

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 5-1 and 6-9 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,

23 (k) Foreign importer's license,

24 (l) Broker's license,

25 (m) Non-resident dealer's license,

26 (n) Brew Pub license,

27 (o) Auction liquor license,

28 (p) Caterer retailer license,

29 (q) Special use permit license.

30 Nothing in this provision, nor in any subsequent  
31 provision of this Act shall be interpreted as forbidding an

1 individual or firm from concurrently obtaining and holding a  
2 Winemaker's and a Wine manufacturer's license.

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

8 Class 1. A Distiller may make sales and deliveries of  
9 alcoholic liquor to distillers, rectifiers, importing  
10 distributors, distributors and non-beverage users and to no  
11 other licensees.

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

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

21 Class 4. A first class wine-manufacturer may make sales  
22 and deliveries of between 40,000 and 50,000 gallons of wine  
23 to manufacturers, importing distributors and distributors,  
24 and to no other licensees.

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

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

34 Class 7. A second-class wine-maker's license shall allow

1 the manufacture of up to 50,000 gallons of wine per year, and  
2 the storage and sale of such wine to distributors in this  
3 State and to persons without the State, as may be permitted  
4 by law. A second-class wine-maker's license shall allow the  
5 sale of no more than 10,000 gallons of the licensee's wine  
6 directly to retailers.

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

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

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

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

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

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

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

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

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

1 form.

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

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

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

1 that effect; (ii) submit with the application proof  
2 satisfactory to the State Commission that the applicant will  
3 provide dram shop liability insurance in the maximum limits;  
4 and (iii) show proof satisfactory to the State Commission  
5 that the applicant has obtained local authority approval.

6 (f) A railroad 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 a  
16 club, buffet, lounge or dining car operated on an electric,  
17 gas or steam railway in this State; and provided further,  
18 that railroad licensees exercising the above powers shall be  
19 subject to all provisions of Article VIII of this Act as  
20 applied to importing distributors. A railroad license shall  
21 also permit the licensee to sell or dispense alcoholic  
22 liquors on any club, buffet, lounge or dining car operated on  
23 an electric, gas or steam railway regularly operated by a  
24 common carrier in this State, but shall not permit the sale  
25 for resale of any alcoholic liquors to any licensee within  
26 this State. A license shall be obtained for each car in  
27 which such sales are made.

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

33 (h) A non-beverage user's license shall allow the  
34 licensee to purchase alcoholic liquor from a licensed

1 manufacturer or importing distributor, without the imposition  
 2 of any tax upon the business of such licensed manufacturer or  
 3 importing distributor as to such alcoholic liquor to be used  
 4 by such licensee solely for the non-beverage purposes set  
 5 forth in subsection (a) of Section 8-1 of this Act, and such  
 6 licenses shall be divided and classified and shall permit the  
 7 purchase, possession and use of limited and stated quantities  
 8 of alcoholic liquor as follows:

- 9 Class 1, not to exceed ..... 500 gallons
- 10 Class 2, not to exceed ..... 1,000 gallons
- 11 Class 3, not to exceed ..... 5,000 gallons
- 12 Class 4, not to exceed ..... 10,000 gallons
- 13 Class 5, not to exceed ..... 50,000 gallons

14 (i) A wine-maker's retail license shall allow the  
 15 licensee to sell and offer for sale at retail in the premises  
 16 specified in such license not more than 50,000 gallons of  
 17 wine per year for use or consumption, but not for resale in  
 18 any form; this license shall be issued only to a person  
 19 licensed as a first-class or second-class wine-maker. A  
 20 wine-maker's retail licensee, upon receiving permission from  
 21 the Commission, may conduct business at a second location  
 22 that is separate from the location specified in its  
 23 wine-maker's retail license. One wine-maker's retail  
 24 license-second location may be issued to a wine-maker's  
 25 retail licensee allowing the licensee to sell and offer for  
 26 sale at retail in the premises specified in the wine-maker's  
 27 retail license-second location up to 50,000 gallons of wine  
 28 that was produced at the licensee's first location per year  
 29 for use and consumption and not for resale.

