

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 provided that the person furnishes a copy of that
 5 registration statement to the manufacturer, non-resident
 6 dealer, distributor, importing distributor, or foreign
 7 importer within 30 days of filing the registration statement.

8 The registration statement shall state:

9 (1) the name of the person appointed;

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

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

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

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

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

1 However, a licensed Illinois distributor who has not been
 2 registered to sell a brand of alcoholic liquor, but for a
 3 period of 2 years prior to November 8, 1979 has been engaged
 4 in the purchase of a brand for resale from a licensed
 5 Illinois distributor who has the right to sell that brand at
 6 wholesale, may continue to purchase and resell the brand at
 7 wholesale, and may purchase from the same distributor and
 8 resell at wholesale any new brands of the same manufacturer,
 9 provided that:

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

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

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

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

34 No person to whom such right is granted shall sell at

1 wholesale in this State any alcoholic liquor bearing such
2 trade mark, brand or name outside of the geographical area
3 for which such person holds such selling right, as registered
4 with the State Commission, nor shall he sell such alcoholic
5 liquor within such geographical area to a retail licensee if
6 the premises specified in such retailer's license are located
7 outside such geographical area. Any licensed Illinois
8 distributor who has not been granted the right to sell any
9 alcoholic liquor at wholesale and is purchasing alcoholic
10 liquor from a person who has been granted the right to sell
11 at wholesale may sell and deliver only to retail licensees
12 whose licensed premises are within the same geographical area
13 as the person who has been granted the right to sell at
14 wholesale.

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

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