

1 AMENDMENT TO HOUSE BILL 1000

2 AMENDMENT NO. _____. Amend House Bill 1000 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 6-16 and 8-12 as follows:

6 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

7 Sec. 6-16. Prohibited sales and possession.

8 (a) (i) No licensee nor any officer, associate, member,
9 representative, agent, or employee of such licensee shall
10 sell, give, or deliver alcoholic liquor to any person under
11 the age of 21 years or to any intoxicated person, except as
12 provided in Section 6-16.1. (ii) No express company, common
13 carrier, or contract carrier nor any representative, agent,
14 or employee on behalf of an express company, common carrier,
15 or contract carrier that carries or transports alcoholic
16 liquor for delivery within this State shall knowingly give or
17 knowingly deliver to a residential address any shipping
18 container clearly labeled as containing alcoholic liquor and
19 labeled as requiring signature of an adult of at least 21
20 years of age to any person in this State under the age of 21
21 years. An express company, common carrier, or contract
22 carrier that carries or transports such alcoholic liquor for

1 delivery within this State shall obtain a signature at the
2 time of delivery acknowledging receipt of the alcoholic
3 liquor by an adult who is at least 21 years of age. At no
4 time while delivering alcoholic beverages within this State
5 may any representative, agent, or employee of an express
6 company, common carrier, or contract carrier that carries or
7 transports alcoholic liquor for delivery within this State
8 deliver the alcoholic liquor to a residential address without
9 the acknowledgment of the consignee and without first
10 obtaining a signature at the time of the delivery by an adult
11 who is at least 21 years of age. A signature of a person on
12 file with the express company, common carrier, or contract
13 carrier does not constitute acknowledgement of the consignee.
14 Any express company, common carrier, or contract carrier that
15 transports alcoholic liquor for delivery within this State
16 that violates this item (ii) of this subsection (a) by
17 delivering alcoholic liquor without the acknowledgement of
18 the consignee and without first obtaining a signature at the
19 time of the delivery by an adult who is at least 21 years of
20 age is guilty of a business offense for which the express
21 company, common carrier, or contract carrier that transports
22 alcoholic liquor within this State shall be fined not more
23 than \$1,001 for a first offense, not more than \$5,000 for a
24 second offense, and not more than \$10,000 for a third or
25 subsequent offense. An express company, common carrier, or
26 contract carrier shall be held vicariously liable for the
27 actions of its representatives, agents, or employees. For
28 purposes of this Act, in addition to other methods authorized
29 by law, an express company, common carrier, or contract
30 carrier shall be considered served with process when a
31 representative, agent, or employee alleged to have violated
32 this Act is personally served. Each shipment of alcoholic
33 liquor delivered in violation of this item (ii) of this
34 subsection (a) constitutes a separate offense. (iii) No

1 person, after purchasing or otherwise obtaining alcoholic
2 liquor, shall sell, give, or deliver such alcoholic liquor to
3 another person under the age of 21 years, except in the
4 performance of a religious ceremony or service. Except as
5 otherwise provided in item (ii), any express company, common
6 carrier, or contract carrier that transports alcoholic liquor
7 within this State that person-who violates the provisions of
8 item (i), (ii), or (iii) of this paragraph of this subsection
9 (a) is guilty of a Class A misdemeanor and the person's
10 sentence shall include, but shall not be limited to, a fine
11 of not less than \$500.

12 If a licensee or officer, associate, member,
13 representative, agent, or employee of the licensee, or a
14 representative, agent, or employee of an express company,
15 common carrier, or contract carrier that carries or
16 transports alcoholic liquor for delivery within this State,
17 is prosecuted under this paragraph of this subsection (a) for
18 selling, giving, or delivering alcoholic liquor to a person
19 under the age of 21 years, the person under 21 years of age
20 who attempted to buy or receive the alcoholic liquor may be
21 prosecuted pursuant to Section 6-20 of this Act, unless the
22 person under 21 years of age was acting under the authority
23 of a law enforcement agency, the Illinois Liquor Control
24 Commission, or a local liquor control commissioner pursuant
25 to a plan or action to investigate, patrol, or conduct any
26 similar enforcement action.

27 For the purpose of preventing the violation of this
28 Section, any licensee, or his agent or employee, or a
29 representative, agent, or employee of an express company,
30 common carrier, or contract carrier that carries or
31 transports alcoholic liquor for delivery within this State,
32 may refuse to sell, deliver, or serve alcoholic beverages to
33 any person who is unable to produce adequate written evidence
34 of identity and of the fact that he or she is over the age of

1 21 years.

