



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3044

Introduced 2/8/2010, by Sen. Antonio Muñoz

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-9

from Ch. 43, par. 126

Amends the Liquor Control Act of 1934. Provides that a manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer who owns or controls a trademark, brand, or name of an alcoholic liquor may amend or withdraw the registration for the alcoholic liquor, if he or she notifies, at least 30 days prior to the effective date of the amendment or withdrawal, any person to whom the manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer has granted the right to sell the alcoholic liquor at wholesale of the specific trademark, brand, or name and the geographical area or areas for which the person's right is being amended or withdrawn. Upon the written request of all the affected parties, the 30-day notification requirement may be waived by the State Commission. Effective immediately.

LRB096 17908 ASK 33276 b

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 State Commission shall treat the date the  
21 registration was received in the Chicago office as the  
22 effective date. Such registration shall be made on a form  
23 prescribed by the State Commission and the State Commission may  
24 require such registration to be on a form provided by it.

25 A non-resident dealer or foreign importer who is not a  
26 manufacturer shall file the registration statement jointly

1 with the manufacturer identifying the person authorized by the  
2 manufacturer to sign the registration statement on behalf of  
3 the manufacturer.

4 No such registration shall be made in any other manner than  
5 as is provided in this Section and only those persons  
6 registered by the manufacturer, non-resident dealer,  
7 distributor, importing distributor, or foreign importer, shall  
8 have the right to sell at wholesale in this State, the brand of  
9 alcoholic liquor specified on the registration form.

10 However, a licensed Illinois distributor who has not been  
11 registered to sell a brand of alcoholic liquor, but for a  
12 period of 2 years prior to November 8, 1979 has been engaged in  
13 the purchase of a brand for resale from a licensed Illinois  
14 distributor who has the right to sell that brand at wholesale,  
15 may continue to purchase and resell the brand at wholesale, and  
16 may purchase from the same distributor and resell at wholesale  
17 any new brands of the same manufacturer, provided that:

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

22 (2) Thereafter, he notifies the State Commission in  
23 writing of any brands of the same manufacturer which he  
24 wishes to purchase from the same distributor that were not  
25 available for distribution on or before November 8, 1979,  
26 and that the Commission within 30 days of such notification

1           verifies that the brand is a new brand of the same  
2           manufacturer, and that the same licensed Illinois  
3           distributor has the right to sell the new brand at  
4           wholesale;

5           (3) His or her licensed business address is within the  
6           geographical area for which the licensed Illinois  
7           distributor from whom the purchases are made has the right  
8           to sell said brand or brands of alcoholic liquor; and

9           (4) His or her sales are made within the geographical  
10          area for which the licensed Illinois distributor from whom  
11          the purchases are made has the right to sell the brand or  
12          brands of alcoholic liquor and only to retail licensees  
13          whose licensed premises are located within the  
14          aforementioned geographical area.

15          No person to whom such right is granted shall sell at  
16          wholesale in this State any alcoholic liquor bearing such trade  
17          mark, brand or name outside of the geographical area for which  
18          such person holds such selling right, as registered with the  
19          State Commission, nor shall he sell such alcoholic liquor  
20          within such geographical area to a retail licensee if the  
21          premises specified in such retailer's license are located  
22          outside such geographical area. Any licensed Illinois  
23          distributor who has not been granted the right to sell any  
24          alcoholic liquor at wholesale and is purchasing alcoholic  
25          liquor from a person who has been granted the right to sell at  
26          wholesale may sell and deliver only to retail licensees whose

1 licensed premises are within the same geographical area as the  
2 person who has been granted the right to sell at wholesale.

3 No manufacturer, importing distributor, distributor,  
4 non-resident dealer, or foreign importer shall sell or deliver  
5 any package containing alcoholic liquor manufactured or  
6 distributed by him for resale, unless the person to whom such  
7 package is sold or delivered is authorized to receive such  
8 package in accordance with the provisions of this Act.

9 A manufacturer, non-resident dealer, distributor,  
10 importing distributor, or foreign importer who owns or controls  
11 a trademark, brand, or name of an alcoholic liquor may amend or  
12 withdraw the registration for the alcoholic liquor, if he or  
13 she notifies, at least 30 days prior to the effective date of  
14 the amendment or withdrawal, any person to whom the  
15 manufacturer, non-resident dealer, distributor, importing  
16 distributor, or foreign importer has granted the right to sell  
17 the alcoholic liquor at wholesale of the specific trademark,  
18 brand, or name and the geographical area or areas for which the  
19 person's right is being amended or withdrawn. Upon the written  
20 request of all the affected parties, the 30-day notification  
21 requirement may be waived by the State Commission.

22 (Source: P.A. 96-482, eff. 8-14-09.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.