

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 Sections 1-3.12, 3-12, 5-1, and 5-3 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,

1 including owners and lessees of sleeping, dining and cafe
2 cars, airplanes, boats, brokers, and wine maker's
3 premises retail licensees in accordance with the
4 provisions of this Act, and to suspend or revoke such
5 licenses upon the State commission's determination, upon
6 notice after hearing, that a licensee has violated any
7 provision of this Act or any rule or regulation issued
8 pursuant thereto and in effect for 30 days prior to such
9 violation.

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

32 (2) To adopt such rules and regulations consistent
33 with the provisions of this Act which shall be necessary
34 to carry on its functions and duties to the end that the

1 health, safety and welfare of the People of the State of
2 Illinois shall be protected and temperance in the
3 consumption of alcoholic liquors shall be fostered and
4 promoted and to distribute copies of such rules and
5 regulations to all licensees affected thereby.

6 (3) To call upon other administrative departments
7 of the State, county and municipal governments, county
8 and city police departments and upon prosecuting officers
9 for such information and assistance as it deems necessary
10 in the performance of its duties.

11 (4) To recommend to local commissioners rules and
12 regulations, not inconsistent with the law, for the
13 distribution and sale of alcoholic liquors throughout the
14 State.

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

18 (5.1) Upon receipt of a complaint or upon having
19 knowledge that any person is engaged in business as a
20 manufacturer, importing distributor, distributor, or
21 retailer without a license or valid license, to notify
22 the local liquor authority, file a complaint with the
23 State's Attorney's Office of the county where the
24 incident occurred, or initiate an investigation with the
25 appropriate law enforcement officials.

26 (5.2) To issue a cease and desist notice to persons
27 shipping alcoholic liquor into this State from a point
28 outside of this State if the shipment is in violation of
29 this Act.

30 (5.3) To receive complaints from licensees, local
31 officials, law enforcement agencies, organizations, and
32 persons stating that any licensee has been or is
33 violating any provision of this Act or the rules and
34 regulations issued pursuant to this Act. Such complaints

1 shall be in writing, signed and sworn to by the person
2 making the complaint, and shall state with specificity
3 the facts in relation to the alleged violation. If the
4 Commission has reasonable grounds to believe that the
5 complaint substantially alleges a violation of this Act
6 or rules and regulations adopted pursuant to this Act, it
7 shall conduct an investigation. If, after conducting an
8 investigation, the Commission is satisfied that the
9 alleged violation did occur, it shall proceed with
10 disciplinary action against the licensee as provided in
11 this Act.

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

18 (7) The commission shall establish uniform systems
19 of accounts to be kept by all retail licensees having
20 more than 4 employees, and for this purpose the
21 commission may classify all retail licensees having more
22 than 4 employees and establish a uniform system of
23 accounts for each class and prescribe the manner in which
24 such accounts shall be kept. The commission may also
25 prescribe the forms of accounts to be kept by all retail
26 licensees having more than 4 employees, including but not
27 limited to accounts of earnings and expenses and any
28 distribution, payment, or other distribution of earnings
29 or assets, and any other forms, records and memoranda
30 which in the judgment of the commission may be necessary
31 or appropriate to carry out any of the provisions of this
32 Act, including but not limited to such forms, records and
33 memoranda as will readily and accurately disclose at all
34 times the beneficial ownership of such retail licensed

1 business. The accounts, forms, records and memoranda
2 shall be available at all reasonable times for inspection
3 by authorized representatives of the State commission or
4 by any local liquor control commissioner or his or her
5 authorized representative. The commission, may, from time
6 to time, alter, amend or repeal, in whole or in part, any
7 uniform system of accounts, or the form and manner of
8 keeping accounts.

9 (8) In the conduct of any hearing authorized to be
10 held by the commission, to examine, or cause to be
11 examined, under oath, any licensee, and to examine or
12 cause to be examined the books and records of such
13 licensee; to hear testimony and take proof material for
14 its information in the discharge of its duties hereunder;
15 to administer or cause to be administered oaths; and for
16 any such purpose to issue subpoena or subpoenas to
17 require the attendance of witnesses and the production of
18 books, which shall be effective in any part of this
19 State.