30 (j) An airplane license shall permit the licensee to  
 31 import alcoholic liquors into this State from any point in  
 32 the United States outside this State and to store such  
 33 alcoholic liquors in this State; to make wholesale purchases  
 34 of alcoholic liquors directly from manufacturers, foreign

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

18 (k) A foreign importer's license shall permit such  
19 licensee to purchase alcoholic liquor from Illinois licensed  
20 non-resident dealers only, and to import alcoholic liquor  
21 other than in bulk from any point outside the United States  
22 and to sell such alcoholic liquor to Illinois licensed  
23 importing distributors and to no one else in Illinois;  
24 provided that the foreign importer registers with the State  
25 Commission every brand of alcoholic liquor that it proposes  
26 to sell to Illinois licensees during the license period and  
27 provided further that the foreign importer complies with all  
28 of the provisions of Section 6-9 of this Act with respect to  
29 registration of such Illinois licensees as may be granted the  
30 right to sell such brands at wholesale.

31 (l) (i) A broker's license shall be required of all  
32 persons who solicit orders for, offer to sell or offer to  
33 supply alcoholic liquor to retailers in the State of  
34 Illinois, or who offer to retailers to ship or cause to be



1 shipped or to make contact with distillers, rectifiers,  
2 brewers or manufacturers or any other party within or without  
3 the State of Illinois in order that alcoholic liquors be  
4 shipped to a distributor, importing distributor or foreign  
5 importer, whether such solicitation or offer is consummated  
6 within or without the State of Illinois.

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

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

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

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

31 This subsection (1) shall not apply to distributors,  
32 employees of distributors, or employees of a manufacturer who  
33 has registered the trademark, brand or name of the alcoholic  
34 liquor pursuant to Section 6-9 of this Act, and who regularly

1 sells such alcoholic liquor in the State of Illinois only to  
2 its registrants thereunder.

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

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

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

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

33 (p) An auction liquor license shall allow the licensee  
34 to sell and offer for sale at auction wine and spirits for

1 use or consumption, or for resale by an Illinois liquor  
2 licensee in accordance with provisions of this Act. An  
3 auction liquor license will be issued to a person and it will  
4 permit the auction liquor licensee to hold the auction  
5 anywhere in the State. An auction liquor license must be  
6 obtained for each auction at least 14 days in advance of the  
7 auction date.

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

23 (Source: P.A. 90-77, eff. 7-8-97; 90-432, eff. 1-1-98;  
24 90-596, eff. 6-24-98; 90-655, eff. 7-30-98; 90-739, eff.  
25 8-13-98; 91-357, eff. 7-29-99.)

26 (235 ILCS 5/6-9) (from Ch. 43, par. 126)

27 Sec. 6-9. Registration of trade marks; sale within  
28 geographical area; delivery to authorized persons. The  
29 Legislature hereby finds and declares that for purposes of  
30 ensuring the preservation and enhancement of interbrand  
31 competition in the alcoholic liquor industry within the  
32 State, ensuring that importation and distribution of  
33 alcoholic liquor in the State will be subject to thorough and

1 inexpensive monitoring by the State, reducing the importation  
2 of illicit or untaxed alcoholic liquor into the State,  
3 excluding misbranded alcoholic liquor products from the  
4 State, providing incentives to distributors to service and  
5 sell to larger numbers of retail licensees in the geographic  
6 area where such distributors are engaged in business, and  
7 reducing the amount of spoiled and overaged alcoholic liquor  
8 products sold to consumers, it is necessary to restrict the  
9 purchase of alcoholic liquors at wholesale in the State to  
10 those persons selected by the manufacturer, distributor,  
11 importing distributor or foreign importer who owns or  
12 controls the trade mark, brand or name of the alcoholic  
13 liquor products sold to such persons, and to restrict the  
14 geographic area or areas within which such persons sell such  
15 alcoholic liquor at wholesale, as provided in this Section.

16 Each manufacturer, non-resident dealer, distributor,  
17 importing distributor, or foreign importer who owns or  
18 controls the trade mark, brand or name of any alcoholic  
19 liquor shall register with the State Commission, in the  
20 Chicago office, on or before the effective date, the name of  
21 each person to whom such manufacturer, non-resident dealer,  
22 distributor, importing distributor, or foreign importer  
23 grants the right to sell at wholesale in this State any such  
24 alcoholic liquor, specifying the particular trade mark, brand  
25 or name of alcoholic liquor as to which such right is  
26 granted, the geographical area or areas for which such right  
27 is granted and the period of time for which such rights are  
28 granted to such person. Each manufacturer, non-resident  
29 dealer, distributor or importing distributor, or foreign  
30 importer who is required to register under this Section must  
31 furnish a copy of the registration statement at the time of  
32 appointment to the person who has been granted the right to  
33 sell alcoholic liquor at wholesale. However, if a person who  
34 has been appointed the right to sell alcoholic liquor at

