



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 1831

2 AMENDMENT NO. _____. Amend Senate Bill 1831 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 5-1, 6-6, 6-6.5, 8-1, and 8-5 and by adding
6 Sections 6-5.5 and 6-6.6 as follows:

7 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

16 (b) Distributor's license,

- 1 (c) Importing Distributor's license,
- 2 (d) Retailer's license,
- 3 (e) Special Event Retailer's license (not-for-profit),
- 4 (f) Railroad license,
- 5 (g) Boat license,
- 6 (h) Non-Beverage User's license,
- 7 (i) Wine-maker's premises license,
- 8 (j) Airplane license,
- 9 (k) Foreign importer's license,
- 10 (l) Broker's license,
- 11 (m) Non-resident dealer's license,
- 12 (n) Brew Pub license,
- 13 (o) Auction liquor license,
- 14 (p) Caterer retailer license,
- 15 (q) Special use permit license,
- 16 (r) Winery shipper's license,
- 17 (s) Craft distiller tasting permit,
- 18 (t) Brewer warehouse permit.

19 No person, firm, partnership, corporation, or other legal
20 business entity that is engaged in the manufacturing of wine
21 may concurrently obtain and hold a wine-maker's license and a
22 wine manufacturer's license.

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

1 Class 1. A Distiller may make sales and deliveries of
2 alcoholic liquor to distillers, rectifiers, importing
3 distributors, distributors and non-beverage users and to no
4 other licensees.

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

9 Class 3. A Brewer may make sales and deliveries of beer to
10 importing distributors and distributors and may make sales as
11 authorized under subsection (e) of Section 6-4 of this Act.

12 Class 4. A first class wine-manufacturer may make sales and
13 deliveries of up to 50,000 gallons of wine to manufacturers,
14 importing distributors and distributors, and to no other
15 licensees.

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

20 Class 6. A first-class wine-maker's license shall allow the
21 manufacture of up to 50,000 gallons of wine per year, and the
22 storage and sale of such wine to distributors in the State and
23 to persons without the State, as may be permitted by law. A
24 person who, prior to June 1, 2008 (the effective date of Public
25 Act 95-634), is a holder of a first-class wine-maker's license
26 and annually produces more than 25,000 gallons of its own wine

1 and who distributes its wine to licensed retailers shall cease
2 this practice on or before July 1, 2008 in compliance with
3 Public Act 95-634.

4 Class 7. A second-class wine-maker's license shall allow
5 the manufacture of between 50,000 and 150,000 gallons of wine
6 per year, and the storage and sale of such wine to distributors
7 in this State and to persons without the State, as may be
8 permitted by law. A person who, prior to June 1, 2008 (the
9 effective date of Public Act 95-634), is a holder of a
10 second-class wine-maker's license and annually produces more
11 than 25,000 gallons of its own wine and who distributes its
12 wine to licensed retailers shall cease this practice on or
13 before July 1, 2008 in compliance with Public Act 95-634.

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

18 Class 9. A craft distiller license shall allow the
19 manufacture of up to 100,000 gallons of spirits by distillation
20 per year and the storage of such spirits. If a craft distiller
21 licensee, including a craft distiller licensee who holds more
22 than one craft distiller license, is not affiliated with any
23 other manufacturer of spirits, then the craft distiller
24 licensee may sell such spirits to distributors in this State
25 and up to 2,500 gallons of such spirits to non-licensees to the
26 extent permitted by any exemption approved by the Commission

1 pursuant to Section 6-4 of this Act. A craft distiller license
2 holder may store such spirits at a non-contiguous licensed
3 location, but at no time shall a craft distiller license holder
4 directly or indirectly produce in the aggregate more than
5 100,000 gallons of spirits per year.

6 A craft distiller licensee may hold more than one craft
7 distiller's license. However, a craft distiller that holds more
8 than one craft distiller license shall not manufacture, in the
9 aggregate, more than 100,000 gallons of spirits by distillation
10 per year and shall not sell, in the aggregate, more than 2,500
11 gallons of such spirits to non-licensees in accordance with an
12 exemption approved by the State Commission pursuant to Section
13 6-4 of this Act.

14 Any craft distiller licensed under this Act who on July 28,
15 2010 (the effective date of Public Act 96-1367) was licensed as
16 a distiller and manufactured no more spirits than permitted by
17 this Section shall not be required to pay the initial licensing
18 fee.

19 Class 10. A class 1 brewer license, which may only be
20 issued to a licensed brewer or licensed non-resident dealer,
21 shall allow the manufacture of up to 930,000 gallons of beer
22 per year provided that the class 1 brewer licensee does not
23 manufacture more than a combined 930,000 gallons of beer per
24 year and is not a member of or affiliated with, directly or
25 indirectly, a manufacturer that produces more than 930,000
26 gallons of beer per year or any other alcoholic liquor. A class

1 1 brewer licensee may make sales and deliveries to importing
2 distributors and distributors and to retail licensees in
3 accordance with the conditions set forth in paragraph (18) of
4 subsection (a) of Section 3-12 of this Act. If the State
5 Commission provides prior approval, a class 1 brewer may
6 annually transfer up to 930,000 gallons of beer manufactured by
7 that class 1 brewer to the premises of a licensed class 1
8 brewer wholly owned and operated by the same licensee.

9 Class 11. A class 2 brewer license, which may only be
10 issued to a licensed brewer or licensed non-resident dealer,
11 shall allow the manufacture of up to 3,720,000 gallons of beer
12 per year provided that the class 2 brewer licensee does not
13 manufacture more than a combined 3,720,000 gallons of beer per
14 year and is not a member of or affiliated with, directly or
15 indirectly, a manufacturer that produces more than 3,720,000
16 gallons of beer per year or any other alcoholic liquor. A class
17 2 brewer licensee may make sales and deliveries to importing
18 distributors and distributors, but shall not make sales or
19 deliveries to any other licensee. If the State Commission
20 provides prior approval, a class 2 brewer licensee may annually
21 transfer up to 3,720,000 gallons of beer manufactured by that
22 class 2 brewer licensee to the premises of a licensed class 2
23 brewer wholly owned and operated by the same licensee.

24 A class 2 brewer may transfer beer to a brew pub wholly
25 owned and operated by the class 2 brewer subject to the
26 following limitations and restrictions: (i) the transfer shall

1 not annually exceed more than 31,000 gallons; (ii) the annual
2 amount transferred shall reduce the brew pub's annual permitted
3 production limit; (iii) all beer transferred shall be subject
4 to Article VIII of this Act; (iv) a written record shall be
5 maintained by the brewer and brew pub specifying the amount,
6 date of delivery, and receipt of the product by the brew pub;
7 and (v) the brew pub shall be located no farther than 80 miles
8 from the class 2 brewer's licensed location.

9 A class 2 brewer shall, prior to transferring beer to a
10 brew pub wholly owned by the class 2 brewer, furnish a written
11 notice to the State Commission of intent to transfer beer
12 setting forth the name and address of the brew pub and shall
13 annually submit to the State Commission a verified report
14 identifying the total gallons of beer transferred to the brew
15 pub wholly owned by the class 2 brewer.

16 (a-1) A manufacturer which is licensed in this State to
17 make sales or deliveries of alcoholic liquor to licensed
18 distributors or importing distributors and which enlists
19 agents, representatives, or individuals acting on its behalf
20 who contact licensed retailers on a regular and continual basis
21 in this State must register those agents, representatives, or
22 persons acting on its behalf with the State Commission.

23 Registration of agents, representatives, or persons acting
24 on behalf of a manufacturer is fulfilled by submitting a form
25 to the Commission. The form shall be developed by the
26 Commission and shall include the name and address of the

1 applicant, the name and address of the manufacturer he or she
2 represents, the territory or areas assigned to sell to or
3 discuss pricing terms of alcoholic liquor, and any other
4 questions deemed appropriate and necessary. All statements in
5 the forms required to be made by law or by rule shall be deemed
6 material, and any person who knowingly misstates any material
7 fact under oath in an application is guilty of a Class B
8 misdemeanor. Fraud, misrepresentation, false statements,
9 misleading statements, evasions, or suppression of material
10 facts in the securing of a registration are grounds for
11 suspension or revocation of the registration. The State
12 Commission shall post a list of registered agents on the
13 Commission's website.

14 (b) A distributor's license shall allow the wholesale
15 purchase and storage of alcoholic liquors and sale of alcoholic
16 liquors to licensees in this State and to persons without the
17 State, as may be permitted by law, and the sale of beer, cider,
18 or both beer and cider to brewers, class 1 brewers, and class 2
19 brewers that, pursuant to subsection (e) of Section 6-4 of this
20 Act, sell beer, cider, or both beer and cider to non-licensees
21 at their breweries. No person licensed as a distributor shall
22 be granted a non-resident dealer's license.

