



Rep. Jay Hoffman

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1 AMENDMENT TO HOUSE BILL 1404

2 AMENDMENT NO. _____. Amend House Bill 1404 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 1-3.33 and 5-1 as follows:

6 (235 ILCS 5/1-3.33)

7 Sec. 1-3.33. "Brew Pub" means a person who manufactures no
8 more than 155,000 gallons of beer per year only at a designated
9 licensed premises, except as otherwise provided for a person
10 who simultaneously holds more than one brew pub license, to
11 make sales to importing distributors, distributors, and to
12 non-licensees for use and consumption only, who stores beer at
13 the designated premises, and who is allowed to sell at retail
14 from the licensed premises, provided that a brew pub licensee
15 shall not sell for off-premises consumption more than 155,000
16 gallons per year.

1 (Source: P.A. 99-448, eff. 8-24-15.)

2 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

11 (b) Distributor's license,

12 (c) Importing Distributor's license,

13 (d) Retailer's license,

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

15 (f) Railroad license,

16 (g) Boat license,

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

18 (i) Wine-maker's premises license,

19 (j) Airplane license,

20 (k) Foreign importer's license,

21 (l) Broker's license,

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

23 (n) Brew Pub license,

24 (o) Auction liquor license,

25 (p) Caterer retailer license,

- 1 (q) Special use permit license,
2 (r) Winery shipper's license,
3 (s) Craft distiller tasting permit.

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

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

12 Class 1. A Distiller may make sales and deliveries of
13 alcoholic liquor to distillers, rectifiers, importing
14 distributors, distributors and non-beverage users and to no
15 other licensees.

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

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

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

1 Class 5. A second class Wine manufacturer may make sales
2 and deliveries of more than 50,000 gallons of wine to
3 manufacturers, importing distributors and distributors and to
4 no other licensees.

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

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

25 Class 8. A limited wine-manufacturer may make sales and
26 deliveries not to exceed 40,000 gallons of wine per year to

1 distributors, and to non-licensees in accordance with the
2 provisions of this Act.

3 Class 9. A craft distiller license shall allow the
4 manufacture of up to 100,000 gallons of spirits by distillation
5 per year and the storage of such spirits. If a craft distiller
6 licensee, including a craft distiller licensee who holds more
7 than one craft distiller license, is not affiliated with any
8 other manufacturer of spirits, then the craft distiller
9 licensee may sell such spirits to distributors in this State
10 and up to 2,500 gallons of such spirits to non-licensees to the
11 extent permitted by any exemption approved by the Commission
12 pursuant to Section 6-4 of this Act. A craft distiller license
13 holder may store such spirits at a non-contiguous licensed
14 location, but at no time shall a craft distiller license holder
15 directly or indirectly produce in the aggregate more than
16 100,000 gallons of spirits per year.

17 A craft distiller licensee may hold more than one craft
18 distiller's license. However, a craft distiller that holds more
19 than one craft distiller license shall not manufacture, in the
20 aggregate, more than 100,000 gallons of spirits by distillation
21 per year and shall not sell, in the aggregate, more than 2,500
22 gallons of such spirits to non-licensees in accordance with an
23 exemption approved by the State Commission pursuant to Section
24 6-4 of this Act.

25 Any craft distiller licensed under this Act who on July 28,
26 2010 (the effective date of Public Act 96-1367) was licensed as

1 a distiller and manufactured no more spirits than permitted by
2 this Section shall not be required to pay the initial licensing
3 fee.

4 Class 10. A class 1 brewer license, which may only be
5 issued to a licensed brewer or licensed non-resident dealer,
6 shall allow the manufacture of up to 930,000 gallons of beer
7 per year provided that the class 1 brewer licensee does not
8 manufacture more than a combined 930,000 gallons of beer per
9 year and is not a member of or affiliated with, directly or
10 indirectly, a manufacturer that produces more than 930,000
11 gallons of beer per year or any other alcoholic liquor. A class
12 1 brewer licensee may make sales and deliveries to importing
13 distributors and distributors and to retail licensees in
14 accordance with the conditions set forth in paragraph (18) of
15 subsection (a) of Section 3-12 of this Act.

16 Class 11. A class 2 brewer license, which may only be
17 issued to a licensed brewer or licensed non-resident dealer,
18 shall allow the manufacture of up to 3,720,000 gallons of beer
19 per year provided that the class 2 brewer licensee does not
20 manufacture more than a combined 3,720,000 gallons of beer per
21 year and is not a member of or affiliated with, directly or
22 indirectly, a manufacturer that produces more than 3,720,000
23 gallons of beer per year or any other alcoholic liquor. A class
24 2 brewer licensee may make sales and deliveries to importing
25 distributors and distributors, but shall not make sales or
26 deliveries to any other licensee. If the State Commission

1 provides prior approval, a class 2 brewer licensee may annually
2 transfer up to 3,720,000 gallons of beer manufactured by that
3 class 2 brewer licensee to the premises of a licensed class 2
4 brewer wholly owned and operated by the same licensee.

