

1 AN ACT in relation to alcoholic liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 1-3.12, 3-12, 5-1, 5-3, and 6-2 as follows:

6 (235 ILCS 5/1-3.12) (from Ch. 43, par. 95.12)

7 Sec. 1-3.12. "Wine-maker" means a person engaged in the  
8 making of less than 50,000 gallons of wine annually other  
9 than a person issued a Second Class wine-maker's license.

10 (Source: P.A. 89-218, eff. 1-1-96.)

11 (235 ILCS 5/3-12) (from Ch. 43, par. 108)

12 Sec. 3-12. Powers and duties of State Commission.

13 (a) The State commission shall have the following  
14 powers, functions and duties:

15 (1) To receive applications and to issue licenses  
16 to manufacturers, foreign importers, importing  
17 distributors, distributors, non-resident dealers, on  
18 premise consumption retailers, off premise sale  
19 retailers, special event retailer licensees, special use  
20 permit licenses, auction liquor licenses, brew pubs,  
21 caterer retailers, non-beverage users, railroads,  
22 including owners and lessees of sleeping, dining and cafe  
23 cars, airplanes, boats, brokers, and wine maker's  
24 premises ~~retail~~ licensees in accordance with the  
25 provisions of this Act, and to suspend or revoke such  
26 licenses upon the State commission's determination, upon  
27 notice after hearing, that a licensee has violated any  
28 provision of this Act or any rule or regulation issued  
29 pursuant thereto and in effect for 30 days prior to such  
30 violation.

1           In lieu of suspending or revoking a license, the  
2           commission may impose a fine, upon the State commission's  
3           determination and notice after hearing, that a licensee  
4           has violated any provision of this Act or any rule or  
5           regulation issued pursuant thereto and in effect for 30  
6           days prior to such violation. The fine imposed under  
7           this paragraph may not exceed \$500 for each violation.  
8           Each day that the activity, which gave rise to the  
9           original fine, continues is a separate violation. The  
10          maximum fine that may be levied against any licensee, for  
11          the period of the license, shall not exceed \$20,000. The  
12          maximum penalty that may be imposed on a licensee for  
13          selling a bottle of alcoholic liquor with a foreign  
14          object in it or serving from a bottle of alcoholic liquor  
15          with a foreign object in it shall be the destruction of  
16          that bottle of alcoholic liquor for the first 10 bottles  
17          so sold or served from by the licensee. For the eleventh  
18          bottle of alcoholic liquor and for each third bottle  
19          thereafter sold or served from by the licensee with a  
20          foreign object in it, the maximum penalty that may be  
21          imposed on the licensee is the destruction of the bottle  
22          of alcoholic liquor and a fine of up to \$50.

23           (2) To adopt such rules and regulations consistent  
24           with the provisions of this Act which shall be necessary  
25           to carry on its functions and duties to the end that the  
26           health, safety and welfare of the People of the State of  
27           Illinois shall be protected and temperance in the  
28           consumption of alcoholic liquors shall be fostered and  
29           promoted and to distribute copies of such rules and  
30           regulations to all licensees affected thereby.

31           (3) To call upon other administrative departments  
32           of the State, county and municipal governments, county  
33           and city police departments and upon prosecuting officers  
34           for such information and assistance as it deems necessary

1 in the performance of its duties.

2 (4) To recommend to local commissioners rules and  
3 regulations, not inconsistent with the law, for the  
4 distribution and sale of alcoholic liquors throughout the  
5 State.

6 (5) To inspect, or cause to be inspected, any  
7 premises in this State where alcoholic liquors are  
8 manufactured, distributed, warehoused, or sold.

9 (5.1) Upon receipt of a complaint or upon having  
10 knowledge that any person is engaged in business as a  
11 manufacturer, importing distributor, distributor, or  
12 retailer without a license or valid license, to notify  
13 the local liquor authority, file a complaint with the  
14 State's Attorney's Office of the county where the  
15 incident occurred, or initiate an investigation with the  
16 appropriate law enforcement officials.

17 (5.2) To issue a cease and desist notice to persons  
18 shipping alcoholic liquor into this State from a point  
19 outside of this State if the shipment is in violation of  
20 this Act.