23 (c) An importing distributor's license may be issued to and
24 held by those only who are duly licensed distributors, upon the
25 filing of an application by a duly licensed distributor, with
26 the Commission and the Commission shall, without the payment of

1 any fee, immediately issue such importing distributor's
2 license to the applicant, which shall allow the importation of
3 alcoholic liquor by the licensee into this State from any point
4 in the United States outside this State, and the purchase of
5 alcoholic liquor in barrels, casks or other bulk containers and
6 the bottling of such alcoholic liquors before resale thereof,
7 but all bottles or containers so filled shall be sealed,
8 labeled, stamped and otherwise made to comply with all
9 provisions, rules and regulations governing manufacturers in
10 the preparation and bottling of alcoholic liquors. The
11 importing distributor's license shall permit such licensee to
12 purchase alcoholic liquor from Illinois licensed non-resident
13 dealers and foreign importers only. No person licensed as an
14 importing distributor shall be granted a non-resident dealer's
15 license.

16 (d) A retailer's license shall allow the licensee to sell
17 and offer for sale at retail, only in the premises specified in
18 the license, alcoholic liquor for use or consumption, but not
19 for resale in any form. Nothing in Public Act 95-634 shall
20 deny, limit, remove, or restrict the ability of a holder of a
21 retailer's license to transfer, deliver, or ship alcoholic
22 liquor to the purchaser for use or consumption subject to any
23 applicable local law or ordinance. Any retail license issued to
24 a manufacturer shall only permit the manufacturer to sell beer
25 at retail on the premises actually occupied by the
26 manufacturer. For the purpose of further describing the type of

1 business conducted at a retail licensed premises, a retailer's
2 licensee may be designated by the State Commission as (i) an on
3 premise consumption retailer, (ii) an off premise sale
4 retailer, or (iii) a combined on premise consumption and off
5 premise sale retailer.

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

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

1 tax-exempt purchase, or (C) a statement that the applicant is
2 not registered under Section 2a of the Retailers' Occupation
3 Tax Act, does not hold a resale number under Section 2c of the
4 Retailers' Occupation Tax Act, and does not hold an exemption
5 number under Section 1g of the Retailers' Occupation Tax Act,
6 in which event the Commission shall set forth on the special
7 event retailer's license a statement to that effect; (ii)
8 submit with the application proof satisfactory to the State
9 Commission that the applicant will provide dram shop liability
10 insurance in the maximum limits; and (iii) show proof
11 satisfactory to the State Commission that the applicant has
12 obtained local authority approval.

13 Nothing in this Act prohibits an Illinois licensed
14 distributor from offering credit or a refund for unused,
15 salable alcoholic liquors to a holder of a special event
16 retailer's license or ~~from~~ the special event retailer's
17 licensee from accepting the credit or refund of alcoholic
18 liquors at the conclusion of the event specified in the
19 license.

20 (f) A railroad license shall permit the licensee to import
21 alcoholic liquors into this State from any point in the United
22 States outside this State and to store such alcoholic liquors
23 in this State; to make wholesale purchases of alcoholic liquors
24 directly from manufacturers, foreign importers, distributors
25 and importing distributors from within or outside this State;
26 and to store such alcoholic liquors in this State; provided

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

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

21 (h) A non-beverage user's license shall allow the licensee
22 to purchase alcoholic liquor from a licensed manufacturer or
23 importing distributor, without the imposition of any tax upon
24 the business of such licensed manufacturer or importing
25 distributor as to such alcoholic liquor to be used by such
26 licensee solely for the non-beverage purposes set forth in

1 subsection (a) of Section 8-1 of this Act, and such licenses
2 shall be divided and classified and shall permit the purchase,
3 possession and use of limited and stated quantities of
4 alcoholic liquor as follows:

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

10 (i) A wine-maker's premises license shall allow a licensee
11 that concurrently holds a first-class wine-maker's license to
12 sell and offer for sale at retail in the premises specified in
13 such license not more than 50,000 gallons of the first-class
14 wine-maker's wine that is made at the first-class wine-maker's
15 licensed premises per year for use or consumption, but not for
16 resale in any form. A wine-maker's premises license shall allow
17 a licensee who concurrently holds a second-class wine-maker's
18 license to sell and offer for sale at retail in the premises
19 specified in such license up to 100,000 gallons of the
20 second-class wine-maker's wine that is made at the second-class
21 wine-maker's licensed premises per year for use or consumption
22 but not for resale in any form. A wine-maker's premises license
23 shall allow a licensee that concurrently holds a first-class
24 wine-maker's license or a second-class wine-maker's license to
25 sell and offer for sale at retail at the premises specified in
26 the wine-maker's premises license, for use or consumption but

1 not for resale in any form, any beer, wine, and spirits
2 purchased from a licensed distributor. Upon approval from the
3 State Commission, a wine-maker's premises license shall allow
4 the licensee to sell and offer for sale at (i) the wine-maker's
5 licensed premises and (ii) at up to 2 additional locations for
6 use and consumption and not for resale. Each location shall
7 require additional licensing per location as specified in
8 Section 5-3 of this Act. A wine-maker's premises licensee shall
9 secure liquor liability insurance coverage in an amount at
10 least equal to the maximum liability amounts set forth in
11 subsection (a) of Section 6-21 of this Act.

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

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

6 (k) A foreign importer's license shall permit such licensee
7 to purchase alcoholic liquor from Illinois licensed
8 non-resident dealers only, and to import alcoholic liquor other
9 than in bulk from any point outside the United States and to
10 sell such alcoholic liquor to Illinois licensed importing
11 distributors and to no one else in Illinois; provided that (i)
12 the foreign importer registers with the State Commission every
13 brand of alcoholic liquor that it proposes to sell to Illinois
14 licensees during the license period, (ii) the foreign importer
15 complies with all of the provisions of Section 6-9 of this Act
16 with respect to registration of such Illinois licensees as may
17 be granted the right to sell such brands at wholesale, and
18 (iii) the foreign importer complies with the provisions of
19 Sections 6-5 and 6-6 of this Act to the same extent that these
20 provisions apply to manufacturers.

21 (l) (i) A broker's license shall be required of all persons
22 who solicit orders for, offer to sell or offer to supply
23 alcoholic liquor to retailers in the State of Illinois, or who
24 offer to retailers to ship or cause to be shipped or to make
25 contact with distillers, rectifiers, brewers or manufacturers
26 or any other party within or without the State of Illinois in

1 order that alcoholic liquors be shipped to a distributor,
2 importing distributor or foreign importer, whether such
3 solicitation or offer is consummated within or without the
4 State of Illinois.

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

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

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

25 A broker's license under this subsection (1) shall not
26 entitle the holder to buy or sell any alcoholic liquors for his

1 own account or to take or deliver title to such alcoholic
2 liquors.

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

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

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

1 Sections 6-5 and 6-6 of this Act to the same extent that these
2 provisions apply to manufacturers. No person licensed as a
3 non-resident dealer shall be granted a distributor's or
4 importing distributor's license.

5 (n) A brew pub license shall allow the licensee to only (i)
6 manufacture up to 155,000 gallons of beer per year only on the
7 premises specified in the license, (ii) make sales of the beer
8 manufactured on the premises or, with the approval of the
9 Commission, beer manufactured on another brew pub licensed
10 premises that is wholly owned and operated by the same licensee
11 to importing distributors, distributors, and to non-licensees
12 for use and consumption, (iii) store the beer upon the
13 premises, (iv) sell and offer for sale at retail from the
14 licensed premises for off-premises consumption no more than
15 155,000 gallons per year so long as such sales are only made
16 in-person, (v) sell and offer for sale at retail for use and
17 consumption on the premises specified in the license any form
18 of alcoholic liquor purchased from a licensed distributor or
19 importing distributor, and (vi) with the prior approval of the
20 Commission, annually transfer no more than 155,000 gallons of
21 beer manufactured on the premises to a licensed brew pub wholly
22 owned and operated by the same licensee.

23 A brew pub licensee shall not under any circumstance sell
24 or offer for sale beer manufactured by the brew pub licensee to
25 retail licensees.

26 A person who holds a class 2 brewer license may

1 simultaneously hold a brew pub license if the class 2 brewer
2 (i) does not, under any circumstance, sell or offer for sale
3 beer manufactured by the class 2 brewer to retail licensees;
4 (ii) does not hold more than 3 brew pub licenses in this State;
5 (iii) does not manufacture more than a combined 3,720,000
6 gallons of beer per year, including the beer manufactured at
7 the brew pub; and (iv) is not a member of or affiliated with,
8 directly or indirectly, a manufacturer that produces more than
9 3,720,000 gallons of beer per year or any other alcoholic
10 liquor.