20 Any Circuit Court may by order duly entered, require
21 the attendance of witnesses and the production of
22 relevant books subpoenaed by the State commission and the
23 court may compel obedience to its order by proceedings
24 for contempt.

25 (9) To investigate the administration of laws in
26 relation to alcoholic liquors in this and other states
27 and any foreign countries, and to recommend from time to
28 time to the Governor and through him or her to the
29 legislature of this State, such amendments to this Act,
30 if any, as it may think desirable and as will serve to
31 further the general broad purposes contained in Section
32 1-2 hereof.

33 (10) To adopt such rules and regulations consistent
34 with the provisions of this Act which shall be necessary

1 for the control, sale or disposition of alcoholic liquor
2 damaged as a result of an accident, wreck, flood, fire or
3 other similar occurrence.

4 (11) To develop industry educational programs
5 related to responsible serving and selling, particularly
6 in the areas of overserving consumers and illegal
7 underage purchasing and consumption of alcoholic
8 beverages.

9 (11.1) To license persons providing education and
10 training to alcohol beverage sellers and servers under
11 the Beverage Alcohol Sellers and Servers Education and
12 Training (BASSET) programs and to develop and administer
13 a public awareness program in Illinois to reduce or
14 eliminate the illegal purchase and consumption of
15 alcoholic beverage products by persons under the age of
16 21. Application for a license shall be made on forms
17 provided by the State Commission.

18 (12) To develop and maintain a repository of
19 license and regulatory information.

20 (13) On or before January 15, 1994, the Commission
21 shall issue a written report to the Governor and General
22 Assembly that is to be based on a comprehensive study of
23 the impact on and implications for the State of Illinois
24 of Section 1926 of the Federal ADAMHA Reorganization Act
25 of 1992 (Public Law 102-321). This study shall address
26 the extent to which Illinois currently complies with the
27 provisions of P.L. 102-321 and the rules promulgated
28 pursuant thereto.

29 As part of its report, the Commission shall provide
30 the following essential information:

31 (i) the number of retail distributors of
32 tobacco products, by type and geographic area, in
33 the State;

34 (ii) the number of reported citations and

1 successful convictions, categorized by type and
2 location of retail distributor, for violation of the
3 Sale of Tobacco to Minors Act and the Smokeless
4 Tobacco Limitation Act;

5 (iii) the extent and nature of organized
6 educational and governmental activities that are
7 intended to promote, encourage or otherwise secure
8 compliance with any Illinois laws that prohibit the
9 sale or distribution of tobacco products to minors;
10 and

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

13 To obtain the data necessary to comply with the
14 provisions of P.L. 102-321 and the requirements of this
15 report, the Commission shall conduct random, unannounced
16 inspections of a geographically and scientifically
17 representative sample of the State's retail tobacco
18 distributors.

19 The Commission shall consult with the Department of
20 Public Health, the Department of Human Services, the Illinois
21 State Police and any other executive branch agency, and
22 private organizations that may have information relevant to
23 this report.

24 The Commission may contract with the Food and Drug
25 Administration of the U.S. Department of Health and Human
26 Services to conduct unannounced investigations of Illinois
27 tobacco vendors to determine compliance with federal laws
28 relating to the illegal sale of cigarettes and smokeless
29 tobacco products to persons under the age of 18.

30 (b) On or before April 30, 1999, the Commission shall
31 present a written report to the Governor and the General
32 Assembly that shall be based on a study of the impact of this
33 amendatory Act of 1998 on the business of soliciting,
34 selling, and shipping alcoholic liquor from outside of this

1 State directly to residents of this State.

2 As part of its report, the Commission shall provide the
3 following information:

4 (i) the amount of State excise and sales tax
5 revenues generated as a result of this amendatory Act of
6 1998;

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

9 (iii) the number of reported violations, the number
10 of cease and desist notices issued by the Commission, the
11 number of notices of violations issued to the Department
12 of Revenue, and the number of notices and complaints of
13 violations to law enforcement officials.

14 (Source: P.A. 90-9, eff. 7-1-97; 90-432, eff. 1-1-98; 90-655,
15 eff. 7-30-98; 90-739, eff. 8-13-98; 91-553, eff. 8-14-99;
16 91-922, eff. 7-7-00.)

