

1                                    AMENDMENT TO HOUSE BILL 269

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 269 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 Section 5-1 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
- 10           2. Rectifier, Class 3. Brewer, Class 4. First Class Wine
- 11           Manufacturer, Class 5. Second Class Wine Manufacturer,
- 12           Class 6. First Class Winemaker, Class 7. Second Class
- 13           Winemaker, Class 8. Limited Wine Manufacturer,
- 14           (b) Distributor's license,
- 15           (c) Importing Distributor's license,
- 16           (d) Retailer's license,
- 17           (e) Special Event Retailer's license (not-for-profit),
- 18           (f) Railroad license,
- 19           (g) Boat license,
- 20           (h) Non-Beverage User's license,
- 21           (i) Wine-maker's retail license,
- 22           (j) Airplane license,

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

8 Nothing in this provision, nor in any subsequent  
9 provision of this Act shall be interpreted as forbidding an  
10 individual or firm from concurrently obtaining and holding a  
11 Winemaker's and a Wine manufacturer's license.

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

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

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

25 Class 3. A Brewer may make sales and deliveries of beer  
26 to importing distributors, distributors, and to  
27 non-licensees, and to retailers provided the brewer obtains  
28 an importing distributor's license or distributor's license  
29 in accordance with the provisions of this Act.

30 Class 4. A first class wine-manufacturer may make sales  
31 and deliveries of between 40,000 and 50,000 gallons of wine  
32 to manufacturers, importing distributors and distributors,  
33 and to no other licensees.

34 Class 5. A second class Wine manufacturer may make sales

1 and deliveries of more than 50,000 gallons of wine to  
2 manufacturers, importing distributors and distributors and to  
3 no other licensees.

4 Class 6. A first-class wine-maker's license shall allow  
5 the manufacture of less than 20,000 gallons of wine per year,  
6 and the storage and sale of such wine to distributors and  
7 retailers in the State and to persons without the State, as  
8 may be permitted by law.

9 Class 7. A second-class wine-maker's license shall allow  
10 the manufacture of up to 100,000 ~~50,000~~ gallons of wine per  
11 year, and the storage and sale of such wine to distributors  
12 in this State and to persons without the State, as may be  
13 permitted by law. A second-class wine-maker's license shall  
14 allow the sale of no more than 10,000 gallons of the  
15 licensee's wine directly to retailers.

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

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

27 Registration of agents, representatives, or persons  
28 acting on behalf of a manufacturer is fulfilled by submitting  
29 a form to the Commission. The form shall be developed by the  
30 Commission and shall include the name and address of the  
31 applicant, the name and address of the manufacturer he or she  
32 represents, the territory or areas assigned to sell to or  
33 discuss pricing terms of alcoholic liquor, and any other  
34 questions deemed appropriate and necessary. All statements

1 in the forms required to be made by law or by rule shall be  
2 deemed material, and any person who knowingly misstates any  
3 material fact under oath in an application is guilty of a  
4 Class B misdemeanor. Fraud, misrepresentation, false  
5 statements, misleading statements, evasions, or suppression  
6 of material facts in the securing of a registration are  
7 grounds for suspension or revocation of the registration.

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

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

30 (d) A retailer's license shall allow the licensee to  
31 sell and offer for sale at retail, only in the premises  
32 specified in such license, alcoholic liquor for use or  
33 consumption, but not for resale in any form: Provided that  
34 any retail license issued to a manufacturer shall only permit

1 such manufacturer to sell beer at retail on the premises  
2 actually occupied by such manufacturer.

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

5 (1) A "retailers on premise consumption license"  
6 shall allow the licensee to sell and offer for sale at  
7 retail, only on the premises specified in the license,  
8 alcoholic liquor for use or consumption on the premises  
9 or on and off the premises, but not for resale in any  
10 form.

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

15 Notwithstanding any other provision of this subsection  
16 (d), a retail licensee may sell alcoholic liquors to a  
17 special event retailer licensee for resale to the extent  
18 permitted under subsection (e).

19 (e) A special event retailer's license (not-for-profit)  
20 shall permit the licensee to purchase alcoholic liquors from  
21 an Illinois licensed distributor (unless the licensee  
22 purchases less than \$500 of alcoholic liquors for the special  
23 event, in which case the licensee may purchase the alcoholic  
24 liquors from a licensed retailer) and shall allow the  
25 licensee to sell and offer for sale, at retail, alcoholic  
26 liquors for use or consumption, but not for resale in any  
27 form and only at the location and on the specific dates  
28 designated for the special event in the license. An  
29 applicant for a special event retailer license must (i)  
30 furnish with the application: (A) a resale number issued  
31 under Section 2c of the Retailers' Occupation Tax Act or  
32 evidence that the applicant is registered under Section 2a of  
33 the Retailers' Occupation Tax Act, (B) a current, valid  
34 exemption identification number issued under Section 1g of

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

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

1 this State. A license shall be obtained for each car in  
2 which such sales are made.

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

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

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

23 (i) A wine-maker's retail license shall allow the  
24 licensee to sell and offer for sale at retail in the premises  
25 specified in such license not more than 100,000 ~~50,000~~  
26 gallons of wine per year for use or consumption, but not for  
27 resale in any form; this license shall be issued only to a  
28 person licensed as a first-class or second-class wine-maker.  
29 A wine-maker's retail licensee, upon receiving permission  
30 from the Commission, may conduct business at up to 2  
31 additional locations ~~a-second-location~~ that are ~~is~~ separate  
32 from the location specified in its wine-maker's retail  
33 license. ~~One-wine-maker's-retail-license-second-location-may~~  
34 ~~be-issued-to-a--wine-maker's--retail--licensee--allowing--the~~

1 licensee-to-sell-and-offer-for-sale-at-retail-in-the-premises  
2 specified--in-the-wine-maker's-retail-license-second-location  
3 up-to-50,000--gallons--of--wine--that--was--produced--at--the  
4 licensee's--first--location--per-year-for-use-and-consumption  
5 and-not-for-resale.

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

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

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



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

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

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

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

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

34 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  
8 shall 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  
11 this State from any point outside of this State, and to sell  
12 such alcoholic liquor to Illinois licensed foreign importers  
13 and importing distributors and to no one else in this State;  
14 provided that said non-resident dealer shall register with  
15 the Illinois Liquor Control Commission each and every brand  
16 of alcoholic liquor which it proposes to sell to Illinois  
17 licensees during the license period; and further provided  
18 that it shall comply with all of the provisions of Section  
19 6-9 hereof with respect to registration of such Illinois  
20 licensees as may be granted the right to sell such brands at  
21 wholesale.

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

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

1 licensed or unlicensed.

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

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

26 (Source: P.A. 90-77, eff. 7-8-97; 90-432, eff. 1-1-98;  
27 90-596, eff. 6-24-98; 90-655, eff. 7-30-98; 90-739, eff.  
28 8-13-98; 91-357, eff. 7-29-99.)

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law."