



Sen. Heather Steans

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1 AMENDMENT TO SENATE BILL 3348

2 AMENDMENT NO. _____. Amend Senate Bill 3348 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 5-1, 5-3, and 6-4 as follows:

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

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

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

14 (b) Distributor's license,

15 (c) Importing Distributor's license,

16 (d) Retailer's license,

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

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

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

23 Class 1. A Distiller may make sales and deliveries of
24 alcoholic liquor to distillers, rectifiers, importing
25 distributors, distributors, and non-beverage users and to
26 non-licensees subject to the limits of subsection (e) of

1 Section 6-4 of this Act ~~no other licensees.~~

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

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

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

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

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

1 licensed retailers shall cease this practice on or before July
2 1, 2008 in compliance with this amendatory Act of the 95th
3 General Assembly.

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

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 Class 9. A craft distiller license shall allow the
20 manufacture of up to 60,000 gallons of alcoholic liquor per
21 year, and the storage and sale of such alcohol to distributors
22 in this State, non-licensees subject to the limits of
23 subsection (e) of Section 6-4 of this Act, and persons without
24 the State, as may be permitted by law.

25 Any distiller licensed under this Act on the effective date
26 of this amendatory Act of the 96th General Assembly who applies

1 for licensure as a craft distiller and meets the qualifications
2 for licensure shall not be required to pay the initial
3 licensing fee.

4 (a-1) A manufacturer which is licensed in this State to
5 make sales or deliveries of alcoholic liquor and which enlists
6 agents, representatives, or individuals acting on its behalf
7 who contact licensed retailers on a regular and continual basis
8 in this State must register those agents, representatives, or
9 persons acting on its behalf with the State Commission.

10 Registration of agents, representatives, or persons acting
11 on behalf of a manufacturer is fulfilled by submitting a form
12 to the Commission. The form shall be developed by the
13 Commission and shall include the name and address of the
14 applicant, the name and address of the manufacturer he or she
15 represents, the territory or areas assigned to sell to or
16 discuss pricing terms of alcoholic liquor, and any other
17 questions deemed appropriate and necessary. All statements in
18 the forms required to be made by law or by rule shall be deemed
19 material, and any person who knowingly misstates any material
20 fact under oath in an application is guilty of a Class B
21 misdemeanor. Fraud, misrepresentation, false statements,
22 misleading statements, evasions, or suppression of material
23 facts in the securing of a registration are grounds for
24 suspension or revocation of the registration.

25 (b) A distributor's license shall allow the wholesale
26 purchase and storage of alcoholic liquors and sale of alcoholic

1 liquors to licensees in this State and to persons without the
2 State, as may be permitted by law.

3 (c) An importing distributor's license may be issued to and
4 held by those only who are duly licensed distributors, upon the
5 filing of an application by a duly licensed distributor, with
6 the Commission and the Commission shall, without the payment of
7 any fee, immediately issue such importing distributor's
8 license to the applicant, which shall allow the importation of
9 alcoholic liquor by the licensee into this State from any point
10 in the United States outside this State, and the purchase of
11 alcoholic liquor in barrels, casks or other bulk containers and
12 the bottling of such alcoholic liquors before resale thereof,
13 but all bottles or containers so filled shall be sealed,
14 labeled, stamped and otherwise made to comply with all
15 provisions, rules and regulations governing manufacturers in
16 the preparation and bottling of alcoholic liquors. The
17 importing distributor's license shall permit such licensee to
18 purchase alcoholic liquor from Illinois licensed non-resident
19 dealers and foreign importers only.

20 (d) A retailer's license shall allow the licensee to sell
21 and offer for sale at retail, only in the premises specified in
22 the license, alcoholic liquor for use or consumption, but not
23 for resale in any form. Nothing in this amendatory Act of the
24 95th General Assembly shall deny, limit, remove, or restrict
25 the ability of a holder of a retailer's license to transfer,
26 deliver, or ship alcoholic liquor to the purchaser for use or

1 consumption subject to any applicable local law or ordinance.
2 Any retail license issued to a manufacturer shall only permit
3 the manufacturer to sell beer at retail on the premises
4 actually occupied by the manufacturer. For the purpose of
5 further describing the type of business conducted at a retail
6 licensed premises, a retailer's licensee may be designated by
7 the State Commission as (i) an on premise consumption retailer,
8 (ii) an off premise sale retailer, or (iii) a combined on
9 premise consumption and off premise sale retailer.

