liquors. The
6 importing distributor's license shall permit such licensee to
7 purchase alcoholic liquor from Illinois licensed non-resident
8 dealers and foreign importers only.

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: Provided that any retail license issued
13 to a manufacturer shall only permit the manufacturer to sell
14 beer at retail on the premises actually occupied by the
15 manufacturer. For the purpose of further describing the type of
16 business conducted at a retail licensed premises, a retailer's
17 licensee may be designated by the State Commission as (i) an on
18 premise consumption retailer, (ii) an off premise sale
19 retailer, or (iii) a combined on premise consumption and off
20 premise sale retailer.

21 Notwithstanding any other provision of this subsection
22 (d), a retail licensee may sell alcoholic liquors to a special
23 event retailer licensee for resale to the extent permitted
24 under subsection (e).

25 (e) A special event retailer's license (not-for-profit)
26 shall permit the licensee to purchase alcoholic liquors from an

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

1 obtained local authority approval.

2 (f) A railroad license shall permit the licensee to import
3 alcoholic liquors into this State from any point in the United
4 States outside this State and to store such alcoholic liquors
5 in this State; to make wholesale purchases of alcoholic liquors
6 directly from manufacturers, foreign importers, distributors
7 and importing distributors from within or outside this State;
8 and to store such alcoholic liquors in this State; provided
9 that the above powers may be exercised only in connection with
10 the importation, purchase or storage of alcoholic liquors to be
11 sold or dispensed on a club, buffet, lounge or dining car
12 operated on an electric, gas or steam railway in this State;
13 and provided further, that railroad licensees exercising the
14 above powers shall be subject to all provisions of Article VIII
15 of this Act as applied to importing distributors. A railroad
16 license shall also permit the licensee to sell or dispense
17 alcoholic liquors on any club, buffet, lounge or dining car
18 operated on an electric, gas or steam railway regularly
19 operated by a common carrier in this State, but shall not
20 permit the sale for resale of any alcoholic liquors to any
21 licensee within this State. A license shall be obtained for
22 each car in which such sales are made.

23 (g) A boat license shall allow the sale of alcoholic liquor
24 in individual drinks, on any passenger boat regularly operated
25 as a common carrier on navigable waters in this State or on any
26 riverboat operated under the Riverboat Gambling Act, which boat

1 or riverboat maintains a public dining room or restaurant
2 thereon.

3 (h) A non-beverage user's license shall allow the licensee
4 to purchase alcoholic liquor from a licensed manufacturer or
5 importing distributor, without the imposition of any tax upon
6 the business of such licensed manufacturer or importing
7 distributor as to such alcoholic liquor to be used by such
8 licensee solely for the non-beverage purposes set forth in
9 subsection (a) of Section 8-1 of this Act, and such licenses
10 shall be divided and classified and shall permit the purchase,
11 possession and use of limited and stated quantities of
12 alcoholic liquor as follows:

- 13 Class 1, not to exceed 500 gallons
- 14 Class 2, not to exceed 1,000 gallons
- 15 Class 3, not to exceed 5,000 gallons
- 16 Class 4, not to exceed 10,000 gallons
- 17 Class 5, not to exceed 50,000 gallons

18 (i) A wine-maker's premises license shall allow a licensee
19 that concurrently holds a first-class wine-maker's license to
20 sell and offer for sale at retail in the premises specified in
21 such license not more than 50,000 gallons of the first-class
22 wine-maker's wine that is made at the first-class wine-maker's
23 licensed premises per year for use or consumption, but not for
24 resale in any form. A wine-maker's premises license shall allow
25 a licensee who concurrently holds a second-class wine-maker's
26 license to sell and offer for sale at retail in the premises

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

17 (j) An airplane license shall permit the licensee to import
18 alcoholic liquors into this State from any point in the United
19 States outside this State and to store such alcoholic liquors
20 in this State; to make wholesale purchases of alcoholic liquors
21 directly from manufacturers, foreign importers, distributors
22 and importing distributors from within or outside this State;
23 and to store such alcoholic liquors in this State; provided
24 that the above powers may be exercised only in connection with
25 the importation, purchase or storage of alcoholic liquors to be
26 sold or dispensed on an airplane; and provided further, that