21 (5.3) To receive complaints from licensees, local  
22 officials, law enforcement agencies, organizations, and  
23 persons stating that any licensee has been or is  
24 violating any provision of this Act or the rules and  
25 regulations issued pursuant to this Act. Such complaints  
26 shall be in writing, signed and sworn to by the person  
27 making the complaint, and shall state with specificity  
28 the facts in relation to the alleged violation. If the  
29 Commission has reasonable grounds to believe that the  
30 complaint substantially alleges a violation of this Act  
31 or rules and regulations adopted pursuant to this Act, it  
32 shall conduct an investigation. If, after conducting an  
33 investigation, the Commission is satisfied that the  
34 alleged violation did occur, it shall proceed with

1 disciplinary action against the licensee as provided in  
2 this Act.

3 (6) To hear and determine appeals from orders of a  
4 local commission in accordance with the provisions of  
5 this Act, as hereinafter set forth. Hearings under this  
6 subsection shall be held in Springfield or Chicago, at  
7 whichever location is the more convenient for the  
8 majority of persons who are parties to the hearing.

9 (7) The commission shall establish uniform systems  
10 of accounts to be kept by all retail licensees having  
11 more than 4 employees, and for this purpose the  
12 commission may classify all retail licensees having more  
13 than 4 employees and establish a uniform system of  
14 accounts for each class and prescribe the manner in which  
15 such accounts shall be kept. The commission may also  
16 prescribe the forms of accounts to be kept by all retail  
17 licensees having more than 4 employees, including but not  
18 limited to accounts of earnings and expenses and any  
19 distribution, payment, or other distribution of earnings  
20 or assets, and any other forms, records and memoranda  
21 which in the judgment of the commission may be necessary  
22 or appropriate to carry out any of the provisions of this  
23 Act, including but not limited to such forms, records and  
24 memoranda as will readily and accurately disclose at all  
25 times the beneficial ownership of such retail licensed  
26 business. The accounts, forms, records and memoranda  
27 shall be available at all reasonable times for inspection  
28 by authorized representatives of the State commission or  
29 by any local liquor control commissioner or his or her  
30 authorized representative. The commission, may, from time  
31 to time, alter, amend or repeal, in whole or in part, any  
32 uniform system of accounts, or the form and manner of  
33 keeping accounts.

34 (8) In the conduct of any hearing authorized to be

1 held by the commission, to examine, or cause to be  
2 examined, under oath, any licensee, and to examine or  
3 cause to be examined the books and records of such  
4 licensee; to hear testimony and take proof material for  
5 its information in the discharge of its duties hereunder;  
6 to administer or cause to be administered oaths; and for  
7 any such purpose to issue subpoena or subpoenas to  
8 require the attendance of witnesses and the production of  
9 books, which shall be effective in any part of this  
10 State.

11 Any Circuit Court may by order duly entered, require  
12 the attendance of witnesses and the production of  
13 relevant books subpoenaed by the State commission and the  
14 court may compel obedience to its order by proceedings  
15 for contempt.

16 (9) To investigate the administration of laws in  
17 relation to alcoholic liquors in this and other states  
18 and any foreign countries, and to recommend from time to  
19 time to the Governor and through him or her to the  
20 legislature of this State, such amendments to this Act,  
21 if any, as it may think desirable and as will serve to  
22 further the general broad purposes contained in Section  
23 1-2 hereof.

24 (10) To adopt such rules and regulations consistent  
25 with the provisions of this Act which shall be necessary  
26 for the control, sale or disposition of alcoholic liquor  
27 damaged as a result of an accident, wreck, flood, fire or  
28 other similar occurrence.

29 (11) To develop industry educational programs  
30 related to responsible serving and selling, particularly  
31 in the areas of overserving consumers and illegal  
32 underage purchasing and consumption of alcoholic  
33 beverages.

34 (11.1) To license persons providing education and

1 training to alcohol beverage sellers and servers under  
2 the Beverage Alcohol Sellers and Servers Education and  
3 Training (BASSET) programs and to develop and administer  
4 a public awareness program in Illinois to reduce or  
5 eliminate the illegal purchase and consumption of  
6 alcoholic beverage products by persons under the age of  
7 21. Application for a license shall be made on forms  
8 provided by the State Commission.

9 (12) To develop and maintain a repository of  
10 license and regulatory information.