11 Notwithstanding any other provision of this Act, a licensed
12 brewer, class 2 brewer, or non-resident dealer who before July
13 1, 2015 manufactured less than 3,720,000 gallons of beer per
14 year and held a brew pub license on or before July 1, 2015 may
15 (i) continue to qualify for and hold that brew pub license for
16 the licensed premises and (ii) manufacture more than 3,720,000
17 gallons of beer per year and continue to qualify for and hold
18 that brew pub license if that brewer, class 2 brewer, or
19 non-resident dealer does not simultaneously hold a class 1
20 brewer license and is not a member of or affiliated with,
21 directly or indirectly, a manufacturer that produces more than
22 3,720,000 gallons of beer per year or that produces any other
23 alcoholic liquor.

24 (o) A caterer retailer license shall allow the holder to
25 serve alcoholic liquors as an incidental part of a food service
26 that serves prepared meals which excludes the serving of snacks

1 as the primary meal, either on or off-site whether licensed or
2 unlicensed. A caterer retailer license shall allow the holder,
3 a distributor, or an importing distributor to transfer any
4 inventory to and from the holder's retail premises and shall
5 allow the holder to purchase alcoholic liquor from a
6 distributor or importing distributor to be delivered directly
7 to an off-site event.

8 Nothing in this Act prohibits a distributor or importing
9 distributor from offering credit or a refund for unused,
10 salable beer to a holder of a caterer retailer license or a
11 caterer retailer licensee from accepting a credit or refund for
12 unused, salable beer, in the event an act of God is the sole
13 reason an off-site event is cancelled and if: (i) the holder of
14 a caterer retailer license has not transferred alcoholic liquor
15 from its caterer retailer premises to an off-site location;
16 (ii) the distributor or importing distributor offers the credit
17 or refund for the unused, salable beer that it delivered to the
18 off-site premises and not for any unused, salable beer that the
19 distributor or importing distributor delivered to the caterer
20 retailer's premises; and (iii) the unused, salable beer would
21 likely spoil if transferred to the caterer retailer's premises.
22 A caterer retailer license shall allow the holder, a
23 distributor, or an importing distributor to transfer any
24 inventory from any off-site location to its caterer retailer
25 premises at the conclusion of an off-site event.

26 For purposes of this subsection (o), an "act of God" means

1 an unforeseeable event, such as a rain or snow storm, hail, a
2 flood, or a similar event, that is the sole cause of the
3 cancellation of an off-site, outdoor event.

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

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

1 provide dram shop liability insurance to the maximum limits and
2 have local authority approval.

3 A special use permit license shall allow the holder, a
4 distributor, or an importing distributor to transfer any
5 inventory from the holder's special use premises to its retail
6 premises at the conclusion of the special use event.

7 Nothing in this Act prohibits a distributor or importing
8 distributor from offering credit or a refund for unused,
9 salable beer to a special use permit licensee or a special use
10 permit licensee from accepting a credit or refund for unused,
11 salable beer at the conclusion of the event specified in the
12 license if: (i) the holder of the special use permit license
13 has not transferred alcoholic liquor from its retail licensed
14 premises to the premises specified in the special use permit
15 license; (ii) the distributor or importing distributor offers
16 the credit or refund for the unused, salable beer that it
17 delivered to the premises specified in the special use permit
18 license and not for any unused, salable beer that the
19 distributor or importing distributor delivered to the
20 retailer's premises; and (iii) the unused, salable beer would
21 likely spoil if transferred to the retailer premises.

22 (r) A winery shipper's license shall allow a person with a
23 first-class or second-class wine manufacturer's license, a
24 first-class or second-class wine-maker's license, or a limited
25 wine manufacturer's license or who is licensed to make wine
26 under the laws of another state to ship wine made by that

1 licensee directly to a resident of this State who is 21 years
2 of age or older for that resident's personal use and not for
3 resale. Prior to receiving a winery shipper's license, an
4 applicant for the license must provide the Commission with a
5 true copy of its current license in any state in which it is
6 licensed as a manufacturer of wine. An applicant for a winery
7 shipper's license must also complete an application form that
8 provides any other information the Commission deems necessary.
9 The application form shall include all addresses from which the
10 applicant for a winery shipper's license intends to ship wine,
11 including the name and address of any third party, except for a
12 common carrier, authorized to ship wine on behalf of the
13 manufacturer. The application form shall include an
14 acknowledgement consenting to the jurisdiction of the
15 Commission, the Illinois Department of Revenue, and the courts
16 of this State concerning the enforcement of this Act and any
17 related laws, rules, and regulations, including authorizing
18 the Department of Revenue and the Commission to conduct audits
19 for the purpose of ensuring compliance with Public Act 95-634,
20 and an acknowledgement that the wine manufacturer is in
21 compliance with Section 6-2 of this Act. Any third party,
22 except for a common carrier, authorized to ship wine on behalf
23 of a first-class or second-class wine manufacturer's licensee,
24 a first-class or second-class wine-maker's licensee, a limited
25 wine manufacturer's licensee, or a person who is licensed to
26 make wine under the laws of another state shall also be

1 disclosed by the winery shipper's licensee, and a copy of the
2 written appointment of the third-party wine provider, except
3 for a common carrier, to the wine manufacturer shall be filed
4 with the State Commission as a supplement to the winery
5 shipper's license application or any renewal thereof. The
6 winery shipper's license holder shall affirm under penalty of
7 perjury, as part of the winery shipper's license application or
8 renewal, that he or she only ships wine, either directly or
9 indirectly through a third-party provider, from the licensee's
10 own production.

11 Except for a common carrier, a third-party provider
12 shipping wine on behalf of a winery shipper's license holder is
13 the agent of the winery shipper's license holder and, as such,
14 a winery shipper's license holder is responsible for the acts
15 and omissions of the third-party provider acting on behalf of
16 the license holder. A third-party provider, except for a common
17 carrier, that engages in shipping wine into Illinois on behalf
18 of a winery shipper's license holder shall consent to the
19 jurisdiction of the State Commission and the State. Any
20 third-party, except for a common carrier, holding such an
21 appointment shall, by February 1 of each calendar year and upon
22 request by the State Commission or the Department of Revenue,
23 file with the State Commission a statement detailing each
24 shipment made to an Illinois resident. The statement shall
25 include the name and address of the third-party provider filing
26 the statement, the time period covered by the statement, and

1 the following information:

2 (1) the name, address, and license number of the winery
3 shipper on whose behalf the shipment was made;

4 (2) the quantity of the products delivered; and

5 (3) the date and address of the shipment.

6 If the Department of Revenue or the State Commission requests a
7 statement under this paragraph, the third-party provider must
8 provide that statement no later than 30 days after the request
9 is made. Any books, records, supporting papers, and documents
10 containing information and data relating to a statement under
11 this paragraph shall be kept and preserved for a period of 3
12 years, unless their destruction sooner is authorized, in
13 writing, by the Director of Revenue, and shall be open and
14 available to inspection by the Director of Revenue or the State
15 Commission or any duly authorized officer, agent, or employee
16 of the State Commission or the Department of Revenue, at all
17 times during business hours of the day. Any person who violates
18 any provision of this paragraph or any rule of the State
19 Commission for the administration and enforcement of the
20 provisions of this paragraph is guilty of a Class C
21 misdemeanor. In case of a continuing violation, each day's
22 continuance thereof shall be a separate and distinct offense.

23 The State Commission shall adopt rules as soon as
24 practicable to implement the requirements of Public Act 99-904
25 and shall adopt rules prohibiting any such third-party
26 appointment of a third-party provider, except for a common

1 carrier, that has been deemed by the State Commission to have
2 violated the provisions of this Act with regard to any winery
3 shipper licensee.

4 A winery shipper licensee must pay to the Department of
5 Revenue the State liquor gallonage tax under Section 8-1 for
6 all wine that is sold by the licensee and shipped to a person
7 in this State. For the purposes of Section 8-1, a winery
8 shipper licensee shall be taxed in the same manner as a
9 manufacturer of wine. A licensee who is not otherwise required
10 to register under the Retailers' Occupation Tax Act must
11 register under the Use Tax Act to collect and remit use tax to
12 the Department of Revenue for all gallons of wine that are sold
13 by the licensee and shipped to persons in this State. If a
14 licensee fails to remit the tax imposed under this Act in
15 accordance with the provisions of Article VIII of this Act, the
16 winery shipper's license shall be revoked in accordance with
17 the provisions of Article VII of this Act. If a licensee fails
18 to properly register and remit tax under the Use Tax Act or the
19 Retailers' Occupation Tax Act for all wine that is sold by the
20 winery shipper and shipped to persons in this State, the winery
21 shipper's license shall be revoked in accordance with the
22 provisions of Article VII of this Act.

23 A winery shipper licensee must collect, maintain, and
24 submit to the Commission on a semi-annual basis the total
25 number of cases per resident of wine shipped to residents of
26 this State. A winery shipper licensed under this subsection (r)

1 must comply with the requirements of Section 6-29 of this Act.

2 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
3 Section 3-12, the State Commission may receive, respond to, and
4 investigate any complaint and impose any of the remedies
5 specified in paragraph (1) of subsection (a) of Section 3-12.