1 airplane licensees exercising the above powers shall be subject
2 to all provisions of Article VIII of this Act as applied to
3 importing distributors. An airplane licensee shall also permit
4 the sale or dispensing of alcoholic liquors on any passenger
5 airplane regularly operated by a common carrier in this State,
6 but shall not permit the sale for resale of any alcoholic
7 liquors to any licensee within this State. A single airplane
8 license shall be required of an airline company if liquor
9 service is provided on board aircraft in this State. The annual
10 fee for such license shall be as determined in Section 5-3.

11 (k) A foreign importer's license shall permit such licensee
12 to purchase alcoholic liquor from Illinois licensed
13 non-resident dealers only, and to import alcoholic liquor other
14 than in bulk from any point outside the United States and to
15 sell such alcoholic liquor to Illinois licensed importing
16 distributors and to no one else in Illinois; provided that (i)
17 the foreign importer registers with the State Commission every
18 brand of alcoholic liquor that it proposes to sell to Illinois
19 licensees during the license period, (ii) ~~and provided further~~
20 ~~that~~ the foreign importer complies with all of the provisions
21 of Section 6-9 of this Act with respect to registration of such
22 Illinois licensees as may be granted the right to sell such
23 brands at wholesale, and (iii) the foreign importer complies
24 with the provisions of Sections 6-5 and 6-6 of this Act to the
25 same extent that these provisions apply to manufacturers.

26 (l) (i) A broker's license shall be required of all persons

1 who solicit orders for, offer to sell or offer to supply
2 alcoholic liquor to retailers in the State of Illinois, or who
3 offer to retailers to ship or cause to be shipped or to make
4 contact with distillers, rectifiers, brewers or manufacturers
5 or any other party within or without the State of Illinois in
6 order that alcoholic liquors be shipped to a distributor,
7 importing distributor or foreign importer, whether such
8 solicitation or offer is consummated within or without the
9 State of Illinois.

10 No holder of a retailer's license issued by the Illinois
11 Liquor Control Commission shall purchase or receive any
12 alcoholic liquor, the order for which was solicited or offered
13 for sale to such retailer by a broker unless the broker is the
14 holder of a valid broker's license.

15 The broker shall, upon the acceptance by a retailer of the
16 broker's solicitation of an order or offer to sell or supply or
17 deliver or have delivered alcoholic liquors, promptly forward
18 to the Illinois Liquor Control Commission a notification of
19 said transaction in such form as the Commission may by
20 regulations prescribe.

21 (ii) A broker's license shall be required of a person
22 within this State, other than a retail licensee, who, for a fee
23 or commission, promotes, solicits, or accepts orders for
24 alcoholic liquor, for use or consumption and not for resale, to
25 be shipped from this State and delivered to residents outside
26 of this State by an express company, common carrier, or

1 contract carrier. This Section does not apply to any person who
2 promotes, solicits, or accepts orders for wine as specifically
3 authorized in Section 6-29 of this Act.

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

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

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

17 (m) A non-resident dealer's license shall permit such
18 licensee to ship into and warehouse alcoholic liquor into this
19 State from any point outside of this State, and to sell such
20 alcoholic liquor to Illinois licensed foreign importers and
21 importing distributors and to no one else in this State;
22 provided that (i) said non-resident dealer shall register with
23 the Illinois Liquor Control Commission each and every brand of
24 alcoholic liquor which it proposes to sell to Illinois
25 licensees during the license period, (ii) ~~and further~~
26 ~~provided that~~ it shall comply with all of the provisions of

1 Section 6-9 hereof with respect to registration of such
2 Illinois licensees as may be granted the right to sell such
3 brands at wholesale, and (iii) the non-resident dealer shall
4 comply with the provisions of Sections 6-5 and 6-6 of this Act
5 to the same extent that these provisions apply to
6 manufacturers.