11 (13) On or before January 15, 1994, the Commission  
12 shall issue a written report to the Governor and General  
13 Assembly that is to be based on a comprehensive study of  
14 the impact on and implications for the State of Illinois  
15 of Section 1926 of the Federal ADAMHA Reorganization Act  
16 of 1992 (Public Law 102-321). This study shall address  
17 the extent to which Illinois currently complies with the  
18 provisions of P.L. 102-321 and the rules promulgated  
19 pursuant thereto.

20 As part of its report, the Commission shall provide  
21 the following essential information:

22 (i) the number of retail distributors of  
23 tobacco products, by type and geographic area, in  
24 the State;

25 (ii) the number of reported citations and  
26 successful convictions, categorized by type and  
27 location of retail distributor, for violation of the  
28 Sale of Tobacco to Minors Act and the Smokeless  
29 Tobacco Limitation Act;

30 (iii) the extent and nature of organized  
31 educational and governmental activities that are  
32 intended to promote, encourage or otherwise secure  
33 compliance with any Illinois laws that prohibit the  
34 sale or distribution of tobacco products to minors;

1           and

2                   (iv) the level of access and availability of  
3           tobacco products to individuals under the age of 18.

4           To obtain the data necessary to comply with the  
5           provisions of P.L. 102-321 and the requirements of this  
6           report, the Commission shall conduct random, unannounced  
7           inspections of a geographically and scientifically  
8           representative sample of the State's retail tobacco  
9           distributors.

10           The Commission shall consult with the Department of  
11           Public Health, the Department of Human Services, the Illinois  
12           State Police and any other executive branch agency, and  
13           private organizations that may have information relevant to  
14           this report.

15           The Commission may contract with the Food and Drug  
16           Administration of the U.S. Department of Health and Human  
17           Services to conduct unannounced investigations of Illinois  
18           tobacco vendors to determine compliance with federal laws  
19           relating to the illegal sale of cigarettes and smokeless  
20           tobacco products to persons under the age of 18.

21           (b) On or before April 30, 1999, the Commission shall  
22           present a written report to the Governor and the General  
23           Assembly that shall be based on a study of the impact of this  
24           amendatory Act of 1998 on the business of soliciting,  
25           selling, and shipping alcoholic liquor from outside of this  
26           State directly to residents of this State.

27           As part of its report, the Commission shall provide the  
28           following information:

29                   (i) the amount of State excise and sales tax  
30           revenues generated as a result of this amendatory Act of  
31           1998;

32                   (ii) the amount of licensing fees received as a  
33           result of this amendatory Act of 1998;

34                   (iii) the number of reported violations, the number

1 of cease and desist notices issued by the Commission, the  
 2 number of notices of violations issued to the Department  
 3 of Revenue, and the number of notices and complaints of  
 4 violations to law enforcement officials.

5 (Source: P.A. 90-9, eff. 7-1-97; 90-432, eff. 1-1-98; 90-655,  
 6 eff. 7-30-98; 90-739, eff. 8-13-98; 91-553, eff. 8-14-99;  
 7 91-922, eff. 7-7-00.)

8 (235 ILCS 5/5-1) (from Ch. 43, par. 115)  
 9 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
 10 Commission shall be of the following classes:

- 11 (a) Manufacturer's license - Class 1. Distiller, Class
- 12 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine
- 13 Manufacturer, Class 5. Second Class Wine Manufacturer,
- 14 Class 6. First Class Winemaker, Class 7. Second Class
- 15 Winemaker, Class 8. Limited Wine Manufacturer,
- 16 (b) Distributor's license,
- 17 (c) Importing Distributor's license,
- 18 (d) Retailer's license,
- 19 (e) Special Event Retailer's license (not-for-profit),
- 20 (f) Railroad license,
- 21 (g) Boat license,
- 22 (h) Non-Beverage User's license,
- 23 (i) Wine-maker's premises ~~retail~~ license,
- 24 (j) Airplane license,
- 25 (k) Foreign importer's license,
- 26 (l) Broker's license,
- 27 (m) Non-resident dealer's license,
- 28 (n) Brew Pub license,
- 29 (o) Auction liquor license,
- 30 (p) Caterer retailer license,
- 31 (q) Special use permit license.