10 Notwithstanding any other provision of this subsection
11 (d), a retail licensee may sell alcoholic liquors to a special
12 event retailer licensee for resale to the extent permitted
13 under subsection (e).

14 (e) A special event retailer's license (not-for-profit)
15 shall permit the licensee to purchase alcoholic liquors from an
16 Illinois licensed distributor (unless the licensee purchases
17 less than \$500 of alcoholic liquors for the special event, in
18 which case the licensee may purchase the alcoholic liquors from
19 a licensed retailer) and shall allow the licensee to sell and
20 offer for sale, at retail, alcoholic liquors for use or
21 consumption, but not for resale in any form and only at the
22 location and on the specific dates designated for the special
23 event in the license. An applicant for a special event retailer
24 license must (i) furnish with the application: (A) a resale
25 number issued under Section 2c of the Retailers' Occupation Tax
26 Act or evidence that the applicant is registered under Section

1 2a of the Retailers' Occupation Tax Act, (B) a current, valid
2 exemption identification number issued under Section 1g of the
3 Retailers' Occupation Tax Act, and a certification to the
4 Commission that the purchase of alcoholic liquors will be a
5 tax-exempt purchase, or (C) a statement that the applicant is
6 not registered under Section 2a of the Retailers' Occupation
7 Tax Act, does not hold a resale number under Section 2c of the
8 Retailers' Occupation Tax Act, and does not hold an exemption
9 number under Section 1g of the Retailers' Occupation Tax Act,
10 in which event the Commission shall set forth on the special
11 event retailer's license a statement to that effect; (ii)
12 submit with the application proof satisfactory to the State
13 Commission that the applicant will provide dram shop liability
14 insurance in the maximum limits; and (iii) show proof
15 satisfactory to the State Commission that the applicant has
16 obtained local authority approval.

17 (f) A railroad 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 a club, buffet, lounge or dining car

1 operated on an electric, gas or steam railway in this State;
2 and provided further, that railroad licensees exercising the
3 above powers shall be subject to all provisions of Article VIII
4 of this Act as applied to importing distributors. A railroad
5 license shall also permit the licensee to sell or dispense
6 alcoholic liquors on any club, buffet, lounge or dining car
7 operated on an electric, gas or steam railway regularly
8 operated by a common carrier in this State, but shall not
9 permit the sale for resale of any alcoholic liquors to any
10 licensee within this State. A license shall be obtained for
11 each car in which such sales are made.

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

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

1 alcoholic liquor as follows:

2 Class 1, not to exceed 500 gallons

3 Class 2, not to exceed 1,000 gallons

4 Class 3, not to exceed 5,000 gallons

5 Class 4, not to exceed 10,000 gallons

6 Class 5, not to exceed 50,000 gallons

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

1 the licensee to sell and offer for sale at (i) the wine-maker's
2 licensed premises and (ii) at up to 2 additional locations for
3 use and consumption and not for resale. Each location shall
4 require additional licensing per location as specified in
5 Section 5-3 of this Act. A wine-maker's premises licensee shall
6 secure liquor liability insurance coverage in an amount at
7 least equal to the maximum liability amounts set forth in
8 subsection (a) of Section 6-21 of this Act.

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

1 service is provided on board aircraft in this State. The annual
2 fee for such license shall be as determined in Section 5-3.

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

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

1 State of Illinois.

2 No holder of a retailer's license issued by the Illinois
3 Liquor Control Commission shall purchase or receive any
4 alcoholic liquor, the order for which was solicited or offered
5 for sale to such retailer by a broker unless the broker is the
6 holder of a valid broker's license.

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

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

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

26 This subsection (1) shall not apply to distributors,

1 employees of distributors, or employees of a manufacturer who
2 has registered the trademark, brand or name of the alcoholic
3 liquor pursuant to Section 6-9 of this Act, and who regularly
4 sells such alcoholic liquor in the State of Illinois only to
5 its registrants thereunder.

