

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 Section 5-1 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

9 (a) Manufacturer's license - Class 1. Distiller, Class
10 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine
11 Manufacturer, Class 5. Second Class Wine Manufacturer,
12 Class 6. First Class Winemaker, Class 7. Second Class
13 Winemaker, Class 8. Limited Wine Manufacturer,

14 (b) Distributor's license,

15 (c) Importing Distributor's license,

16 (d) Retailer's license,

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

18 (f) Railroad license,

19 (g) Boat license,

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

21 (i) Wine-maker's premises 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 No person, firm, partnership, corporation, or other legal
31 business entity that is engaged in the manufacturing of wine

1 may concurrently obtain and hold a wine-maker's license and a
2 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 up to 50,000 gallons of wine to
23 manufacturers, importing distributors and distributors, and
24 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 up to 50,000 gallons of wine per year, and
31 the storage and sale of such wine to distributors in the
32 State and to persons without the State, as may be permitted
33 by law. A first-class wine-maker's license shall allow the
34 sale of no more than 5,000 gallons of the licensee's wine to

1 retailers. The State Commission shall issue only one
2 first-class wine-maker's license to any person, firm,
3 partnership, corporation, or other legal business entity that
4 is engaged in the making of less than 50,000 gallons of wine
5 annually that applies for a first-class wine-maker's license.
6 No subsidiary or affiliate thereof, nor any officer,
7 associate, member, partner, representative, employee, agent,
8 or shareholder may be issued an additional wine-maker's
9 license by the State Commission.

10 Class 7. A second-class wine-maker's license shall allow
11 the manufacture of between 50,000 and 100,000 gallons of wine
12 per year, and the storage and sale of such wine to
13 distributors in this State and to persons without the State,
14 as may be permitted by law. A second-class wine-maker's
15 license shall allow the sale of no more than 10,000 gallons
16 of the licensee's wine directly to retailers. The State
17 Commission shall issue only one second-class wine-maker's
18 license to any person, firm, partnership, corporation, or
19 other legal business entity that is engaged in the making of
20 less than 100,000 gallons of wine annually that applies for a
21 second-class wine-maker's license. No subsidiary or
22 affiliate thereof, or any officer, associate, member,
23 partner, representative, employee, agent, or shareholder may
24 be issued an additional wine-maker's license by the State
25 Commission.

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

30 (a-1) A manufacturer which is licensed in this State to
31 make sales or deliveries of alcoholic liquor and which
32 enlists agents, representatives, or individuals acting on its
33 behalf who contact licensed retailers on a regular and
34 continual basis in this State must register those agents,

1 representatives, or persons acting on its behalf with the
2 State Commission.

3 Registration of agents, representatives, or persons
4 acting on behalf of a manufacturer is fulfilled by submitting
5 a form to the Commission. The form shall be developed by the
6 Commission and shall include the name and address of the
7 applicant, the name and address of the manufacturer he or she
8 represents, the territory or areas assigned to sell to or
9 discuss pricing terms of alcoholic liquor, and any other
10 questions deemed appropriate and necessary. All statements in
11 the forms required to be made by law or by rule shall be
12 deemed material, and any person who knowingly misstates any
13 material fact under oath in an application is guilty of a
14 Class B misdemeanor. Fraud, misrepresentation, false
15 statements, misleading statements, evasions, or suppression
16 of material facts in the securing of a registration are
17 grounds for suspension or revocation of the registration.

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

22 (c) An importing distributor's license may be issued to
23 and held by those only who are duly licensed distributors,
24 upon the filing of an application by a duly licensed
25 distributor, with the Commission and the Commission shall,
26 without the payment of any fee, immediately issue such
27 importing distributor's license to the applicant, which shall
28 allow the importation of alcoholic liquor by the licensee
29 into this State from any point in the United States outside
30 this State, and the purchase of alcoholic liquor in barrels,
31 casks or other bulk containers and the bottling of such
32 alcoholic liquors before resale thereof, but all bottles or
33 containers so filled shall be sealed, labeled, stamped and
34 otherwise made to comply with all provisions, rules and

1 regulations governing manufacturers in the preparation and
2 bottling of alcoholic liquors. The importing distributor's
3 license shall permit such licensee to purchase alcoholic
4 liquor from Illinois licensed non-resident dealers and
5 foreign importers only.

6 (d) A retailer's license shall allow the licensee to
7 sell and offer for sale at retail, only in the premises
8 specified in such license, alcoholic liquor for use or
9 consumption, but not for resale in any form: Provided that
10 any retail license issued to a manufacturer shall only permit
11 such manufacturer to sell beer at retail on the premises
12 actually occupied by such manufacturer.

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

15 (1) A "retailers on premise consumption license"
16 shall allow the licensee to sell and offer for sale at
17 retail, only on the premises specified in the license,
18 alcoholic liquor for use or consumption on the premises
19 or on and off the premises, but not for resale in any
20 form.