32 No person, firm, partnership, corporation, or other legal  
 33 business entity that is engaged in the manufacturing of wine



1 may concurrently obtain and hold a wine-maker's license and a  
 2 wine manufacturer's license. ~~Nothing in this provision, nor~~  
 3 ~~in any subsequent provision of this Act shall be interpreted~~  
 4 ~~as forbidding an individual or firm from concurrently~~  
 5 ~~obtaining and holding a Winemaker's and a Wine manufacturer's~~  
 6 ~~license.~~

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

12 Class 1. A Distiller may make sales and deliveries of  
 13 alcoholic liquor to distillers, rectifiers, importing  
 14 distributors, distributors and non-beverage users and to no  
 15 other licensees.

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

20 Class 3. A Brewer may make sales and deliveries of beer  
 21 to importing distributors, distributors, and to  
 22 non-licensees, and to retailers provided the brewer obtains  
 23 an importing distributor's license or distributor's license  
 24 in accordance with the provisions of this Act.

25 Class 4. A first class wine-manufacturer may make sales  
 26 and deliveries up to ~~of between 40,000 and~~ 50,000 gallons of  
 27 wine to manufacturers, importing distributors and  
 28 distributors, and to no other licensees.

29 Class 5. A second class Wine manufacturer may make sales  
 30 and deliveries of more than 50,000 gallons of wine to  
 31 manufacturers, importing distributors and distributors and to  
 32 no other licensees.

33 Class 6. A first-class wine-maker's license shall allow  
 34 the manufacture of up to 50,000 ~~less than 20,000~~ gallons of

1 wine per year, and the storage and sale of such wine to  
 2 distributors and--retailers in the State and to persons  
 3 without the State, as may be permitted by law. A first-class  
 4 wine-maker's license shall allow the sale of no more than  
 5 5,000 gallons of the licensee's wine to retailers. The State  
 6 Commission shall issue only one first-class wine-maker's  
 7 license to any person, firm, partnership, corporation, or  
 8 other legal business entity that is engaged in the making of  
 9 less than 50,000 gallons of wine annually that applies for a  
 10 first-class wine-maker's license. No subsidiary or affiliate  
 11 thereof, nor any officer, associate, member, partner,  
 12 representative, employee, agent, or shareholder may be issued  
 13 an additional wine-maker's license by the State Commission.

14 Class 7. A second-class wine-maker's license shall allow  
 15 the manufacture of between up-to 50,000 and 100,000 gallons  
 16 of wine per year, and the storage and sale of such wine to  
 17 distributors in this State and to persons without the State,  
 18 as may be permitted by law. A second-class wine-maker's  
 19 license shall allow the sale of no more than 10,000 gallons  
 20 of the licensee's wine directly to retailers. The State  
 21 Commission shall issue only one second-class wine-maker's  
 22 license to any person, firm, partnership, corporation, or  
 23 other legal business entity that is engaged in the making of  
 24 less than 100,000 gallons of wine annually that applies for a  
 25 second-class wine-maker's license. No subsidiary or  
 26 affiliate thereof, or any officer, associate, member,  
 27 partner, representative, employee, agent, or shareholder may  
 28 be issued an additional wine-maker's license by the State  
 29 Commission.

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

34 (a-1) A manufacturer which is licensed in this State to

1 make sales or deliveries of alcoholic liquor and which  
2 enlists agents, representatives, or individuals acting on its  
3 behalf who contact licensed retailers on a regular and  
4 continual basis in this State must register those agents,  
5 representatives, or persons acting on its behalf with the  
6 State Commission.

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

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

26 (c) An importing distributor's license may be issued to  
27 and held by those only who are duly licensed distributors,  
28 upon the filing of an application by a duly licensed  
29 distributor, with the Commission and the Commission shall,  
30 without the payment of any fee, immediately issue such  
31 importing distributor's license to the applicant, which shall  
32 allow the importation of alcoholic liquor by the licensee  
33 into this State from any point in the United States outside  
34 this State, and the purchase of alcoholic liquor in barrels,

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

10 (d) A retailer's license shall allow the licensee to  
11 sell and offer for sale at retail, only in the premises  
12 specified in such license, alcoholic liquor for use or  
13 consumption, but not for resale in any form: Provided that  
14 any retail license issued to a manufacturer shall only permit  
15 such manufacturer to sell beer at retail on the premises  
16 actually occupied by such manufacturer.