7 (n) A brew pub license shall allow the licensee to
8 manufacture beer only on the premises specified in the license,
9 to make sales of the beer manufactured on the premises to
10 importing distributors, distributors, and to non-licensees for
11 use and consumption, to store the beer upon the premises, and
12 to sell and offer for sale at retail from the licensed
13 premises, provided that a brew pub licensee shall not sell for
14 off-premises consumption more than 50,000 gallons per year.

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

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

1 auction at least 14 days in advance of the auction date.

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

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

17 (Text of Section after amendment by P.A. 95-634)

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

20 (a) Manufacturer's license - Class 1. Distiller, Class 2.
21 Rectifier, Class 3. Brewer, Class 4. First Class Wine
22 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
23 First Class Winemaker, Class 7. Second Class Winemaker, Class
24 8. Limited Wine Manufacturer,

25 (b) Distributor's license,

- 1 (c) Importing Distributor's license,
- 2 (d) Retailer's license,
- 3 (e) Special Event Retailer's license (not-for-profit),
- 4 (f) Railroad license,
- 5 (g) Boat license,
- 6 (h) Non-Beverage User's license,
- 7 (i) Wine-maker's premises license,
- 8 (j) Airplane license,
- 9 (k) Foreign importer's license,
- 10 (l) Broker's license,
- 11 (m) Non-resident dealer's license,
- 12 (n) Brew Pub license,
- 13 (o) Auction liquor license,
- 14 (p) Caterer retailer license,
- 15 (q) Special use permit license,
- 16 (r) Winery shipper's license.

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

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

25 Class 1. A Distiller may make sales and deliveries of
26 alcoholic liquor to distillers, rectifiers, importing

1 distributors, distributors and non-beverage users and to no
2 other licensees.

3 Class 2. A Rectifier, who is not a distiller, as defined
4 herein, may make sales and deliveries of alcoholic liquor to
5 rectifiers, importing distributors, distributors, retailers
6 and non-beverage users and to no other licensees.

7 Class 3. A Brewer may make sales and deliveries of beer to
8 importing distributors, distributors, and to non-licensees,
9 and to retailers provided the brewer obtains an importing
10 distributor's license or distributor's license in accordance
11 with the provisions of this Act.

12 Class 4. A first class wine-manufacturer may make sales and
13 deliveries of up to 50,000 gallons of wine to manufacturers,
14 importing distributors and distributors, and to no other
15 licensees.

16 Class 5. A second class Wine manufacturer may make sales
17 and deliveries of more than 50,000 gallons of wine to
18 manufacturers, importing distributors and distributors and to
19 no other licensees.

20 Class 6. A first-class wine-maker's license shall allow the
21 manufacture of up to 50,000 gallons of wine per year, and the
22 storage and sale of such wine to distributors in the State and
23 to persons without the State, as may be permitted by law. A
24 person who, prior to the effective date of this amendatory Act
25 of the 95th General Assembly, is a holder of a first-class
26 wine-maker's license and annually produces more than 25,000

1 gallons of its own wine and who distributes its wine to
2 licensed retailers shall cease this practice on or before July
3 1, 2008 in compliance with this amendatory Act of the 95th
4 General Assembly.

5 Class 7. A second-class wine-maker's license shall allow
6 the manufacture of between 50,000 and 150,000 gallons of wine
7 per year, and the storage and sale of such wine to distributors
8 in this State and to persons without the State, as may be
9 permitted by law. A person who, prior to the effective date of
10 this amendatory Act of the 95th General Assembly, is a holder
11 of a second-class wine-maker's license and annually produces
12 more than 25,000 gallons of its own wine and who distributes
13 its wine to licensed retailers shall cease this practice on or
14 before July 1, 2008 in compliance with this amendatory Act of
15 the 95th General Assembly.

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

20 (a-1) A manufacturer which is licensed in this State to
21 make sales or deliveries of alcoholic liquor and which enlists
22 agents, representatives, or individuals acting on its behalf
23 who contact licensed retailers on a regular and continual basis
24 in this State must register those agents, representatives, or
25 persons acting on its behalf with the State Commission.