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

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

24 (n) A brew pub license shall allow the licensee to
25 manufacture beer only on the premises specified in the license,
26 to make sales of the beer manufactured on the premises to

1 importing distributors, distributors, and to non-licensees for
2 use and consumption, to store the beer upon the premises, and
3 to sell and offer for sale at retail from the licensed
4 premises, provided that a brew pub licensee shall not sell for
5 off-premises consumption more than 50,000 gallons per year.

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

11 (p) An auction liquor license shall allow the licensee to
12 sell and offer for sale at auction wine and spirits for use or
13 consumption, or for resale by an Illinois liquor licensee in
14 accordance with provisions of this Act. An auction liquor
15 license will be issued to a person and it will permit the
16 auction liquor licensee to hold the auction anywhere in the
17 State. An auction liquor license must be obtained for each
18 auction at least 14 days in advance of the auction date.

19 (q) A special use permit license shall allow an Illinois
20 licensed retailer to transfer a portion of its alcoholic liquor
21 inventory from its retail licensed premises to the premises
22 specified in the license hereby created, and to sell or offer
23 for sale at retail, only in the premises specified in the
24 license hereby created, the transferred alcoholic liquor for
25 use or consumption, but not for resale in any form. A special
26 use permit license may be granted for the following time

1 periods: one day or less; 2 or more days to a maximum of 15 days
2 per location in any 12 month period. An applicant for the
3 special use permit license must also submit with the
4 application proof satisfactory to the State Commission that the
5 applicant will provide dram shop liability insurance to the
6 maximum limits and have local authority approval.

7 (r) A winery shipper's license shall allow a person with a
8 first-class or second-class wine manufacturer's license, a
9 first-class or second-class wine-maker's license, or a limited
10 wine manufacturer's license or who is licensed to make wine
11 under the laws of another state to ship wine made by that
12 licensee directly to a resident of this State who is 21 years
13 of age or older for that resident's personal use and not for
14 resale. Prior to receiving a winery shipper's license, an
15 applicant for the license must provide the Commission with a
16 true copy of its current license in any state in which it is
17 licensed as a manufacturer of wine. An applicant for a winery
18 shipper's license must also complete an application form that
19 provides any other information the Commission deems necessary.
20 The application form shall include an acknowledgement
21 consenting to the jurisdiction of the Commission, the Illinois
22 Department of Revenue, and the courts of this State concerning
23 the enforcement of this Act and any related laws, rules, and
24 regulations, including authorizing the Department of Revenue
25 and the Commission to conduct audits for the purpose of
26 ensuring compliance with this amendatory Act.

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

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

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

1 95-769, eff. 7-29-08.)

2 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

3 Sec. 5-3. License fees. Except as otherwise provided
4 herein, at the time application is made to the State Commission
5 for a license of any class, the applicant shall pay to the
6 State Commission the fee hereinafter provided for the kind of
7 license applied for.

8 The fee for licenses issued by the State Commission shall
9 be as follows:

10	For a manufacturer's license:	
11	Class 1. Distiller	\$3,600
12	Class 2. Rectifier	3,600
13	Class 3. Brewer	900
14	Class 4. First-class Wine Manufacturer	600
15	Class 5. Second-class	
16	Wine Manufacturer	1,200
17	Class 6. First-class wine-maker	600
18	Class 7. Second-class wine-maker	1200
19	Class 8. Limited Wine Manufacturer	120
20	<u>Class 9. Craft Distiller</u>	<u>1,800</u>
21	For a Brew Pub License	1,050
22	For a caterer retailer's license	200
23	For a foreign importer's license	25
24	For an importing distributor's license	25
25	For a distributor's license	270