17 After January 1, 1995 there shall be 2 classes of  
18 licenses issued under a retailers license.

19 (1) A "retailers on premise consumption license"  
20 shall allow the licensee to sell and offer for sale at  
21 retail, only on the premises specified in the license,  
22 alcoholic liquor for use or consumption on the premises  
23 or on and off the premises, but not for resale in any  
24 form.

25 (2) An "off premise sale license" shall allow the  
26 licensee to sell, or offer for sale at retail, alcoholic  
27 liquor intended only for off premise consumption and not  
28 for resale in any form.

29 Notwithstanding any other provision of this subsection  
30 (d), a retail licensee may sell alcoholic liquors to a  
31 special event retailer licensee for resale to the extent  
32 permitted under subsection (e).

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

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

29 (f) A railroad license shall permit the licensee to  
30 import alcoholic liquors into this State from any point in  
31 the United States outside this State and to store such  
32 alcoholic liquors in this State; to make wholesale purchases  
33 of alcoholic liquors directly from manufacturers, foreign  
34 importers, distributors and importing distributors from

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

17 (g) A boat license shall allow the sale of alcoholic  
 18 liquor in individual drinks, on any passenger boat regularly  
 19 operated as a common carrier on navigable waters in this  
 20 State, which boat maintains a public dining room or  
 21 restaurant thereon.

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

- 32 Class 1, not to exceed ..... 500 gallons
- 33 Class 2, not to exceed ..... 1,000 gallons
- 34 Class 3, not to exceed ..... 5,000 gallons

1 Class 4, not to exceed ..... 10,000 gallons  
 2 Class 5, not to exceed ..... 50,000 gallons

3 (i) A wine-maker's premises retail license shall allow a  
 4 the licensee that concurrently holds a first-class  
 5 wine-maker's license to sell and offer for sale at retail in  
 6 the premises specified in such license not more than 50,000  
 7 gallons of the first-class wine-maker's wine that is made at  
 8 the first-class wine-maker's licensed premises per year for  
 9 use or consumption, but not for resale in any form. A  
 10 wine-maker's premises license shall allow a licensee who  
 11 concurrently holds a second-class wine-maker's license to  
 12 sell and offer for sale at retail in the premises specified  
 13 in such license up to 100,000 gallons of the second-class  
 14 wine-maker's wine that is made at the second-class  
 15 wine-maker's licensed premises per year for use or  
 16 consumption but not for resale in any form. Upon approval  
 17 from the State Commission, a wine-maker's premises license  
 18 shall allow the licensee to sell and offer for sale at (i)  
 19 the wine-maker's licensed premises and (ii) at up to 2  
 20 additional locations for use and consumption and not for  
 21 resale. Each location shall require additional licensing per  
 22 location as specified in Section 5-3 of this Act. ; -this  
 23 license-shall-be-issued--only--to--a--person--licensed--as--a  
 24 first-class-or-second-class-wine-maker.-A-wine-maker's-retail  
 25 licensee,-upon-receiving-permission-from-the-Commission,-may  
 26 conduct-business-at-a-second-location-that-is--separate--from  
 27 the--location--specified--in-its-wine-maker's-retail-license.  
 28 One-wine-maker's-retail-license-second-location-may-be-issued  
 29 to-a-wine-maker's-retail-licensee-allowing--the--licensee--to  
 30 sell--and--offer-for-sale-at-retail-in-the-premises-specified  
 31 in-the-wine-maker's--retail--license-second--location--up--to  
 32 50,000--gallons--of--wine-that-was-produced-at-the-licensee's  
 33 first-location-per-year-for-use-and-consumption-and--not--for  
 34 resale.

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

23           (k) A foreign importer's license shall permit such  
24 licensee to purchase alcoholic liquor from Illinois licensed  
25 non-resident dealers only, and to import alcoholic liquor  
26 other than in bulk from any point outside the United States  
27 and to sell such alcoholic liquor to Illinois licensed  
28 importing distributors and to no one else in Illinois.