5 (a-1) A manufacturer which is licensed in this State to
6 make sales or deliveries of alcoholic liquor to licensed
7 distributors or importing distributors and which enlists
8 agents, representatives, or individuals acting on its behalf
9 who contact licensed retailers on a regular and continual basis
10 in this State must register those agents, representatives, or
11 persons acting on its behalf with the State Commission.

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

1 Commission shall post a list of registered agents on the
2 Commission's website.

3 (b) A distributor's license shall allow the wholesale
4 purchase and storage of alcoholic liquors and sale of alcoholic
5 liquors to licensees in this State and to persons without the
6 State, as may be permitted by law. No person licensed as a
7 distributor shall be granted a non-resident dealer's license.

8 (c) An importing distributor's license may be issued to and
9 held by those only who are duly licensed distributors, upon the
10 filing of an application by a duly licensed distributor, with
11 the Commission and the Commission shall, without the payment of
12 any fee, immediately issue such importing distributor's
13 license to the applicant, which shall allow the importation of
14 alcoholic liquor by the licensee into this State from any point
15 in the United States outside this State, and the purchase of
16 alcoholic liquor in barrels, casks or other bulk containers and
17 the bottling of such alcoholic liquors before resale thereof,
18 but all bottles or containers so filled shall be sealed,
19 labeled, stamped and otherwise made to comply with all
20 provisions, rules and regulations governing manufacturers in
21 the preparation and bottling of alcoholic liquors. The
22 importing distributor's license shall permit such licensee to
23 purchase alcoholic liquor from Illinois licensed non-resident
24 dealers and foreign importers only. No person licensed as an
25 importing distributor shall be granted a non-resident dealer's
26 license.

1 (d) A retailer's license shall allow the licensee to sell
2 and offer for sale at retail, only in the premises specified in
3 the license, alcoholic liquor for use or consumption, but not
4 for resale in any form. Nothing in Public Act 95-634 shall
5 deny, limit, remove, or restrict the ability of a holder of a
6 retailer's license to transfer, deliver, or ship alcoholic
7 liquor to the purchaser for use or consumption subject to any
8 applicable local law or ordinance. Any retail license issued to
9 a manufacturer shall only permit the manufacturer to sell beer
10 at retail on the premises actually occupied by the
11 manufacturer. For the purpose of further describing the type of
12 business conducted at a retail licensed premises, a retailer's
13 licensee may be designated by the State Commission as (i) an on
14 premise consumption retailer, (ii) an off premise sale
15 retailer, or (iii) a combined on premise consumption and off
16 premise sale retailer.

17 Notwithstanding any other provision of this subsection
18 (d), a retail licensee may sell alcoholic liquors to a special
19 event retailer licensee for resale to the extent permitted
20 under subsection (e).

21 (e) A special event retailer's license (not-for-profit)
22 shall permit the licensee to purchase alcoholic liquors from an
23 Illinois licensed distributor (unless the licensee purchases
24 less than \$500 of alcoholic liquors for the special event, in
25 which case the licensee may purchase the alcoholic liquors from
26 a licensed retailer) and shall allow the licensee to sell and

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

24 (f) A railroad license shall permit the licensee to import
25 alcoholic liquors into this State from any point in the United
26 States outside this State and to store such alcoholic liquors

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

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

25 (h) A non-beverage user's license shall allow the licensee
26 to purchase alcoholic liquor from a licensed manufacturer or

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

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

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

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

16 (j) An airplane license shall permit the licensee to import
17 alcoholic liquors into this State from any point in the United
18 States outside this State and to store such alcoholic liquors
19 in this State; to make wholesale purchases of alcoholic liquors
20 directly from manufacturers, foreign importers, distributors
21 and importing distributors from within or outside this State;
22 and to store such alcoholic liquors in this State; provided
23 that the above powers may be exercised only in connection with
24 the importation, purchase or storage of alcoholic liquors to be
25 sold or dispensed on an airplane; and provided further, that
26 airplane licensees exercising the above powers shall be subject

1 to all provisions of Article VIII of this Act as applied to
2 importing distributors. An airplane licensee shall also permit
3 the sale or dispensing of alcoholic liquors on any passenger
4 airplane regularly operated by a common carrier in this State,
5 but shall not permit the sale for resale of any alcoholic
6 liquors to any licensee within this State. A single airplane
7 license shall be required of an airline company if liquor
8 service is provided on board aircraft in this State. The annual
9 fee for such license shall be as determined in Section 5-3.

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

25 (l) (i) A broker's license shall be required of all persons
26 who solicit orders for, offer to sell or offer to supply

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

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

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

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

1 promotes, solicits, or accepts orders for wine as specifically
2 authorized in Section 6-29 of this Act.