1	For a non-resident dealer's license	
2	(500,000 gallons or over)	270
3	For a non-resident dealer's license	
4	(under 500,000 gallons)	90
5	For a wine-maker's premises license	100
6	For a winery shipper's license	
7	(under 250,000 gallons)	150
8	For a winery shipper's license	
9	(250,000 or over, but under 500,000 gallons)	500
10	For a winery shipper's license	
11	(500,000 gallons or over)	1,000
12	For a wine-maker's premises license,	
13	second location	350
14	For a wine-maker's premises license,	
15	third location	350
16	For a retailer's license	500
17	For a special event retailer's license,	
18	(not-for-profit)	25
19	For a special use permit license,	
20	one day only	50
21	2 days or more	100
22	For a railroad license	60
23	For a boat license	180
24	For an airplane license, times the	
25	licensee's maximum number of aircraft	
26	in flight, serving liquor over the	

1 State at any given time, which either
2 originate, terminate, or make
3 an intermediate stop in the State 60
4 For a non-beverage user's license:
5 Class 1 24
6 Class 2 60
7 Class 3 120
8 Class 4 240
9 Class 5 600
10 For a broker's license 600
11 For an auction liquor license 50

12 Fees collected under this Section shall be paid into the
13 Dram Shop Fund. On and after July 1, 2003, of the funds
14 received for a retailer's license, in addition to the first
15 \$175, an additional \$75 shall be paid into the Dram Shop Fund,
16 and \$250 shall be paid into the General Revenue Fund. Beginning
17 June 30, 1990 and on June 30 of each subsequent year through
18 June 29, 2003, any balance over \$5,000,000 remaining in the
19 Dram Shop Fund shall be credited to State liquor licensees and
20 applied against their fees for State liquor licenses for the
21 following year. The amount credited to each licensee shall be a
22 proportion of the balance in the Dram Fund that is the same as
23 the proportion of the license fee paid by the licensee under
24 this Section for the period in which the balance was
25 accumulated to the aggregate fees paid by all licensees during
26 that period.

1 No fee shall be paid for licenses issued by the State
2 Commission to the following non-beverage users:

3 (a) Hospitals, sanitariums, or clinics when their use
4 of alcoholic liquor is exclusively medicinal, mechanical
5 or scientific.

6 (b) Universities, colleges of learning or schools when
7 their use of alcoholic liquor is exclusively medicinal,
8 mechanical or scientific.

9 (c) Laboratories when their use is exclusively for the
10 purpose of scientific research.

11 (Source: P.A. 95-634, eff. 6-1-08.)

12 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

13 Sec. 6-4. (a) No person licensed by any licensing authority
14 as a distiller, or a wine manufacturer, or any subsidiary or
15 affiliate thereof, or any officer, associate, member, partner,
16 representative, employee, agent or shareholder owning more
17 than 5% of the outstanding shares of such person shall be
18 issued an importing distributor's or distributor's license,
19 nor shall any person licensed by any licensing authority as an
20 importing distributor, distributor or retailer, or any
21 subsidiary or affiliate thereof, or any officer or associate,
22 member, partner, representative, employee, agent or
23 shareholder owning more than 5% of the outstanding shares of
24 such person be issued a distiller's license or a wine
25 manufacturer's license; and no person or persons licensed as a

1 distiller by any licensing authority shall have any interest,
2 directly or indirectly, with such distributor or importing
3 distributor.

4 However, an importing distributor or distributor, which on
5 January 1, 1985 is owned by a brewer, or any subsidiary or
6 affiliate thereof or any officer, associate, member, partner,
7 representative, employee, agent or shareholder owning more
8 than 5% of the outstanding shares of the importing distributor
9 or distributor referred to in this paragraph, may own or
10 acquire an ownership interest of more than 5% of the
11 outstanding shares of a wine manufacturer and be issued a wine
12 manufacturer's license by any licensing authority.

13 (b) The foregoing provisions shall not apply to any person
14 licensed by any licensing authority as a distiller or wine
15 manufacturer, or to any subsidiary or affiliate of any
16 distiller or wine manufacturer who shall have been heretofore
17 licensed by the State Commission as either an importing
18 distributor or distributor during the annual licensing period
19 expiring June 30, 1947, and shall actually have made sales
20 regularly to retailers.