17 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

25 (b) Distributor's license,

26 (c) Importing Distributor's license,

27 (d) Retailer's license,

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

29 (f) Railroad license,

30 (g) Boat license,

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

32 (i) Wine-maker's premises ~~retail~~ license,

33 (j) Airplane license,

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

8 No person, firm, partnership, corporation, or other legal
 9 business entity that is engaged in the manufacturing of wine
 10 may concurrently obtain and hold a wine-maker's license and a
 11 wine manufacturer's license. ~~Nothing in this provision, nor~~
 12 ~~in any subsequent provision of this Act shall be interpreted~~
 13 ~~as forbidding an individual or firm from concurrently~~
 14 ~~obtaining and holding a Winemaker's and a Wine manufacturer's~~
 15 ~~license.~~

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

21 Class 1. A Distiller may make sales and deliveries of
 22 alcoholic liquor to distillers, rectifiers, importing
 23 distributors, distributors and non-beverage users and to no
 24 other licensees.

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

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

34 Class 4. A first class wine-manufacturer may make sales

1 and deliveries ~~up to ef-between-40,000-and~~ 50,000 gallons of
2 wine to manufacturers, importing distributors and
3 distributors, and to no other licensees.

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

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

23 Class 7. A second-class wine-maker's license shall allow
24 the manufacture of between up-to 50,000 and 100,000 gallons
25 of wine per year, and the storage and sale of such wine to
26 distributors in this State and to persons without the State,
27 as may be permitted by law. A second-class wine-maker's
28 license shall allow the sale of no more than 10,000 gallons
29 of the licensee's wine directly to retailers. The State
30 Commission shall issue only one second-class wine-maker's
31 license to any person, firm partnership, corporation, or
32 other legal business entity that is engaged in the making of
33 less than 100,000 gallons of wine annually that applies for a
34 second-class wine-maker's license. No subsidiary or

1 affiliate thereof, or any officer, associate, member,
2 partner, representative, employee, agent, or shareholder may
3 be issued an additional wine-maker's license by the State
4 Commission.

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

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

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

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

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

19 (d) A retailer's license shall allow the licensee to
20 sell and offer for sale at retail, only in the premises
21 specified in such license, alcoholic liquor for use or
22 consumption, but not for resale in any form: Provided that
23 any retail license issued to a manufacturer shall only permit
24 such manufacturer to sell beer at retail on the premises
25 actually occupied by such manufacturer.

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

28 (1) A "retailers on premise consumption license"
29 shall allow the licensee to sell and offer for sale at
30 retail, only on the premises specified in the license,
31 alcoholic liquor for use or consumption on the premises
32 or on and off the premises, but not for resale in any
33 form.

34 (2) An "off premise sale license" shall allow the

1 licensee to sell, or offer for sale at retail, alcoholic
2 liquor intended only for off premise consumption and not
3 for resale in any form.

4 Notwithstanding any other provision of this subsection
5 (d), a retail licensee may sell alcoholic liquors to a
6 special event retailer licensee for resale to the extent
7 permitted under subsection (e).

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

1 provide dram shop liability insurance in the maximum limits;
2 and (iii) show proof satisfactory to the State Commission
3 that the applicant has obtained local authority approval.

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

26 (g) A boat license shall allow the sale of alcoholic
27 liquor in individual drinks, on any passenger boat regularly
28 operated as a common carrier on navigable waters in this
29 State, which boat maintains a public dining room or
30 restaurant thereon.

31 (h) A non-beverage user's license shall allow the
32 licensee to purchase alcoholic liquor from a licensed
33 manufacturer or importing distributor, without the imposition
34 of any tax upon the business of such licensed manufacturer or

1 importing distributor as to such alcoholic liquor to be used
2 by such licensee solely for the non-beverage purposes set
3 forth in subsection (a) of Section 8-1 of this Act, and such
4 licenses shall be divided and classified and shall permit the
5 purchase, possession and use of limited and stated quantities
6 of alcoholic liquor as follows:

- 7 Class 1, not to exceed 500 gallons
- 8 Class 2, not to exceed 1,000 gallons
- 9 Class 3, not to exceed 5,000 gallons
- 10 Class 4, not to exceed 10,000 gallons
- 11 Class 5, not to exceed 50,000 gallons