29           (l) (i) A broker's license shall be required of all  
30 persons who solicit orders for, offer to sell or offer to  
31 supply alcoholic liquor to retailers in the State of  
32 Illinois, or who offer to retailers to ship or cause to be  
33 shipped or to make contact with distillers, rectifiers,  
34 brewers or manufacturers or any other party within or without



1 the State of Illinois in order that alcoholic liquors be  
2 shipped to a distributor, importing distributor or foreign  
3 importer, whether such solicitation or offer is consummated  
4 within or without the State of Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

21 (Source: P.A. 90-77, eff. 7-8-97; 90-432, eff. 1-1-98;  
 22 90-596, eff. 6-24-98; 90-655, eff. 7-30-98; 90-739, eff.  
 23 8-13-98; 91-357, eff. 7-29-99.)

24 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

30 The fee for licenses issued by the State Commission shall  
 31 be as follows:

32 For a manufacturer's license:

33 Class 1. Distiller ..... \$3,600

1	Class 2. Rectifier .....	3,600
2	Class 3. Brewer .....	900
3	Class 4. First-class Wine Manufacturer .....	600
4	Class 5. Second-class	
5	Wine Manufacturer .....	1,200
6	Class 6. First-class wine-maker .....	<u>600</u> 240
7	Class 7. Second-class wine-maker .....	<u>1200</u> 480
8	Class 8. Limited Wine Manufacturer.....	120
9	For a Brew Pub License .....	1,050
10	For a caterer retailer's license.....	200
11	For a foreign importer's license .....	25
12	For an importing distributor's license .....	25
13	For a distributor's license .....	270
14	For a non-resident dealer's license	
15	(500,000 gallons or over) .....	270
16	For a non-resident dealer's license	
17	(under 500,000 gallons) .....	90
18	For a wine-maker's <u>premises</u> retail license ...	100
19	For a wine-maker's <u>premises</u> retail license,	
20	second location .....	350
21	<u>For a wine-maker's premises license,</u>	
22	<u>third location</u> .....	<u>350</u>
23	For a retailer's license .....	175
24	For a special event retailer's license,	
25	(not-for-profit) .....	25
26	For a special use permit license,	
27	one day only .....	50
28	2 days or more .....	100
29	For a railroad license .....	60
30	For a boat license .....	180
31	For an airplane license, times the	
32	licensee's maximum number of aircraft	
33	in flight, serving liquor over the	
34	State at any given time, which either	

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

11       Fees collected under this Section shall be paid into the  
12       Dram Shop Fund. Beginning June 30, 1990 and on June 30 of  
13       each subsequent year, any balance over \$5,000,000 remaining  
14       in the Dram Shop Fund shall be credited to State liquor  
15       licensees and applied against their fees for State liquor  
16       licenses for the following year. The amount credited to each  
17       licensee shall be a proportion of the balance in the Dram  
18       Fund that is the same as the proportion of the license fee  
19       paid by the licensee under this Section for the period in  
20       which the balance was accumulated to the aggregate fees paid  
21       by all licensees during that period.

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

24           (a) Hospitals, sanitariums, or clinics when their  
25           use of alcoholic liquor is exclusively medicinal,  
26           mechanical or scientific.

27           (b) Universities, colleges of learning or schools  
28           when their use of alcoholic liquor is exclusively  
29           medicinal, mechanical or scientific.

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

32       (Source: P.A. 90-77, eff. 7-8-97; 91-25, eff. 6-9-99; 91-357,  
33       eff. 7-29-99.)

1 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

2 Sec. 6-2. Issuance of licenses to certain persons  
3 prohibited.

4 (a) Except as otherwise provided in subsection (b), no  
5 license of any kind issued by the State Commission or any  
6 local commission shall be issued to:

7 (1) A person who is not a resident of any city,  
8 village or county in which the premises covered by the  
9 license are located; except in case of railroad or boat  
10 licenses.†

11 (2) A person who is not of good character and  
12 reputation in the community in which he resides.†

13 (3) A person who is not a citizen of the United  
14 States.†

15 (4) A person who has been convicted of a felony  
16 under any Federal or State law, unless the Commission  
17 determines that such person has been sufficiently  
18 rehabilitated to warrant the public trust after  
19 considering matters set forth in such person's  
20 application and the Commission's investigation. The  
21 burden of proof of sufficient rehabilitation shall be on  
22 the applicant.†

23 (5) A person who has been convicted of being the  
24 keeper or is keeping a house of ill fame.†