6 As used in this subsection, "third-party provider" means
7 any entity that provides fulfillment house services, including
8 warehousing, packaging, distribution, order processing, or
9 shipment of wine, but not the sale of wine, on behalf of a
10 licensed winery shipper.

11 (s) A craft distiller tasting permit license shall allow an
12 Illinois licensed craft distiller to transfer a portion of its
13 alcoholic liquor inventory from its craft distiller licensed
14 premises to the premises specified in the license hereby
15 created and to conduct a sampling, only in the premises
16 specified in the license hereby created, of the transferred
17 alcoholic liquor in accordance with subsection (c) of Section
18 6-31 of this Act. The transferred alcoholic liquor may not be
19 sold or resold in any form. An applicant for the craft
20 distiller tasting permit license must also submit with the
21 application proof satisfactory to the State Commission that the
22 applicant will provide dram shop liability insurance to the
23 maximum limits and have local authority approval.

24 A brewer warehouse permit may be issued to the holder of a
25 class 1 brewer license or a class 2 brewer license. If the
26 holder of the permit is a class 1 brewer licensee, the brewer

1 warehouse permit shall allow the holder to store or warehouse
2 up to 930,000 gallons of tax-determined beer manufactured by
3 the holder of the permit at the premises specified on the
4 permit. If the holder of the permit is a class 2 brewer
5 licensee, the brewer warehouse permit shall allow the holder to
6 store or warehouse up to 3,720,000 gallons of tax-determined
7 beer manufactured by the holder of the permit at the premises
8 specified on the permit. Sales to non-licensees are prohibited
9 at the premises specified in the brewer warehouse permit.

10 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;
11 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.
12 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,
13 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;
14 revised 10-2-18.)

15 (235 ILCS 5/6-5.5 new)

16 Sec. 6-5.5. Consignment sales prohibited; retailer
17 returns.

18 (a) In this Section, "retailer" means a retailer, special
19 event retailer, special use permit licensee, caterer retailer,
20 or brew pub.

21 (b) It is unlawful for a manufacturer with
22 self-distribution privileges, importing distributor, or
23 distributor to sell, offer for sale, or contract to sell to any
24 retailer, or for any such retailer to purchase, offer to
25 purchase, or contract to purchase any products:

1 (1) on consignment or conditional sale, pursuant to
2 which the retailer has no obligation to pay for the product
3 until sold;

4 (2) with the privilege of return unless expressly
5 authorized in this Act;

6 (3) on any basis other than a bona fide sale; or

7 (4) if any part of the sale involves, directly or
8 indirectly, the acquisition by the retailer of other
9 products from a manufacturer with self-distribution
10 privileges, importing distributor, or distributor, or an
11 agreement to acquire other products from the manufacturer
12 with self-distribution privileges, importing distributor,
13 or distributor.

14 (c) Transactions involving the bona fide return of products
15 for ordinary and usual commercial reasons arising after the
16 product has been sold are not prohibited.

17 (d) Unless there is a bona fide business reason for
18 replacement of an alcoholic liquor product when delivered, the
19 alcoholic liquor product may not be replaced free of charge to
20 a retailer. Replacement of an alcoholic liquor product damaged
21 while in a retailer's possession constitutes the providing of
22 something of value and is a violation of Sections 6-4, 6-5, and
23 6-6 of this Act. A manufacturer with self-distribution
24 privileges, importing distributor, or distributor is not
25 required to accept the return of products for the reasons
26 stated in items (1) through (7) of subsection (f).

1 (1) A manufacturer with self-distribution privileges,
2 importing distributor, or distributor may not accept the
3 return of alcoholic liquor products as breakage if the
4 product was damaged after delivery and while in the
5 possession of the retailer. The manufacturer with
6 self-distribution privileges, importing distributor, or
7 distributor may replace damaged cartons, packaging, or
8 carrying containers of alcoholic liquor at any time.

9 (2) Alcoholic liquor products or other compensation
10 shall not be furnished to a retailer for product breakage
11 that occurs as a result of handling by the retailer or its
12 agents, employees, or customers.

13 (3) If an alcoholic liquor product has been damaged
14 prior to or at the time of actual delivery, the product may
15 only be exchanged for an equal quantity of identical
16 product or returned for credit. If an identical product is
17 unavailable, a similar type of product, including a
18 similarly priced product, may be exchanged.

19 (4) If an alcoholic liquor product has been damaged
20 prior to or at the time of actual delivery, the product may
21 be exchanged no later than 15 days after delivery under the
22 following conditions:

23 (A) If the pre-delivery damage is visible at the
24 time of delivery, the retailer must identify the
25 damaged product immediately.

26 (B) If the damage is latent and not visible at the

1 time of delivery, the retailer must notify the
2 manufacturer with self-distribution privileges,
3 importing distributor, or distributor of the
4 pre-delivery damage within 15 days after delivery, or
5 the date of invoice, whichever is later.

6 (e) It is unlawful to sell, offer to sell, or contract to
7 sell alcoholic liquor products with the privilege of return for
8 any reason, other than those considered to be ordinary and
9 usual commercial reasons, arising after the product has been
10 sold. A manufacturer with self-distribution privileges,
11 importing distributor, or distributor is under no obligation to
12 accept a return or make an exchange for any product. A
13 manufacturer with self-distribution privileges, importing
14 distributor, or distributor that elects to make an authorized
15 exchange of a product or return of a product for cash or credit
16 does so at its sole discretion and must maintain proper books
17 and records of the transaction in accordance with 11 Ill. Adm.
18 Code 100.130.

19 (f) Ordinary and usual commercial reasons for the return of
20 alcoholic liquor products are limited to the following:

21 (1) Defective products. Products that are unmarketable
22 because of product deterioration, leaking containers,
23 damaged labels, or missing or mutilated tamper evident
24 closures may be exchanged for an equal quantity of
25 identical or similar products, including similarly priced
26 products, or credit against outstanding indebtedness.

1 (2) Error in products delivered. Any discrepancy
2 between products ordered and products delivered may be
3 corrected, within 15 days after the date of delivery or
4 date of invoice, whichever is later, by exchange of the
5 products delivered for those that were ordered or by a
6 return for credit against outstanding indebtedness.

7 (3) Products that may no longer be lawfully sold.
8 Products that may no longer be lawfully sold may be
9 returned for credit against outstanding indebtedness. This
10 includes situations in which, due to a change in regulation
11 or administrative procedure over which a retailer has no
12 control, a particular size or brand is no longer permitted
13 to be sold.

14 (4) Termination of business. Products on hand at the
15 time a retailer terminates operations may be returned for
16 cash or credit against outstanding indebtedness. This does
17 not include a temporary seasonal shutdown.

18 (5) Change in products. A retailer's inventory of a
19 product that has been changed in formula, proof, label, or
20 container may be exchanged for equal quantities of the new
21 version of that product.

22 (6) Discontinued products. If a manufacturer,
23 non-resident dealer, foreign importer, or importing
24 distributor discontinues the production or importation of
25 a product, a retailer may return its inventory of that
26 product for cash or credit against outstanding

1 indebtedness.

2 (7) Seasonal dealers. Manufacturers with
3 self-distribution privileges, importing distributors, or
4 distributors may accept the return of product from
5 retailers who are only open a portion of the year if the
6 products are likely to spoil during the off-season. These
7 returns shall be for cash or credit against outstanding
8 indebtedness.

9 (g) Without limitation, the following are not considered
10 ordinary and commercial reasons to justify a return of an
11 alcoholic liquor product:

12 (1) Overstocked and slow-moving alcoholic liquor
13 products. The return or exchange of a product because it is
14 overstocked or slow moving does not constitute a return for
15 ordinary and usual commercial reasons.

16 (2) Seasonal alcoholic liquor products. The return for
17 cash or credit or exchange of wine or spirits for which
18 there is only a limited or seasonal demand, such as holiday
19 decanters and certain distinctive bottles, does not
20 constitute a return for ordinary and usual commercial
21 reasons. Nothing in this item (2) prohibits the exchange of
22 seasonal beer products for similarly priced beer products.

23 (h) Nothing in this Section prohibits a manufacturer with
24 self-distribution privileges, importing distributor, or
25 distributor from accepting the return of beer from a retailer
26 if the beer is near or beyond its freshness date, code date,

1 pull date, or other similar date marking the deterioration or
2 freshness of the beer if:

3 (1) the brewer has policies and procedures in place
4 that specify the date the retailer must pull the product;

5 (2) the brewer's freshness return or exchange policies
6 and procedures are readily verifiable and consistently
7 followed by the brewer; and

8 (3) the container has identifying markings that
9 correspond with this date.

10 Returns under this subsection may be accepted in return for
11 credit against indebtedness or equal amounts of the same or
12 similar beer, including a similarly priced product.