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

1 ~~conduct business at a second location that is separate from~~
2 ~~the location specified in its wine maker's retail license.~~
3 ~~One wine maker's retail license second location may be issued~~
4 ~~to a wine maker's retail licensee allowing the licensee to~~
5 ~~sell and offer for sale at retail in the premises specified~~
6 ~~in the wine maker's retail license second location up to~~
7 ~~50,000 gallons of wine that was produced at the licensee's~~
8 ~~first location per year for use and consumption and not for~~
9 ~~resale.~~

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

32 (k) A foreign importer's license shall permit such
33 licensee to purchase alcoholic liquor from Illinois licensed
34 non-resident dealers only, and to import alcoholic liquor

1 other than in bulk from any point outside the United States
2 and to sell such alcoholic liquor to Illinois licensed
3 importing distributors and to no one else in Illinois.

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

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

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

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

34 A broker's license under this subsection (1) shall not

1 entitle the holder to buy or sell any alcoholic liquors for
2 his own account or to take or deliver title to such alcoholic
3 liquors.

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

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

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

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

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

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

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

30 (Source: P.A. 90-77, eff. 7-8-97; 90-432, eff. 1-1-98;
31 90-596, eff. 6-24-98; 90-655, eff. 7-30-98; 90-739, eff.
32 8-13-98; 91-357, eff. 7-29-99.)

33 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

6 The fee for licenses issued by the State Commission shall
 7 be as follows:

8 For a manufacturer's license:

9	Class 1. Distiller	\$3,600
10	Class 2. Rectifier	3,600
11	Class 3. Brewer	900
12	Class 4. First-class Wine Manufacturer	600
13	Class 5. Second-class	
14	Wine Manufacturer	1,200
15	Class 6. First-class wine-maker	<u>600</u> 240
16	Class 7. Second-class wine-maker	<u>1200</u> 480
17	Class 8. Limited Wine Manufacturer.....	120
18	For a Brew Pub License	1,050
19	For a caterer retailer's license.....	200
20	For a foreign importer's license	25
21	For an importing distributor's license	25
22	For a distributor's license	270
23	For a non-resident dealer's license	
24	(500,000 gallons or over)	270
25	For a non-resident dealer's license	
26	(under 500,000 gallons)	90
27	For a wine-maker's <u>premises</u> retail license ...	100
28	For a wine-maker's <u>premises</u> retail license,	
29	second location	350
30	<u>For a wine-maker's premises license,</u>	
31	<u>third location</u>	<u>350</u>
32	For a retailer's license	175
33	For a special event retailer's license,	
34	(not-for-profit)	25

1 For a special use permit license,

2 one day only 50

3 2 days or more 100

4 For a railroad license 60

5 For a boat license 180

6 For an airplane license, times the

7 licensee's maximum number of aircraft

8 in flight, serving liquor over the

9 State at any given time, which either

10 originate, terminate, or make

11 an intermediate stop in the State 60

12 For a non-beverage user's license:

13 Class 1 24

14 Class 2 60

15 Class 3 120

16 Class 4 240

17 Class 5 600

18 For a broker's license 600

19 For an auction liquor license 50

20 Fees collected under this Section shall be paid into the

21 Dram Shop Fund. Beginning June 30, 1990 and on June 30 of

22 each subsequent year, any balance over \$5,000,000 remaining

23 in the Dram Shop Fund shall be credited to State liquor

24 licensees and applied against their fees for State liquor

25 licenses for the following year. The amount credited to each

26 licensee shall be a proportion of the balance in the Dram

27 Fund that is the same as the proportion of the license fee

28 paid by the licensee under this Section for the period in

29 which the balance was accumulated to the aggregate fees paid

30 by all licensees during that period.

31 No fee shall be paid for licenses issued by the State

32 Commission to the following non-beverage users:

- 33 (a) Hospitals, sanitariums, or clinics when their
- 34 use of alcoholic liquor is exclusively medicinal,

1 mechanical or scientific.

2 (b) Universities, colleges of learning or schools
3 when their use of alcoholic liquor is exclusively
4 medicinal, mechanical or scientific.

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

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."