25 (6) A person who has been convicted of pandering or  
26 other crime or misdemeanor opposed to decency and  
27 morality.†

28 (7) A person whose license issued under this Act  
29 has been revoked for cause.†

30 (8) A person who at the time of application for  
31 renewal of any license issued hereunder would not be  
32 eligible for such license upon a first application.†

33 (9) A copartnership, if any general partnership  
34 thereof, or any limited partnership thereof, owning more

1 than 5% of the aggregate limited partner interest in such  
2 copartnership would not be eligible to receive a license  
3 hereunder for any reason other than residence within the  
4 political subdivision, unless residency is required by  
5 local ordinance.†

6 (10) A corporation, if any officer, manager or  
7 director thereof, or any stockholder or stockholders  
8 owning in the aggregate more than 5% of the stock of such  
9 corporation, would not be eligible to receive a license  
10 hereunder for any reason other than citizenship and  
11 residence within the political subdivision.†

12 (10a) A corporation unless it is incorporated in  
13 Illinois, or unless it is a foreign corporation which is  
14 qualified under the Business Corporation Act of 1983 to  
15 transact business in Illinois.†

16 (11) A person whose place of business is conducted  
17 by a manager or agent unless the manager or agent  
18 possesses the same qualifications required by the  
19 licensee.†

20 (12) A person who has been convicted of a violation  
21 of any Federal or State law concerning the manufacture,  
22 possession or sale of alcoholic liquor, subsequent to the  
23 passage of this Act or has forfeited his bond to appear  
24 in court to answer charges for any such violation.†

25 (13) A person who does not beneficially own the  
26 premises for which a license is sought, or does not have  
27 a lease thereon for the full period for which the license  
28 is to be issued.†

29 (14) Any law enforcing public official, including  
30 members of local liquor control commissions, any mayor,  
31 alderman, or member of the city council or commission,  
32 any president of the village board of trustees, any  
33 member of a village board of trustees, or any president  
34 or member of a county board; and no such official shall

1 be interested directly in the manufacture, sale, or  
2 distribution of alcoholic liquor, except that a license  
3 may be granted to such official in relation to premises  
4 that which are not located within the territory subject  
5 to the jurisdiction of that official if the issuance of  
6 such license is approved by the State Liquor Control  
7 Commission and except that a license may be granted, in a  
8 city or village with a population of 50,000 or less, to  
9 any alderman, member of a city council, or member of a  
10 village board of trustees in relation to premises that  
11 are located within the territory subject to the  
12 jurisdiction of that official if (i) the sale of  
13 alcoholic liquor pursuant to the license is incidental to  
14 the selling of food, (ii) the issuance of the license is  
15 approved by the State Commission, (iii) the issuance of  
16 the license is in accordance with all applicable local  
17 ordinances in effect where the premises are located, and  
18 (iv) the official granted a license does not vote on  
19 alcoholic liquor issues pending before the board or  
20 council to which the license holder is elected.‡

21 (15) A person who is not a beneficial owner of the  
22 business to be operated by the licensee.‡

23 (16) A person who has been convicted of a gambling  
24 offense as proscribed by any of subsections (a) (3)  
25 through (a) (11) of Section 28-1 of, or as proscribed by  
26 Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or  
27 as proscribed by a statute replaced by any of the  
28 aforesaid statutory provisions.‡

29 (17) A person or entity to whom a federal wagering  
30 stamp has been issued by the federal government, unless  
31 the person or entity is eligible to be issued a license  
32 under the Raffles Act or the Illinois Pull Tabs and Jar  
33 Games Act.

34 (b) A criminal conviction of a corporation is not



1 grounds for the denial, suspension, or revocation of a  
2 license applied for or held by the corporation if the  
3 criminal conviction was not the result of a violation of any  
4 federal or State law concerning the manufacture, possession  
5 or sale of alcoholic liquor, the offense that led to the  
6 conviction did not result in any financial gain to the  
7 corporation and the corporation has terminated its  
8 relationship with each director, officer, employee, or  
9 controlling shareholder whose actions directly contributed to  
10 the conviction of the corporation. The Commission shall  
11 determine if all provisions of this subsection (b) have been  
12 met before any action on the corporation's license is  
13 initiated.

14 (Source: P.A. 88-652, eff. 9-16-94; 89-250, eff. 1-1-96.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.