2 Adequate written evidence of age and identity of the
3 person is a document issued by a federal, state, county, or
4 municipal government, or subdivision or agency thereof,
5 including, but not limited to, a motor vehicle operator's
6 license, a registration certificate issued under the Federal
7 Selective Service Act, or an identification card issued to a
8 member of the Armed Forces. Proof that the
9 defendant-licensee, or his employee or agent, or the
10 representative, agent, or employee of the express company,
11 common carrier, or contract carrier that carries or
12 transports alcoholic liquor for delivery within this State
13 demanded, was shown and reasonably relied upon such written
14 evidence in any transaction forbidden by this Section is an
15 affirmative defense in any criminal prosecution therefor or
16 to any proceedings for the suspension or revocation of any
17 license based thereon. It shall not, however, be an
18 affirmative defense if the agent or employee accepted the
19 written evidence knowing it to be false or fraudulent. If a
20 false or fraudulent Illinois driver's license or Illinois
21 identification card is presented by a person less than 21
22 years of age to a licensee or the licensee's agent or
23 employee for the purpose of ordering, purchasing, attempting
24 to purchase, or otherwise obtaining or attempting to obtain
25 the serving of any alcoholic beverage, the law enforcement
26 officer or agency investigating the incident shall, upon the
27 conviction of the person who presented the fraudulent license
28 or identification, make a report of the matter to the
29 Secretary of State on a form provided by the Secretary of
30 State.

31 However, no agent or employee of the licensee or employee
32 of an express company, common carrier, or contract carrier
33 that carries or transports alcoholic liquor for delivery
34 within this State shall be disciplined or discharged for

1 selling or furnishing liquor to a person under 21 years of
2 age if the agent or employee demanded and was shown, before
3 furnishing liquor to a person under 21 years of age, adequate
4 written evidence of age and identity of the person issued by
5 a federal, state, county or municipal government, or
6 subdivision or agency thereof, including but not limited to a
7 motor vehicle operator's license, a registration certificate
8 issued under the Federal Selective Service Act, or an
9 identification card issued to a member of the Armed Forces.
10 This paragraph, however, shall not apply if the agent or
11 employee accepted the written evidence knowing it to be false
12 or fraudulent.

13 Any person who sells, gives, or furnishes to any person
14 under the age of 21 years any false or fraudulent written,
15 printed, or photostatic evidence of the age and identity of
16 such person or who sells, gives or furnishes to any person
17 under the age of 21 years evidence of age and identification
18 of any other person is guilty of a Class A misdemeanor and
19 the person's sentence shall include, but shall not be limited
20 to, a fine of not less than \$500.

21 Any person under the age of 21 years who presents or
22 offers to any licensee, his agent or employee, any written,
23 printed or photostatic evidence of age and identity that is
24 false, fraudulent, or not actually his or her own for the
25 purpose of ordering, purchasing, attempting to purchase or
26 otherwise procuring or attempting to procure, the serving of
27 any alcoholic beverage, who falsely states in writing that he
28 or she is at least 21 years of age when receiving alcoholic
29 liquor from a representative, agent, or employee of an
30 express company, common carrier, or contract carrier, or who
31 has in his or her possession any false or fraudulent written,
32 printed, or photostatic evidence of age and identity, is
33 guilty of a Class A misdemeanor and the person's sentence
34 shall include, but shall not be limited to, the following: a

1 fine of not less than \$500 and at least 25 hours of community
2 service. If possible, any community service shall be
3 performed for an alcohol abuse prevention program.

4 Any person under the age of 21 years who has any
5 alcoholic beverage in his or her possession on any street or
6 highway or in any public place or in any place open to the
7 public is guilty of a Class A misdemeanor. This Section does
8 not apply to possession by a person under the age of 21 years
9 making a delivery of an alcoholic beverage in pursuance of
10 the order of his or her parent or in pursuance of his or her
11 employment.

12 (a-1) It is unlawful for any parent or guardian to
13 permit his or her residence to be used by an invitee of the
14 parent's child or the guardian's ward, if the invitee is
15 under the age of 21, in a manner that constitutes a violation
16 of this Section. A parent or guardian is deemed to have
17 permitted his or her residence to be used in violation of
18 this Section if he or she knowingly authorizes, enables, or
19 permits such use to occur by failing to control access to
20 either the residence or the alcoholic liquor maintained in
21 the residence. Any person who violates this subsection (a-1)
22 is guilty of a Class A misdemeanor and the person's sentence
23 shall include, but shall not be limited to, a fine of not
24 less than \$500. Nothing in this subsection (a-1) shall be
25 construed to prohibit the giving of alcoholic liquor to a
26 person under the age of 21 years in the performance of a
27 religious ceremony or service.