1 wholesale does not receive a copy of the registration  
2 statement as required under this Section, such person may  
3 file a registration statement with the State Commission  
4 stating:

5 (1) the name of the person appointed;

6 (2) the name of the manufacturer, non-resident dealer,  
7 distributor, importing distributor, or foreign importer from  
8 whom the person received the right to sell alcoholic liquor;

9 (3) the particular trade mark, brand, or name of  
10 alcoholic liquor as to which the right to sell at wholesale  
11 is granted; and

12 (4) the geographical areas for which the right to sell  
13 at wholesale is granted.

14 Such manufacturer, non-resident dealer, distributor,  
15 importing distributor, or foreign importer may grant the  
16 right to sell at wholesale any trade mark, brand or name of  
17 any alcoholic liquor in any geographical area to more than  
18 one person. If the registration is received after the  
19 effective date, the Commission shall treat the date the  
20 registration was received in the Chicago office as the  
21 effective date. Such registration shall be made on a form  
22 prescribed by the State Commission and the State Commission  
23 may require such registration to be on a form provided by it.

24 No such registration shall be made ~~by-any-other-person~~ in  
25 any other manner than as is provided in this Section and only  
26 those persons registered by the manufacturer, non-resident  
27 dealer, distributor, importing distributor or foreign  
28 importer, shall have the right to sell at wholesale in this  
29 State, the brand of alcoholic liquor specified on the  
30 registration form.

31 However, a licensed Illinois distributor who has not been  
32 registered to sell a brand of alcoholic liquor, but for a  
33 period of 2 years prior to November 8, 1979 has been engaged  
34 in the purchase of a brand for resale from a licensed

1 Illinois distributor who has the right to sell that brand at  
2 wholesale, may continue to purchase and resell the brand at  
3 wholesale, and may purchase from the same distributor and  
4 resell at wholesale any new brands of the same manufacturer,  
5 provided that:

6 (1) Within 60 days after November 8, 1979 he  
7 identifies the brand which he so purchased to the State  
8 Commission and the Commission within 30 days thereafter  
9 verifies that the purchases have occurred;

10 (2) Thereafter, he notifies the State Commission in  
11 writing of any brands of the same manufacturer which he  
12 wishes to purchase from the same distributor that were  
13 not available for distribution on or before November 8,  
14 1979, and that the Commission within 30 days of such  
15 notification verifies that the brand is a new brand of  
16 the same manufacturer, and that the same licensed  
17 Illinois distributor has the right to sell the new brand  
18 at wholesale;

19 (3) His licensed business address is within the  
20 geographical area for which the licensed Illinois  
21 distributor from whom the purchases are made has the  
22 right to sell said brand or brands of alcoholic liquor;  
23 and

24 (4) His sales are made within the geographical area  
25 for which the licensed Illinois distributor from whom the  
26 purchases are made has the right to sell the brand or  
27 brands of alcoholic liquor and only to retail licensees  
28 whose licensed premises are located within the  
29 aforementioned geographical area.

30 No person to whom such right is granted shall sell at  
31 wholesale in this State any alcoholic liquor bearing such  
32 trade mark, brand or name outside of the geographical area  
33 for which such person holds such selling right, as registered  
34 with the State Commission, nor shall he sell such alcoholic

1 liquor within such geographical area to a retail licensee if  
2 the premises specified in such retailer's license are located  
3 outside such geographical area. Any licensed Illinois  
4 distributor who has not been granted the right to sell any  
5 alcoholic liquor at wholesale and is purchasing alcoholic  
6 liquor from a person who has been granted the right to sell  
7 at wholesale may sell and deliver only to retail licensees  
8 whose licensed premises are within the same geographical area  
9 as the person who has been granted the right to sell at  
10 wholesale.

11 No manufacturer, importing distributor, distributor,  
12 non-resident dealer, or foreign importer shall sell or  
13 deliver any package containing alcoholic liquor manufactured  
14 or distributed by him for resale, unless the person to whom  
15 such package is sold or delivered is authorized to receive  
16 such package in accordance with the provisions of this Act.

17 (Source: P.A. 89-250, eff. 1-1-96; 90-596, eff. 6-24-98.)