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

25 Notwithstanding any other provision of this subsection
26 (d), a retail licensee may sell alcoholic liquors to a
27 special event retailer licensee for resale to the extent
28 permitted under subsection (e).

29 (e) A special event retailer's license (not-for-profit)
30 shall permit the licensee to purchase alcoholic liquors from
31 an Illinois licensed distributor (unless the licensee
32 purchases less than \$500 of alcoholic liquors for the special
33 event, in which case the licensee may purchase the alcoholic
34 liquors from a licensed retailer) and shall allow the

1 licensee to sell and offer for sale, at retail, alcoholic
2 liquors for use or consumption, but not for resale in any
3 form and only at the location and on the specific dates
4 designated for the special event in the license. An
5 applicant for a special event retailer license must (i)
6 furnish with the application: (A) a resale number issued
7 under Section 2c of the Retailers' Occupation Tax Act or
8 evidence that the applicant is registered under Section 2a of
9 the Retailers' Occupation Tax Act, (B) a current, valid
10 exemption identification number issued under Section 1g of
11 the Retailers' Occupation Tax Act, and a certification to the
12 Commission that the purchase of alcoholic liquors will be a
13 tax-exempt purchase, or (C) a statement that the applicant is
14 not registered under Section 2a of the Retailers' Occupation
15 Tax Act, does not hold a resale number under Section 2c of
16 the Retailers' Occupation Tax Act, and does not hold an
17 exemption number under Section 1g of the Retailers'
18 Occupation Tax Act, in which event the Commission shall set
19 forth on the special event retailer's license a statement to
20 that effect; (ii) submit with the application proof
21 satisfactory to the State Commission that the applicant will
22 provide dram shop liability insurance in the maximum limits;
23 and (iii) show proof satisfactory to the State Commission
24 that the applicant has obtained local authority approval.

25 (f) A railroad license shall permit the licensee to
26 import alcoholic liquors into this State from any point in
27 the United States outside this State and to store such
28 alcoholic liquors in this State; to make wholesale purchases
29 of alcoholic liquors directly from manufacturers, foreign
30 importers, distributors and importing distributors from
31 within or outside this State; and to store such alcoholic
32 liquors in this State; provided that the above powers may be
33 exercised only in connection with the importation, purchase
34 or storage of alcoholic liquors to be sold or dispensed on a

1 club, buffet, lounge or dining car operated on an electric,
 2 gas or steam railway in this State; and provided further,
 3 that railroad licensees exercising the above powers shall be
 4 subject to all provisions of Article VIII of this Act as
 5 applied to importing distributors. A railroad license shall
 6 also permit the licensee to sell or dispense alcoholic
 7 liquors on any club, buffet, lounge or dining car operated on
 8 an electric, gas or steam railway regularly operated by a
 9 common carrier in this State, but shall not permit the sale
 10 for resale of any alcoholic liquors to any licensee within
 11 this State. A license shall be obtained for each car in
 12 which such sales are made.

13 (g) A boat license shall allow the sale of alcoholic
 14 liquor in individual drinks, on any passenger boat regularly
 15 operated as a common carrier on navigable waters in this
 16 State, which boat maintains a public dining room or
 17 restaurant thereon.

18 (h) A non-beverage user's license shall allow the
 19 licensee to purchase alcoholic liquor from a licensed
 20 manufacturer or importing distributor, without the imposition
 21 of any tax upon the business of such licensed manufacturer or
 22 importing distributor as to such alcoholic liquor to be used
 23 by such licensee solely for the non-beverage purposes set
 24 forth in subsection (a) of Section 8-1 of this Act, and such
 25 licenses shall be divided and classified and shall permit the
 26 purchase, possession and use of limited and stated quantities
 27 of alcoholic liquor as follows:

- 28 Class 1, not to exceed 500 gallons
- 29 Class 2, not to exceed 1,000 gallons
- 30 Class 3, not to exceed 5,000 gallons
- 31 Class 4, not to exceed 10,000 gallons
- 32 Class 5, not to exceed 50,000 gallons

33 (i) A wine-maker's premises license shall allow a
 34 licensee that concurrently holds a first-class wine-maker's

1 license to sell and offer for sale at retail in the premises
2 specified in such license not more than 50,000 gallons of the
3 first-class wine-maker's wine that is made at the first-class
4 wine-maker's licensed premises per year for use or
5 consumption, but not for resale in any form. A wine-maker's
6 premises license shall allow a licensee who concurrently
7 holds a second-class wine-maker's license to sell and offer
8 for sale at retail in the premises specified in such license
9 up to 100,000 gallons of the second-class wine-maker's wine
10 that is made at the second-class wine-maker's licensed
11 premises per year for use or consumption but not for resale
12 in any form. Upon approval from the State Commission, a
13 wine-maker's premises license shall allow the licensee to
14 sell and offer for sale at (i) the wine-maker's licensed
15 premises and (ii) at up to 2 additional locations for use and
16 consumption and not for resale. Each location shall require
17 additional licensing per location as specified in Section 5-3
18 of this Act.