13 For purposes of this Section, beer is near code on any date
14 on or before the freshness or code date not to exceed 30 days
15 prior to the freshness or code date. If near-code beer is
16 returned, a manufacturer with self-distribution privileges,
17 importing distributor, or distributor may sell near-code beer
18 to another retailer who may reasonably sell the beer on or
19 before the expiration of the freshness or code date. No beer
20 shall be returned as near-code prior to 30 days of the
21 freshness or code date.

22 It is a violation of this Section for a retailer to hold
23 beer for the purpose of returning beer as out of code.

24 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

25 Sec. 6-6. Except as otherwise provided in this Act no

1 manufacturer or distributor or importing distributor shall,
2 directly or indirectly, sell, supply, furnish, give or pay for,
3 or loan or lease, any furnishing, fixture or equipment on the
4 premises of a place of business of another licensee authorized
5 under this Act to sell alcoholic liquor at retail, either for
6 consumption on or off the premises, nor shall he or she,
7 directly or indirectly, pay for any such license, or advance,
8 furnish, lend or give money for payment of such license, or
9 purchase or become the owner of any note, mortgage, or other
10 evidence of indebtedness of such licensee or any form of
11 security therefor, nor shall such manufacturer, or
12 distributor, or importing distributor, directly or indirectly,
13 be interested in the ownership, conduct or operation of the
14 business of any licensee authorized to sell alcoholic liquor at
15 retail, nor shall any manufacturer, or distributor, or
16 importing distributor be interested directly or indirectly or
17 as owner or part owner of said premises or as lessee or lessor
18 thereof, in any premises upon which alcoholic liquor is sold at
19 retail.

20 No manufacturer or distributor or importing distributor
21 shall, directly or indirectly or through a subsidiary or
22 affiliate, or by any officer, director or firm of such
23 manufacturer, distributor or importing distributor, furnish,
24 give, lend or rent, install, repair or maintain, to or for any
25 retail licensee in this State, any signs or inside advertising
26 materials except as provided in this Section and Section 6-5.

1 With respect to retail licensees, other than any government
2 owned or operated auditorium, exhibition hall, recreation
3 facility or other similar facility holding a retailer's license
4 as described in Section 6-5, a manufacturer, distributor, or
5 importing distributor may furnish, give, lend or rent and
6 erect, install, repair and maintain to or for any retail
7 licensee, for use at any one time in or about or in connection
8 with a retail establishment on which the products of the
9 manufacturer, distributor or importing distributor are sold,
10 the following signs and inside advertising materials as
11 authorized in subparts (i), (ii), (iii), and (iv):

12 (i) Permanent outside signs shall cost not more than
13 \$3,000 per brand ~~manufacturer~~, exclusive of erection,
14 installation, repair and maintenance costs, and permit
15 fees and shall bear only the manufacturer's name, brand
16 name, trade name, slogans, markings, trademark, or other
17 symbols commonly associated with and generally used in
18 identifying the product including, but not limited to,
19 "cold beer", "on tap", "carry out", and "packaged liquor".

20 (ii) Temporary outside signs shall include, but not be
21 limited to, banners, flags, pennants, streamers, and other
22 items of a temporary and non-permanent nature, and shall
23 cost not more than \$1,000 per manufacturer. Each temporary
24 outside sign must include the manufacturer's name, brand
25 name, trade name, slogans, markings, trademark, or other
26 symbol commonly associated with and generally used in

1 identifying the product. Temporary outside signs may also
2 include, for example, the product, price, packaging, date
3 or dates of a promotion and an announcement of a retail
4 licensee's specific sponsored event, if the temporary
5 outside sign is intended to promote a product, and provided
6 that the announcement of the retail licensee's event and
7 the product promotion are held simultaneously. However,
8 temporary outside signs may not include names, slogans,
9 markings, or logos that relate to the retailer. Nothing in
10 this subpart (ii) shall prohibit a distributor or importing
11 distributor from bearing the cost of creating or printing a
12 temporary outside sign for the retail licensee's specific
13 sponsored event or from bearing the cost of creating or
14 printing a temporary sign for a retail licensee containing,
15 for example, community goodwill expressions, regional
16 sporting event announcements, or seasonal messages,
17 provided that the primary purpose of the temporary outside
18 sign is to highlight, promote, or advertise the product. In
19 addition, temporary outside signs provided by the
20 manufacturer to the distributor or importing distributor
21 may also include, for example, subject to the limitations
22 of this Section, preprinted community goodwill
23 expressions, sporting event announcements, seasonal
24 messages, and manufacturer promotional announcements.
25 However, a distributor or importing distributor shall not
26 bear the cost of such manufacturer preprinted signs.

1 (iii) Permanent inside signs, whether visible from the
2 outside or the inside of the premises, include, but are not
3 limited to: alcohol lists and menus that may include names,
4 slogans, markings, or logos that relate to the retailer;
5 neons; illuminated signs; clocks; table lamps; mirrors;
6 tap handles; decalcomanias; window painting; and window
7 trim. All neons, illuminated signs, clocks, table lamps,
8 mirrors, and tap handles are the property of the
9 manufacturer and shall be returned to the manufacturer or
10 its agent upon request. All permanent inside signs in place
11 and in use at any one time shall cost in the aggregate not
12 more than \$6,000 per manufacturer. A permanent inside sign
13 must include the manufacturer's name, brand name, trade
14 name, slogans, markings, trademark, or other symbol
15 commonly associated with and generally used in identifying
16 the product. However, permanent inside signs may not
17 include names, slogans, markings, or logos that relate to
18 the retailer. For the purpose of this subpart (iii), all
19 permanent inside signs may be displayed in an adjacent
20 courtyard or patio commonly referred to as a "beer garden"
21 that is a part of the retailer's licensed premises.

22 (iv) Temporary inside signs shall include, but are not
23 limited to, lighted chalk boards, acrylic table tent
24 beverage or hors d'oeuvre list holders, banners, flags,
25 pennants, streamers, and inside advertising materials such
26 as posters, placards, bowling sheets, table tents, inserts

1 for acrylic table tent beverage or hors d'oeuvre list
2 holders, sports schedules, or similar printed or
3 illustrated materials and product displays, such as
4 display racks, bins, barrels, or similar items, the primary
5 function of which is to temporarily hold and display
6 alcoholic beverages; however, such items, for example, as
7 coasters, trays, napkins, glassware and cups shall not be
8 deemed to be inside signs or advertising materials and may
9 only be sold to retailers at fair market value, which shall
10 be no less than the cost of the item to the manufacturer,
11 distributor, or importing distributor. All temporary
12 inside signs and inside advertising materials in place and
13 in use at any one time shall cost in the aggregate not more
14 than \$1,000 per manufacturer. Nothing in this subpart (iv)
15 prohibits a distributor or importing distributor from
16 paying the cost of printing or creating any temporary
17 inside banner or inserts for acrylic table tent beverage or
18 hors d'oeuvre list holders for a retail licensee, provided
19 that the primary purpose for the banner or insert is to
20 highlight, promote, or advertise the product. For the
21 purpose of this subpart (iv), all temporary inside signs
22 and inside advertising materials may be displayed in an
23 adjacent courtyard or patio commonly referred to as a "beer
24 garden" that is a part of the retailer's licensed premises.

25 The restrictions contained in this Section 6-6 do not apply
26 to signs, or promotional or advertising materials furnished by

1 manufacturers, distributors or importing distributors to a
2 government owned or operated facility holding a retailer's
3 license as described in Section 6-5.

4 No distributor or importing distributor shall directly or
5 indirectly or through a subsidiary or affiliate, or by any
6 officer, director or firm of such manufacturer, distributor or
7 importing distributor, furnish, give, lend or rent, install,
8 repair or maintain, to or for any retail licensee in this
9 State, any signs or inside advertising materials described in
10 subparts (i), (ii), (iii), or (iv) of this Section except as
11 the agent for or on behalf of a manufacturer, provided that the
12 total cost of any signs and inside advertising materials
13 including but not limited to labor, erection, installation and
14 permit fees shall be paid by the manufacturer whose product or
15 products said signs and inside advertising materials advertise
16 and except as follows:

17 A distributor or importing distributor may purchase from or
18 enter into a written agreement with a manufacturer or a
19 manufacturer's designated supplier and such manufacturer or
20 the manufacturer's designated supplier may sell or enter into
21 an agreement to sell to a distributor or importing distributor
22 permitted signs and advertising materials described in
23 subparts (ii), (iii), or (iv) of this Section for the purpose
24 of furnishing, giving, lending, renting, installing,
25 repairing, or maintaining such signs or advertising materials
26 to or for any retail licensee in this State. Any purchase by a

1 distributor or importing distributor from a manufacturer or a
2 manufacturer's designated supplier shall be voluntary and the
3 manufacturer may not require the distributor or the importing
4 distributor to purchase signs or advertising materials from the
5 manufacturer or the manufacturer's designated supplier.

6 A distributor or importing distributor shall be deemed the
7 owner of such signs or advertising materials purchased from a
8 manufacturer or a manufacturer's designated supplier.