26 Registration of agents, representatives, or persons acting

1 on behalf of a manufacturer is fulfilled by submitting a form
2 to the Commission. The form shall be developed by the
3 Commission and shall include the name and address of the
4 applicant, the name and address of the manufacturer he or she
5 represents, the territory or areas assigned to sell to or
6 discuss pricing terms of alcoholic liquor, and any other
7 questions deemed appropriate and necessary. All statements in
8 the forms required to be made by law or by rule shall be deemed
9 material, and any person who knowingly misstates any material
10 fact under oath in an application is guilty of a Class B
11 misdemeanor. Fraud, misrepresentation, false statements,
12 misleading statements, evasions, or suppression of material
13 facts in the securing of a registration are grounds for
14 suspension or revocation of the registration.

15 (b) A distributor's license shall allow the wholesale
16 purchase and storage of alcoholic liquors and sale of alcoholic
17 liquors to licensees in this State and to persons without the
18 State, as may be permitted by law.

19 (c) An importing distributor's license may be issued to and
20 held by those only who are duly licensed distributors, upon the
21 filing of an application by a duly licensed distributor, with
22 the Commission and the Commission shall, without the payment of
23 any fee, immediately issue such importing distributor's
24 license to the applicant, which shall allow the importation of
25 alcoholic liquor by the licensee into this State from any point
26 in the United States outside this State, and the purchase of

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

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

26 Notwithstanding any other provision of this subsection

1 (d), a retail licensee may sell alcoholic liquors to a special
2 event retailer licensee for resale to the extent permitted
3 under subsection (e).

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

1 event retailer's license a statement to that effect; (ii)
2 submit with the application proof satisfactory to the State
3 Commission that the applicant will provide dram shop liability
4 insurance in the maximum limits; and (iii) show proof
5 satisfactory to the State Commission that the applicant has
6 obtained local authority approval.

7 (f) A railroad license shall permit the licensee to import
8 alcoholic liquors into this State from any point in the United
9 States outside this State and to store such alcoholic liquors
10 in this State; to make wholesale purchases of alcoholic liquors
11 directly from manufacturers, foreign importers, distributors
12 and importing distributors from within or outside this State;
13 and to store such alcoholic liquors in this State; provided
14 that the above powers may be exercised only in connection with
15 the importation, purchase or storage of alcoholic liquors to be
16 sold or dispensed on a club, buffet, lounge or dining car
17 operated on an electric, gas or steam railway in this State;
18 and provided further, that railroad licensees exercising the
19 above powers shall be subject to all provisions of Article VIII
20 of this Act as applied to importing distributors. A railroad
21 license shall also permit the licensee to sell or dispense
22 alcoholic liquors on any club, buffet, lounge or dining car
23 operated on an electric, gas or steam railway regularly
24 operated by a common carrier in this State, but shall not
25 permit the sale for resale of any alcoholic liquors to any
26 licensee within this State. A license shall be obtained for

1 each car in which such sales are made.

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

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

- 18 Class 1, not to exceed 500 gallons
- 19 Class 2, not to exceed 1,000 gallons
- 20 Class 3, not to exceed 5,000 gallons
- 21 Class 4, not to exceed 10,000 gallons
- 22 Class 5, not to exceed 50,000 gallons

23 (i) A wine-maker's premises license shall allow a licensee
24 that concurrently holds a first-class wine-maker's license to
25 sell and offer for sale at retail in the premises specified in
26 such license not more than 50,000 gallons of the first-class

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

25 (j) An airplane license shall permit the licensee to import
26 alcoholic liquors into this State from any point in the United

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

19 (k) A foreign importer's license shall permit such licensee
20 to purchase alcoholic liquor from Illinois licensed
21 non-resident dealers only, and to import alcoholic liquor other
22 than in bulk from any point outside the United States and to
23 sell such alcoholic liquor to Illinois licensed importing
24 distributors and to no one else in Illinois; provided that (i)
25 the foreign importer registers with the State Commission every
26 brand of alcoholic liquor that it proposes to sell to Illinois

1 licensees during the license period, (ii) and provided further
2 ~~that~~ the foreign importer complies with all of the provisions
3 of Section 6-9 of this Act with respect to registration of such
4 Illinois licensees as may be granted the right to sell such
5 brands at wholesale, and (iii) the foreign importer complies
6 with the provisions of Sections 6-5 and 6-6 of this Act to the
7 same extent that these provisions apply to manufacturers.