19 (j) An airplane license shall permit the licensee to
20 import alcoholic liquors into this State from any point in
21 the United States outside this State and to store such
22 alcoholic liquors in this State; to make wholesale purchases
23 of alcoholic liquors directly from manufacturers, foreign
24 importers, distributors and importing distributors from
25 within or outside this State; and to store such alcoholic
26 liquors in this State; provided that the above powers may be
27 exercised only in connection with the importation, purchase
28 or storage of alcoholic liquors to be sold or dispensed on an
29 airplane; and provided further, that airplane licensees
30 exercising the above powers shall be subject to all
31 provisions of Article VIII of this Act as applied to
32 importing distributors. An airplane licensee shall also
33 permit the sale or dispensing of alcoholic liquors on any
34 passenger airplane regularly operated by a common carrier in

1 this State, but shall not permit the sale for resale of any
2 alcoholic liquors to any licensee within this State. A
3 single airplane license shall be required of an airline
4 company if liquor service is provided on board aircraft in
5 this State. The annual fee for such license shall be as
6 determined in Section 5-3.

7 (k) A foreign importer's license shall permit such
8 licensee to purchase alcoholic liquor from Illinois licensed
9 non-resident dealers only, and to import alcoholic liquor
10 other than in bulk from any point outside the United States
11 and to sell such alcoholic liquor to Illinois licensed
12 importing distributors and to no one else in Illinois;
13 provided that the foreign importer registers with the State
14 Commission every brand of alcoholic liquor that it proposes
15 to sell to Illinois licensees during the license period and
16 provided further that the foreign importer complies with all
17 of the provisions of Section 6-9 of this Act with respect to
18 registration of such Illinois licensees as may be granted the
19 right to sell such brands at wholesale. A foreign importer's
20 licensee is subject to all provisions of this Act. This
21 amendatory Act of the 92nd General Assembly is declarative of
22 existing law.

23 (l) (i) A broker's license shall be required of all
24 persons who solicit orders for, offer to sell or offer to
25 supply alcoholic liquor to retailers in the State of
26 Illinois, or who offer to retailers to ship or cause to be
27 shipped or to make contact with distillers, rectifiers,
28 brewers or manufacturers or any other party within or without
29 the State of Illinois in order that alcoholic liquors be
30 shipped to a distributor, importing distributor or foreign
31 importer, whether such solicitation or offer is consummated
32 within or without the State of Illinois.

33 No holder of a retailer's license issued by the Illinois
34 Liquor Control Commission shall purchase or receive any

1 alcoholic liquor, the order for which was solicited or
2 offered for sale to such retailer by a broker unless the
3 broker is the holder of a valid broker's license.

4 The broker shall, upon the acceptance by a retailer of
5 the broker's solicitation of an order or offer to sell or
6 supply or deliver or have delivered alcoholic liquors,
7 promptly forward to the Illinois Liquor Control Commission a
8 notification of said transaction in such form as the
9 Commission may by regulations prescribe.

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

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

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

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

32 (m) A non-resident dealer's license shall permit such
33 licensee to ship into and warehouse alcoholic liquor into
34 this State from any point outside of this State, and to sell

1 such alcoholic liquor to Illinois licensed foreign importers
2 and importing distributors and to no one else in this State;
3 provided that said non-resident dealer shall register with
4 the Illinois Liquor Control Commission each and every brand
5 of alcoholic liquor which it proposes to sell to Illinois
6 licensees during the license period; and further provided
7 that it shall comply with all of the provisions of Section
8 6-9 hereof with respect to registration of such Illinois
9 licensees as may be granted the right to sell such brands at
10 wholesale.

11 (n) A brew pub license shall allow the licensee to
12 manufacture beer only on the premises specified in the
13 license, to make sales of the beer manufactured on the
14 premises to importing distributors, distributors, and to
15 non-licensees for use and consumption, to store the beer upon
16 the premises, and to sell and offer for sale at retail from
17 the licensed premises, provided that a brew pub licensee
18 shall not sell for off-premises consumption more than 50,000
19 gallons per year.

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

25 (p) An auction liquor license shall allow the licensee
26 to sell and offer for sale at auction wine and spirits for
27 use or consumption, or for resale by an Illinois liquor
28 licensee in accordance with provisions of this Act. An
29 auction liquor license will be issued to a person and it will
30 permit the auction liquor licensee to hold the auction
31 anywhere in the State. An auction liquor license must be
32 obtained for each auction at least 14 days in advance of the
33 auction date.

34 (q) A special use permit license shall allow an Illinois

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

15 (Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02;
16 92-378, eff. 8-16-01; revised 10-10-01.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.