9 The provisions of Public Act 90-373 concerning signs or
10 advertising materials delivered by a manufacturer to a
11 distributor or importing distributor shall apply only to signs
12 or advertising materials delivered on or after August 14, 1997.

13 A manufacturer, distributor, or importing distributor may
14 furnish free social media advertising to a retail licensee if
15 the social media advertisement does not contain the retail
16 price of any alcoholic liquor and the social media
17 advertisement complies with any applicable rules or
18 regulations issued by the Alcohol and Tobacco Tax and Trade
19 Bureau of the United States Department of the Treasury. A
20 manufacturer, distributor, or importing distributor may list
21 the names of one or more unaffiliated retailers in the
22 advertisement of alcoholic liquor through social media.
23 Nothing in this Section shall prohibit a retailer from
24 communicating with a manufacturer, distributor, or importing
25 distributor on social media or sharing media on the social
26 media of a manufacturer, distributor, or importing

1 distributor. A retailer may request free social media
2 advertising from a manufacturer, distributor, or importing
3 distributor. Nothing in this Section shall prohibit a
4 manufacturer, distributor, or importing distributor from
5 sharing, reposting, or otherwise forwarding a social media post
6 by a retail licensee, so long as the sharing, reposting, or
7 forwarding of the social media post does not contain the retail
8 price of any alcoholic liquor. No manufacturer, distributor, or
9 importing distributor shall pay or reimburse a retailer,
10 directly or indirectly, for any social media advertising
11 services, except as specifically permitted in this Act. No
12 retailer shall accept any payment or reimbursement, directly or
13 indirectly, for any social media advertising services offered
14 by a manufacturer, distributor, or importing distributor,
15 except as specifically permitted in this Act. For the purposes
16 of this Section, "social media" means a service, platform, or
17 site where users communicate with one another and share media,
18 such as pictures, videos, music, and blogs, with other users
19 free of charge.

20 No person engaged in the business of manufacturing,
21 importing or distributing alcoholic liquors shall, directly or
22 indirectly, pay for, or advance, furnish, or lend money for the
23 payment of any license for another. Any licensee who shall
24 permit or assent, or be a party in any way to any violation or
25 infringement of the provisions of this Section shall be deemed
26 guilty of a violation of this Act, and any money loaned

1 contrary to a provision of this Act shall not be recovered
2 back, or any note, mortgage or other evidence of indebtedness,
3 or security, or any lease or contract obtained or made contrary
4 to this Act shall be unenforceable and void.

5 This Section shall not apply to airplane licensees
6 exercising powers provided in paragraph (i) of Section 5-1 of
7 this Act.

8 (Source: P.A. 99-448, eff. 8-24-15; 100-885, eff. 8-14-18.)

9 (235 ILCS 5/6-6.5)

10 Sec. 6-6.5. Sanitation. A manufacturer, distributor, or
11 importing distributor may sell coil cleaning services to a
12 retail licensee at fair market cost.

13 A manufacturer, distributor, or importing distributor may
14 sell dispensing accessories to retail licensees at a price not
15 less than the cost to the manufacturer, distributor, or
16 importing distributor who initially purchased them. Dispensing
17 accessories include, but are not limited to, items such as
18 standards, faucets, cold plates, rods, vents, taps, tap
19 standards, hoses, washers, couplings, gas gauges, vent
20 tongues, shanks, and check valves. A manufacturer,
21 distributor, or importing distributor may service, balance, or
22 inspect draft beer, wine, or distilled spirits systems at
23 regular intervals and may provide labor to replace or install
24 dispensing accessories.

25 Coil cleaning supplies consisting of detergents, cleaning

1 chemicals, brushes, or similar type cleaning devices may be
2 sold at a price not less than the cost to the manufacturer,
3 distributor, or importing distributor.

4 A distributor or importing distributor shall not sell or
5 give coil cleaning services to a retailer, special use permit
6 licensee, caterer retailer, or brew pub.

7 (Source: P.A. 90-432, eff. 1-1-98.)

8 (235 ILCS 5/6-6.6 new)

9 Sec. 6-6.6. Giving, selling, and leasing dispensing
10 equipment. Notwithstanding any provision of this Act to the
11 contrary, a manufacturer, distributor, or importing
12 distributor may:

13 (1) give dispensing equipment free of charge to a
14 retailer, special use permit licensee, or caterer retailer
15 one time per year for a one-day period. A manufacturer,
16 distributor, or importing distributor shall not supply a
17 retailer, special use permit licensee, or caterer retailer
18 with free beer, wine, spirits, or any other item of value
19 for the same one-day period the dispensing equipment is
20 given, except as otherwise provided in this Act or the
21 Illinois Administrative Code;

22 (2) give dispensing equipment free of charge to a
23 special event retailer only for the duration of the
24 licensed special event. A manufacturer, distributor, or
25 importing distributor shall not supply a special event

1 retailer with free beer, wine, or distilled spirits for the
2 event the dispensing equipment is given, except as
3 otherwise provided in this Act or the Illinois
4 Administrative Code; or

5 (3) sell dispensing equipment to a retailer, special
6 event retailer, special use permit licensee, or caterer
7 retailer for a price that is not less than the cost to the
8 manufacturer, distributor, or importing distributor. For
9 purposes of this paragraph (3), the cost of dispensing
10 equipment is the amount that the manufacturer,
11 distributor, or importing distributor paid for the
12 dispensing equipment. If the manufacturer, distributor, or
13 importing distributor did not pay for the dispensing
14 equipment but was given the equipment, the cost of the
15 dispensing equipment is equal to (i) the amount another
16 manufacturer, distributor, or importing distributor paid
17 for the dispensing equipment, (ii) the cost of
18 manufacturing or producing the dispensing equipment, or
19 (iii) the fair market value of the dispensing equipment.

20 A manufacturer, distributor, or importing distributor may
21 also enter into a written lease for the fair market value of
22 the dispensing equipment to retailers, special event
23 retailers, special use permit licensees, or caterer retailers.
24 The manufacturer, distributor, or importing distributor shall
25 invoice and collect the sale price or payment for the entire
26 lease period from the retailer, special event retailer, special

1 use permit licensee, or caterer retailer within 30 days of the
2 date of the invoice or from the date the lease is executed. The
3 term of any lease for dispensing equipment shall not exceed 180
4 days and no 180-day lease shall be renewed automatically. Upon
5 expiration of a 180-day lease, there shall be a lapse of 30
6 consecutive days before the beginning of a new lease term.

7 Notwithstanding any provision of this Section to the
8 contrary, a manufacturer, distributor, or importing
9 distributor may also enter into a written lease for the fair
10 market value of the dispensing equipment to retailers, special
11 event retailers, special use permit licensees, or caterer
12 retailers that sell alcoholic liquor at concert venues,
13 stadiums, convention or conference centers, theaters or music
14 venues where the primary purpose of the venue is to host live
15 entertainment, and State and county fairs, for which the term
16 of the lease shall correspond with the entire season or
17 calendar of games, concerts, conferences, or other events of a
18 similar nature. At the direction of the manufacturer,
19 distributor, or importing distributor, the retailer, special
20 event retailer, special use permit licensee, or caterer
21 retailer shall return the equipment or the manufacturer,
22 distributor, or importing distributor shall retrieve the
23 dispensing equipment at the termination of the lease.

24 In this Section, "dispensing equipment" means any portable
25 or temporary unit the primary purpose of which is to pour
26 alcoholic liquor or to maintain the alcoholic liquor in a

1 consumable state. "Dispensing equipment" includes courtesy
2 wagons, beer wagons, beer trailers, ice bins, draft coolers,
3 coil boxes, portable bars, and kiosks. "Dispensing equipment"
4 does not include permanent tap systems, permanent
5 refrigeration systems, or any other built-in or physically
6 attached fixture of the retailer, special event retailer,
7 special use permit licensee, or caterer retailer.

8 In this Section, "fair market value" for the purposes of
9 leasing dispensing equipment means (i) the cost of depreciation
10 of the dispensing equipment to the manufacturer, distributor,
11 or importing distributor for the same period of the lease or
12 (ii) the cost of depreciation the manufacturer, distributor, or
13 importing distributor would have incurred based upon the market
14 value of the dispensing equipment if the manufacturer,
15 distributor, or importing distributor did not pay for the
16 dispensing equipment.