28 (b) Except as otherwise provided in this Section whoever
29 violates this Section shall, in addition to other penalties
30 provided for in this Act, be guilty of a Class A misdemeanor.

31 (c) Any person shall be guilty of a Class A misdemeanor
32 where he or she knowingly permits a gathering at a residence
33 which he or she occupies of two or more persons where any one
34 or more of the persons is under 21 years of age and the

1 following factors also apply:

2 (1) the person occupying the residence knows that
3 any such person under the age of 21 is in possession of
4 or is consuming any alcoholic beverage; and

5 (2) the possession or consumption of the alcohol by
6 the person under 21 is not otherwise permitted by this
7 Act; and

8 (3) the person occupying the residence knows that
9 the person under the age of 21 leaves the residence in an
10 intoxicated condition.

11 For the purposes of this subsection (c) where the
12 residence has an owner and a tenant or lessee, there is a
13 rebuttable presumption that the residence is occupied only by
14 the tenant or lessee.

15 (d) Any person who rents a hotel or motel room from the
16 proprietor or agent thereof for the purpose of or with the
17 knowledge that such room shall be used for the consumption of
18 alcoholic liquor by persons under the age of 21 years shall
19 be guilty of a Class A misdemeanor.

20 (Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97;
21 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff.
22 8-13-98.)

23 (235 ILCS 5/8-12) (from Ch. 43, par. 164 3/4)

24 Sec. 8-12. It shall be the duty of every railroad
25 company, express company, common or contract carrier, and of
26 every person, firm or corporation that shall bring, carry or
27 transport alcoholic liquors into the State of Illinois for
28 delivery in said State or which are delivered in said State,
29 to prepare and file with the Department of Revenue for each
30 month, not later than the fifteenth day of the month
31 following that for which it is made, a report stating therein
32 the name of the company, carrier, person, firm or corporation
33 making the report, ~~the--address--in--Illinois--at--which--the~~

1 records-supporting-such-report--are--kept--and--are--open--to
2 inspection, the period of time covered by said report, the
3 name and business address of each consignor of such alcoholic
4 liquors, the name and business address of each consignee of
5 such alcoholic liquors, the kind and quantity of alcoholic
6 liquors delivered to each consignee, and the date or dates of
7 delivery. Such report shall be made upon forms prescribed and
8 made available by the Department and shall contain such other
9 information as may reasonably be required by the Department.
10 The Department may establish procedures for electronic
11 transmissions of such information directly to the Department.
12 Such reports or information received by the Department shall
13 be made available by the Department to the Commission upon
14 the Commission's request.

15 In addition to any other reporting requirement imposed
16 under this Section, reports shall be filed for shipments to
17 end consumers in this State. In furtherance of this
18 requirement, it shall be the duty of every railroad company,
19 express company, common or contract carrier, person, firm, or
20 corporation that brings, carries, or transports alcoholic
21 liquor into Illinois for delivery in Illinois to prepare and
22 file with the Department for each month, not later than the
23 fifteenth day of the month following the month during which
24 the delivery is made, a report containing the name of the
25 company, carrier, person, firm, or corporation making the
26 report, the period of time covered by the report, the name
27 and business address of each consignor of the alcoholic
28 liquor, the name and the address of each consignee, and the
29 date of delivery. Such reports shall be made upon forms
30 prescribed and made by the Department and shall contain any
31 other information that the Department may reasonably require.
32 Such reports or information received by the Department shall
33 be made available by the Department to the State Commission
34 upon the State Commission's request.

1 Every railroad company, express company, common or
2 contract carrier, person, firm, or corporation filing or
3 required to file a report under this Section shall deliver
4 and make available to the Department, upon the Department's
5 request, the records supporting the report, within 30 days of
6 the request. The books, records, supporting papers and
7 documents containing information and data relating to such
8 reports shall be kept and preserved for a period of three
9 years, unless their destruction sooner is authorized, in
10 writing, by the Director, and shall be open and available to
11 inspection by the Director of Revenue or the Commission or
12 any duly authorized officer, agent or employee of the
13 Department or the Commission, at all times during business
14 hours of the day.

15 Any person who violates any of the provisions of this
16 section or any of the rules and regulations of the Department
17 for the administration and enforcement of the provisions of
18 this section is guilty of a Class C misdemeanor. In case of a
19 continuing violation each day's continuance thereof shall be
20 a separate and distinct offense.

21 (Source: P.A. 90-739, eff. 8-13-98.)".