21 (c) Provided, however, that in such instances where a
22 distributor's or importing distributor's license has been
23 issued to any distiller or wine manufacturer or to any
24 subsidiary or affiliate of any distiller or wine manufacturer
25 who has, during the licensing period ending June 30, 1947, sold
26 or distributed as such licensed distributor or importing

1 distributor alcoholic liquors and wines to retailers, such
2 distiller or wine manufacturer or any subsidiary or affiliate
3 of any distiller or wine manufacturer holding such
4 distributor's or importing distributor's license may continue
5 to sell or distribute to retailers such alcoholic liquors and
6 wines which are manufactured, distilled, processed or marketed
7 by distillers and wine manufacturers whose products it sold or
8 distributed to retailers during the whole or any part of its
9 licensing periods; and such additional brands and additional
10 products may be added to the line of such distributor or
11 importing distributor, provided, that such brands and such
12 products were not sold or distributed by any distributor or
13 importing distributor licensed by the State Commission during
14 the licensing period ending June 30, 1947, but can not sell or
15 distribute to retailers any other alcoholic liquors or wines.

16 (d) It shall be unlawful for any distiller licensed
17 anywhere to have any stock ownership or interest in any
18 distributor's or importing distributor's license wherein any
19 other person has an interest therein who is not a distiller and
20 does not own more than 5% of any stock in any distillery.
21 Nothing herein contained shall apply to such distillers or
22 their subsidiaries or affiliates, who had a distributor's or
23 importing distributor's license during the licensing period
24 ending June 30, 1947, which license was owned in whole by such
25 distiller, or subsidiaries or affiliates of such distiller.

26 (e) Any person having been licensed as a manufacturer shall

1 be permitted to receive one local retailer's license for the
2 premises in which he or she actually conducts such business,
3 permitting only the retail sale of alcoholic liquor produced
4 ~~beer only~~ on such premises, but no such person shall be
5 entitled to more than one local retailer's license in any
6 event, and, other than a manufacturer ~~of beer~~ as stated above,
7 no manufacturer or distributor or importing distributor,
8 excluding airplane licensees exercising powers provided in
9 paragraph (i) of Section 5-1 of this Act, or any subsidiary or
10 affiliate thereof, or any officer, associate, member, partner,
11 representative, employee or agent, or shareholder shall be
12 issued a retailer's license, nor shall any person having a
13 retailer's license, excluding airplane licensees exercising
14 powers provided in paragraph (i) of Section 5-1 of this Act, or
15 any subsidiary or affiliate thereof, or any officer, associate,
16 member, partner, representative or agent, or shareholder be
17 issued a manufacturer's license or ~~an~~ importing distributor's
18 license.

19 All retail sales made by a manufacturer pursuant to this
20 Section shall be limited to on-premises, in-person sales only,
21 for consumption on or off the licensed premises. A manufacturer
22 licensee shall secure liquor liability insurance coverage in an
23 amount at least equal to the maximum liability amounts set
24 forth in subsection (a) of Section 6-21 of this Act.

25 (f) However, the foregoing prohibitions against any person
26 licensed as a distiller or wine manufacturer being issued a

1 retailer's license shall not apply:

2 (i) to any hotel, motel or restaurant whose principal
3 business is not the sale of alcoholic liquors if said
4 retailer's sales of any alcoholic liquors manufactured, sold,
5 distributed or controlled, directly or indirectly, by any
6 affiliate, subsidiary, officer, associate, member, partner,
7 representative, employee, agent or shareholder owning more
8 than 5% of the outstanding shares of such person does not
9 exceed 10% of the total alcoholic liquor sales of said retail
10 licensee; and

11 (ii) where the Commission determines, having considered
12 the public welfare, the economic impact upon the State and the
13 entirety of the facts and circumstances involved, that the
14 purpose and intent of this Section would not be violated by
15 granting an exemption.

16 (g) Notwithstanding any of the foregoing prohibitions, a
17 limited wine manufacturer may sell at retail at its
18 manufacturing site for on or off premises consumption and may
19 sell to distributors. A limited wine manufacturer licensee
20 shall secure liquor liability insurance coverage in an amount
21 at least equal to the maximum liability amounts set forth in
22 subsection (a) of Section 6-21 of this Act.

23 (Source: P.A. 95-634, eff. 6-1-08.)".