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

18 No holder of a retailer's license issued by the Illinois
19 Liquor Control Commission shall purchase or receive any
20 alcoholic liquor, the order for which was solicited or offered
21 for sale to such retailer by a broker unless the broker is the
22 holder of a valid broker's license.

23 The broker shall, upon the acceptance by a retailer of the
24 broker's solicitation of an order or offer to sell or supply or
25 deliver or have delivered alcoholic liquors, promptly forward
26 to the Illinois Liquor Control Commission a notification of

1 said transaction in such form as the Commission may by
2 regulations prescribe.

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

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

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

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

25 (m) A non-resident dealer's license shall permit such
26 licensee to ship into and warehouse alcoholic liquor into this

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

15 (n) A brew pub license shall allow the licensee to
16 manufacture beer only on the premises specified in the license,
17 to make sales of the beer manufactured on the premises to
18 importing distributors, distributors, and to non-licensees for
19 use and consumption, to store the beer upon the premises, and
20 to sell and offer for sale at retail from the licensed
21 premises, provided that a brew pub licensee shall not sell for
22 off-premises consumption more than 50,000 gallons per year.

23 (o) A caterer retailer license shall allow the holder to
24 serve alcoholic liquors as an incidental part of a food service
25 that serves prepared meals which excludes the serving of snacks
26 as the primary meal, either on or off-site whether licensed or

1 unlicensed.

2 (p) An auction liquor license shall allow the licensee to
3 sell and offer for sale at auction wine and spirits for use or
4 consumption, or for resale by an Illinois liquor licensee in
5 accordance with provisions of this Act. An auction liquor
6 license will be issued to a person and it will permit the
7 auction liquor licensee to hold the auction anywhere in the
8 State. An auction liquor license must be obtained for each
9 auction at least 14 days in advance of the auction date.

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

24 (r) A winery shipper's license shall allow a person with a
25 first-class or second-class wine manufacturer's license, a
26 first-class or second-class wine-maker's license, or a limited

1 wine manufacturer's license or who is licensed to make wine
2 under the laws of another state to ship wine made by that
3 licensee directly to a resident of this State who is 21 years
4 of age or older for that resident's personal use and not for
5 resale. Prior to receiving a winery shipper's license, an
6 applicant for the license must provide the Commission with a
7 true copy of its current license in any state in which it is
8 licensed as a manufacturer of wine. An applicant for a winery
9 shipper's license must also complete an application form that
10 provides any other information the Commission deems necessary.
11 The application form shall include an acknowledgement
12 consenting to the jurisdiction of the Commission, the Illinois
13 Department of Revenue, and the courts of this State concerning
14 the enforcement of this Act and any related laws, rules, and
15 regulations, including authorizing the Department of Revenue
16 and the Commission to conduct audits for the purpose of
17 ensuring compliance with this amendatory Act.

18 A winery shipper licensee must pay to the Department of
19 Revenue the State liquor gallonage tax under Section 8-1 for
20 all wine that is sold by the licensee and shipped to a person
21 in this State. For the purposes of Section 8-1, a winery
22 shipper licensee shall be taxed in the same manner as a
23 manufacturer of wine. A licensee who is not otherwise required
24 to register under the Retailers' Occupation Tax Act must
25 register under the Use Tax Act to collect and remit use tax to
26 the Department of Revenue for all gallons of wine that are sold

1 by the licensee and shipped to persons in this State. If a
2 licensee fails to remit the tax imposed under this Act in
3 accordance with the provisions of Article VIII of this Act, the
4 winery shipper's license shall be revoked in accordance with
5 the provisions of Article VII of this Act. If a licensee fails
6 to properly register and remit tax under the Use Tax Act or the
7 Retailers' Occupation Tax Act for all wine that is sold by the
8 winery shipper and shipped to persons in this State, the winery
9 shipper's license shall be revoked in accordance with the
10 provisions of Article VII of this Act.

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

17 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.