17 (235 ILCS 5/8-1)

18 Sec. 8-1. A tax is imposed upon the privilege of engaging
19 in business as a manufacturer or as an importing distributor of
20 alcoholic liquor other than beer at the rate of \$0.185 per
21 gallon until September 1, 2009 and \$0.231 per gallon beginning
22 September 1, 2009 for cider containing not less than 0.5%
23 alcohol by volume nor more than 7% alcohol by volume, \$0.73 per
24 gallon until September 1, 2009 and \$1.39 per gallon beginning
25 September 1, 2009 for wine other than cider containing less

1 than 7% alcohol by volume, and \$4.50 per gallon until September
2 1, 2009 and \$8.55 per gallon beginning September 1, 2009 on
3 alcohol and spirits manufactured and sold or used by such
4 manufacturer, or as agent for any other person, or sold or used
5 by such importing distributor, or as agent for any other
6 person. A tax is imposed upon the privilege of engaging in
7 business as a manufacturer of beer or as an importing
8 distributor of beer at the rate of \$0.185 per gallon until
9 September 1, 2009 and \$0.231 per gallon beginning September 1,
10 2009 on all beer, regardless of alcohol by volume, manufactured
11 and sold or used by such manufacturer, or as agent for any
12 other person, or sold or used by such importing distributor, or
13 as agent for any other person. Any brewer manufacturing beer in
14 this State shall be entitled to and given a credit or refund of
15 75% of the tax imposed on each gallon of beer up to 4.9 million
16 gallons per year in any given calendar year for tax paid or
17 payable on beer produced and sold in the State of Illinois.

18 For purposes of this Section, "beer" means beer, ale,
19 porter, stout, and other similar fermented beverages of any
20 name or description containing one-half of one percent or more
21 of alcohol by volume, brewed or produced from malt, wholly or
22 in part, or from any substitute for malt.

23 For the purpose of this Section, "cider" means any
24 alcoholic beverage obtained by the alcohol fermentation of the
25 juice of apples or pears including, but not limited to,
26 flavored, sparkling, or carbonated cider.

1 The credit or refund created by this Act shall apply to all
2 beer taxes in the calendar years 1982 through 1986.

3 The increases made by this amendatory Act of the 91st
4 General Assembly in the rates of taxes imposed under this
5 Section shall apply beginning on July 1, 1999.

6 A tax at the rate of 1¢ per gallon on beer and 48¢ per
7 gallon on alcohol and spirits is also imposed upon the
8 privilege of engaging in business as a retailer or as a
9 distributor who is not also an importing distributor with
10 respect to all beer and all alcohol and spirits owned or
11 possessed by such retailer or distributor when this amendatory
12 Act of 1969 becomes effective, and with respect to which the
13 additional tax imposed by this amendatory Act upon
14 manufacturers and importing distributors does not apply.
15 Retailers and distributors who are subject to the additional
16 tax imposed by this paragraph of this Section shall be required
17 to inventory such alcoholic liquor and to pay this additional
18 tax in a manner prescribed by the Department.

19 The provisions of this Section shall be construed to apply
20 to any importing distributor engaging in business in this
21 State, whether licensed or not.

22 However, such tax is not imposed upon any such business as
23 to any alcoholic liquor shipped outside Illinois by an Illinois
24 licensed manufacturer or importing distributor, nor as to any
25 alcoholic liquor delivered in Illinois by an Illinois licensed
26 manufacturer or importing distributor to a purchaser for

1 immediate transportation by the purchaser to another state into
2 which the purchaser has a legal right, under the laws of such
3 state, to import such alcoholic liquor, nor as to any alcoholic
4 liquor other than beer sold by one Illinois licensed
5 manufacturer or importing distributor to another Illinois
6 licensed manufacturer or importing distributor to the extent to
7 which the sale of alcoholic liquor other than beer by one
8 Illinois licensed manufacturer or importing distributor to
9 another Illinois licensed manufacturer or importing
10 distributor is authorized by the licensing provisions of this
11 Act, nor to alcoholic liquor whether manufactured in or
12 imported into this State when sold to a "non-beverage user"
13 licensed by the State for use in the manufacture of any of the
14 following when they are unfit for beverage purposes:

15 Patent and proprietary medicines and medicinal,
16 antiseptic, culinary and toilet preparations;

17 Flavoring extracts and syrups and food products;

18 Scientific, industrial and chemical products, excepting
19 denatured alcohol;

20 Or for scientific, chemical, experimental or mechanical
21 purposes;

22 Nor is the tax imposed upon the privilege of engaging in
23 any business in interstate commerce or otherwise, which
24 business may not, under the Constitution and Statutes of the
25 United States, be made the subject of taxation by this State.

26 The tax herein imposed shall be in addition to all other

1 occupation or privilege taxes imposed by the State of Illinois
2 or political subdivision thereof.

3 If any alcoholic liquor manufactured in or imported into
4 this State is sold to a licensed manufacturer or importing
5 distributor by a licensed manufacturer or importing
6 distributor to be used solely as an ingredient in the
7 manufacture of any beverage for human consumption, the tax
8 imposed upon such purchasing manufacturer or importing
9 distributor shall be reduced by the amount of the taxes which
10 have been paid by the selling manufacturer or importing
11 distributor under this Act as to such alcoholic liquor so used
12 to the Department of Revenue.

13 If any person received any alcoholic liquors from a
14 manufacturer or importing distributor, with respect to which
15 alcoholic liquors no tax is imposed under this Article, and
16 such alcoholic liquor shall thereafter be disposed of in such
17 manner or under such circumstances as may cause the same to
18 become the base for the tax imposed by this Article, such
19 person shall make the same reports and returns, pay the same
20 taxes and be subject to all other provisions of this Article
21 relating to manufacturers and importing distributors.

22 Nothing in this Article shall be construed to require the
23 payment to the Department of the taxes imposed by this Article
24 more than once with respect to any quantity of alcoholic liquor
25 sold or used within this State.

26 No tax is imposed by this Act on sales of alcoholic liquor

1 by Illinois licensed foreign importers to Illinois licensed
2 importing distributors.

3 All of the proceeds of the additional tax imposed by Public
4 Act 96-34 shall be deposited by the Department into the Capital
5 Projects Fund. The remainder of the tax imposed by this Act
6 shall be deposited by the Department into the General Revenue
7 Fund.

8 A manufacturer of beer that imports or transfers beer into
9 this State must comply with the provisions of this Section with
10 regard to the beer imported into this State.

11 The provisions of this Section 8-1 are severable under
12 Section 1.31 of the Statute on Statutes.

13 (Source: P.A. 100-885, eff. 8-14-18.)

14 (235 ILCS 5/8-5) (from Ch. 43, par. 163a)

15 (Text of Section before amendment by P.A. 100-1050)

16 Sec. 8-5. As soon as practicable after any return is filed,
17 the Department shall examine such return and shall correct such
18 return according to its best judgment and information, which
19 return so corrected by the Department shall be prima facie
20 correct and shall be prima facie evidence of the correctness of
21 the amount of tax due, as shown therein. Instead of requiring
22 the licensee to file an amended return, the Department may
23 simply notify the licensee of the correction or corrections it
24 has made. Proof of such correction by the Department, or of the
25 determination of the amount of tax due as provided in Sections

1 8-4 and 8-10, may be made at any hearing before the Department
2 or in any legal proceeding by a reproduced copy of the
3 Department's record relating thereto in the name of the
4 Department under the certificate of the Director of Revenue.
5 Such reproduced copy shall, without further proof, be admitted
6 into evidence before the Department or in any legal proceeding
7 and shall be prima facie proof of the correctness of the amount
8 of tax due, as shown therein. If the return so corrected by the
9 Department discloses the sale or use, by a licensed
10 manufacturer or importing distributor, of alcoholic liquors as
11 to which the tax provided for in this Article should have been
12 paid, but has not been paid, in excess of the alcoholic liquors
13 reported as being taxable by the licensee, and as to which the
14 proper tax was paid the Department shall notify the licensee
15 that it shall issue the taxpayer a notice of tax liability for
16 the amount of tax claimed by the Department to be due, together
17 with penalties at the rates prescribed by Sections 3-3, 3-5 and
18 3-6 of the Uniform Penalty and Interest Act, which amount of
19 tax shall be equivalent to the amount of tax which, at the
20 prescribed rate per gallon, should have been paid with respect
21 to the alcoholic liquors disposed of in excess of those
22 reported as being taxable. No earlier than 90 days after the
23 due date of the return, the Department may compare filed
24 returns, or any amendments thereto, against reports of sales of
25 alcoholic liquor submitted to the Department by other
26 manufacturers and distributors. If a return or amended return

1 is corrected by the Department because the return or amended
2 return failed to disclose the purchase of alcoholic liquor from
3 manufacturers or distributors on which the tax provided for in
4 this Article should have been paid, but has not been paid, the
5 Department shall issue the taxpayer a notice of tax liability
6 for the amount of tax claimed by the Department to be due,
7 together with penalties at the rates prescribed by Sections
8 3-3, 3-5, and 3-6 of the Uniform Penalty and Interest Act. In a
9 case where no return has been filed, the Department shall
10 determine the amount of tax due according to its best judgment
11 and information and shall issue the taxpayer a notice of tax
12 liability for the amount of tax claimed by the Department to be
13 due as herein provided together with penalties at the rates
14 prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty
15 and Interest Act. If, in administering the provisions of this
16 Act, a comparison of a licensee's return or returns with the
17 books, records and physical inventories of such licensee
18 discloses a deficiency which cannot be allocated by the
19 Department to a particular month or months, the Department
20 shall issue the taxpayer a notice of tax liability for the
21 amount of tax claimed by the Department to be due for a given
22 period, but without any obligation upon the Department to
23 allocate such deficiency to any particular month or months,
24 together with penalties at the rates prescribed by Sections
25 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which
26 amount of tax shall be equivalent to the amount of tax which,

1 at the prescribed rate per gallon, should have been paid with
2 respect to the alcoholic liquors disposed of in excess of those
3 reported being taxable, with the tax thereon having been paid
4 under which circumstances the aforesaid notice of tax liability
5 shall be prima facie correct and shall be prima facie evidence
6 of the correctness of the amount of tax due as shown therein;
7 and proof of such correctness may be made in accordance with,
8 and the admissibility of a reproduced copy of such notice of
9 the Department's notice of tax liability shall be governed by,
10 all the provisions of this Act applicable to corrected returns.

11 If the licensee dies or becomes a person under legal
12 disability at any time before the Department issues its notice
13 of tax liability, such notice shall be issued to the
14 administrator, executor or other legal representative, as
15 such, of the deceased or licensee who is under legal
16 disability.

17 If such licensee or legal representative, within 60 days
18 after such notice of tax liability, files a protest to such
19 notice of tax liability and requests a hearing thereon, the
20 Department shall give at least 7 days' notice to such licensee
21 or legal representative, as the case may be, of the time and
22 place fixed for such hearing and shall hold a hearing in
23 conformity with the provisions of this Act, and pursuant
24 thereto shall issue a final assessment to such licensee or
25 legal representative for the amount found to be due as a result
26 of such hearing.

1 If a protest to the notice of tax liability and a request
2 for a hearing thereon is not filed within 60 days after such
3 notice of tax liability, such notice of tax liability shall
4 become final without the necessity of a final assessment being
5 issued and shall be deemed to be a final assessment.

6 In case of failure to pay the tax, or any portion thereof,
7 or any penalty provided for herein, when due, the Department
8 may recover the amount of such tax, or portion thereof, or
9 penalty in a civil action; or if the licensee dies or becomes a
10 person under legal disability, by filing a claim therefor
11 against his or her estate; provided that no such claim shall be
12 filed against the estate of any deceased or of the licensee who
13 is under legal disability for any tax or penalty or portion
14 thereof except in the manner prescribed and within the time
15 limited by the Probate Act of 1975, as amended.

16 The collection of any such tax and penalty, or either, by
17 any means provided for herein, shall not be a bar to any
18 prosecution under this Act.

19 In addition to any other penalty provided for in this
20 Article, all provisions of the Uniform Penalty and Interest Act
21 that are not inconsistent with this Act apply ~~any licensee who~~
22 ~~fails to pay any tax within the time required by this Article~~
23 ~~shall be subject to assessment of penalties and interest at~~
24 ~~rates set forth in the Uniform Penalty and Interest Act.~~

25 (Source: P.A. 87-205; 87-879.)

1 (Text of Section after amendment by P.A. 100-1050)

2 Sec. 8-5. As soon as practicable after any return is filed
3 ~~but not before 90 days after the return is filed, or any~~
4 ~~amendments to that return, whichever is later,~~ the Department
5 shall examine such return or amended return and shall correct
6 such return according to its best judgment and information,
7 which return so corrected by the Department shall be prima
8 facie correct and shall be prima facie evidence of the
9 correctness of the amount of tax due, as shown therein. Instead
10 of requiring the licensee to file an amended return, the
11 Department may simply notify the licensee of the correction or
12 corrections it has made. Proof of such correction by the
13 Department, or of the determination of the amount of tax due as
14 provided in Sections 8-4 and 8-10, may be made at any hearing
15 before the Department or in any legal proceeding by a
16 reproduced copy of the Department's record relating thereto in
17 the name of the Department under the certificate of the
18 Director of Revenue. Such reproduced copy shall, without
19 further proof, be admitted into evidence before the Department
20 or in any legal proceeding and shall be prima facie proof of
21 the correctness of the amount of tax due, as shown therein. If
22 the return so corrected by the Department discloses the sale or
23 use, by a licensed manufacturer or importing distributor, of
24 alcoholic liquors as to which the tax provided for in this
25 Article should have been paid, but has not been paid, in excess
26 of the alcoholic liquors reported as being taxable by the

1 licensee, and as to which the proper tax was paid the
2 Department shall notify the licensee that it shall issue the
3 taxpayer a notice of tax liability for the amount of tax
4 claimed by the Department to be due, together with penalties at
5 the rates prescribed by Sections 3-3, 3-5 and 3-6 of the
6 Uniform Penalty and Interest Act, which amount of tax shall be
7 equivalent to the amount of tax which, at the prescribed rate
8 per gallon, should have been paid with respect to the alcoholic
9 liquors disposed of in excess of those reported as being
10 taxable. No earlier than 90 days after the due date of the
11 return, the Department may compare filed returns, or any
12 amendments thereto, against reports of sales of alcoholic
13 liquor submitted to the Department by other manufacturers and
14 distributors. If a return or amended return is corrected by the
15 Department because the return or amended return failed to
16 disclose the purchase of alcoholic liquor from manufacturers or
17 distributors on which the tax provided for in this Article
18 should have been paid, but has not been paid, the Department
19 shall issue the taxpayer a notice of tax liability for the
20 amount of tax claimed by the Department to be due, together
21 with penalties at the rates prescribed by Sections 3-3, 3-5,
22 and 3-6 of the Uniform Penalty and Interest Act. In a case
23 where no return has been filed, the Department shall determine
24 the amount of tax due according to its best judgment and
25 information and shall issue the taxpayer a notice of tax
26 liability for the amount of tax claimed by the Department to be

1 due as herein provided together with penalties at the rates
2 prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty
3 and Interest Act. If, in administering the provisions of this
4 Act, a comparison of a licensee's return or returns with the
5 books, records and physical inventories of such licensee
6 discloses a deficiency which cannot be allocated by the
7 Department to a particular month or months, the Department
8 shall issue the taxpayer a notice of tax liability for the
9 amount of tax claimed by the Department to be due for a given
10 period, but without any obligation upon the Department to
11 allocate such deficiency to any particular month or months,
12 together with penalties at the rates prescribed by Sections
13 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which
14 amount of tax shall be equivalent to the amount of tax which,
15 at the prescribed rate per gallon, should have been paid with
16 respect to the alcoholic liquors disposed of in excess of those
17 reported being taxable, with the tax thereon having been paid
18 under which circumstances the aforesaid notice of tax liability
19 shall be prima facie correct and shall be prima facie evidence
20 of the correctness of the amount of tax due as shown therein;
21 and proof of such correctness may be made in accordance with,
22 and the admissibility of a reproduced copy of such notice of
23 the Department's notice of tax liability shall be governed by,
24 all the provisions of this Act applicable to corrected returns.

25 If the licensee dies or becomes a person under legal
26 disability at any time before the Department issues its notice

1 of tax liability, such notice shall be issued to the
2 administrator, executor or other legal representative, as
3 such, of the deceased or licensee who is under legal
4 disability.

5 If such licensee or legal representative, within 60 days
6 after such notice of tax liability, files a protest to such
7 notice of tax liability and requests a hearing thereon, the
8 Department shall give at least 7 days' notice to such licensee
9 or legal representative, as the case may be, of the time and
10 place fixed for such hearing and shall hold a hearing in
11 conformity with the provisions of this Act, and pursuant
12 thereto shall issue a final assessment to such licensee or
13 legal representative for the amount found to be due as a result
14 of such hearing.

15 If a protest to the notice of tax liability and a request
16 for a hearing thereon is not filed within 60 days after such
17 notice of tax liability, such notice of tax liability shall
18 become final without the necessity of a final assessment being
19 issued and shall be deemed to be a final assessment.

20 In case of failure to pay the tax, or any portion thereof,
21 or any penalty provided for herein, when due, the Department
22 may recover the amount of such tax, or portion thereof, or
23 penalty in a civil action; or if the licensee dies or becomes a
24 person under legal disability, by filing a claim therefor
25 against his or her estate; provided that no such claim shall be
26 filed against the estate of any deceased or of the licensee who

1 is under legal disability for any tax or penalty or portion
2 thereof except in the manner prescribed and within the time
3 limited by the Probate Act of 1975, as amended.

4 The collection of any such tax and penalty, or either, by
5 any means provided for herein, shall not be a bar to any
6 prosecution under this Act.

7 In addition to any other penalty provided for in this
8 Article, all provisions of the Uniform Penalty and Interest Act
9 that are not inconsistent with this Act apply ~~any licensee who~~
10 ~~fails to pay any tax within the time required by this Article~~
11 ~~shall be subject to assessment of penalties and interest at~~
12 ~~rates set forth in the Uniform Penalty and Interest Act.~~

13 (Source: P.A. 100-1050, eff. 7-1-19.)

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act."