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

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

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

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

1 right to sell such brands at wholesale, and (iii) the
2 non-resident dealer shall comply with the provisions of
3 Sections 6-5 and 6-6 of this Act to the same extent that these
4 provisions apply to manufacturers. No person licensed as a
5 non-resident dealer shall be granted a distributor's or
6 importing distributor's license.

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

25 A brew pub licensee shall not under any circumstance sell
26 or offer for sale beer manufactured by the brew pub licensee to

1 retail licensees.

2 A person who holds a class 2 brewer license may
3 simultaneously hold a brew pub license if the class 2 brewer
4 (i) does not, under any circumstance, sell or offer for sale
5 beer manufactured by the class 2 brewer to retail licensees;
6 (ii) does not hold more than 3 brew pub licenses in this State;
7 (iii) does not manufacture more than a combined 3,720,000
8 gallons of beer per year, including the beer manufactured at
9 the brew pub; and (iv) is not a member of or affiliated with,
10 directly or indirectly, a manufacturer that produces more than
11 3,720,000 gallons of beer per year or any other alcoholic
12 liquor.

13 A person may simultaneously hold more than one brew pub
14 license. A person who holds 2 brew pub licenses may, in the
15 aggregate, manufacture up to 310,000 gallons of beer per year
16 among the premises specified in the licenses. A person who
17 holds 3 or more brew pub licenses may, in the aggregate,
18 manufacture up to 465,000 gallons of beer among the premises
19 specified in the licenses.

20 Notwithstanding any other provision of this Act, a licensed
21 brewer, class 2 brewer, or non-resident dealer who before July
22 1, 2015 manufactured less than 3,720,000 gallons of beer per
23 year and held a brew pub license on or before July 1, 2015 may
24 (i) continue to qualify for and hold that brew pub license for
25 the licensed premises and (ii) manufacture more than 3,720,000
26 gallons of beer per year and continue to qualify for and hold

1 that brew pub license if that brewer, class 2 brewer, or
2 non-resident dealer does not simultaneously hold a class 1
3 brewer license and is not a member of or affiliated with,
4 directly or indirectly, a manufacturer that produces more than
5 3,720,000 gallons of beer per year or that produces any other
6 alcoholic liquor.

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

12 (p) An auction liquor license shall allow the licensee to
13 sell and offer for sale at auction wine and spirits for use or
14 consumption, or for resale by an Illinois liquor licensee in
15 accordance with provisions of this Act. An auction liquor
16 license will be issued to a person and it will permit the
17 auction liquor licensee to hold the auction anywhere in the
18 State. An auction liquor license must be obtained for each
19 auction at least 14 days in advance of the auction date.

20 (q) A special use permit license shall allow an Illinois
21 licensed retailer to transfer a portion of its alcoholic liquor
22 inventory from its retail licensed premises to the premises
23 specified in the license hereby created, and to sell or offer
24 for sale at retail, only in the premises specified in the
25 license hereby created, the transferred alcoholic liquor for
26 use or consumption, but not for resale in any form. A special

1 use permit license may be granted for the following time
2 periods: one day or less; 2 or more days to a maximum of 15 days
3 per location in any 12-month period. An applicant for the
4 special use permit license must also submit with the
5 application proof satisfactory to the State Commission that the
6 applicant will provide dram shop liability insurance to the
7 maximum limits and have local authority approval.

8 (r) A winery shipper's license shall allow a person with a
9 first-class or second-class wine manufacturer's license, a
10 first-class or second-class wine-maker's license, or a limited
11 wine manufacturer's license or who is licensed to make wine
12 under the laws of another state to ship wine made by that
13 licensee directly to a resident of this State who is 21 years
14 of age or older for that resident's personal use and not for
15 resale. Prior to receiving a winery shipper's license, an
16 applicant for the license must provide the Commission with a
17 true copy of its current license in any state in which it is
18 licensed as a manufacturer of wine. An applicant for a winery
19 shipper's license must also complete an application form that
20 provides any other information the Commission deems necessary.
21 The application form shall include all addresses from which the
22 applicant for a winery shipper's license intends to ship wine,
23 including the name and address of any third party, except for a
24 common carrier, authorized to ship wine on behalf of the
25 manufacturer. The application form shall include an
26 acknowledgement consenting to the jurisdiction of the

1 Commission, the Illinois Department of Revenue, and the courts
2 of this State concerning the enforcement of this Act and any
3 related laws, rules, and regulations, including authorizing
4 the Department of Revenue and the Commission to conduct audits
5 for the purpose of ensuring compliance with Public Act 95-634,
6 and an acknowledgement that the wine manufacturer is in
7 compliance with Section 6-2 of this Act. Any third party,
8 except for a common carrier, authorized to ship wine on behalf
9 of a first-class or second-class wine manufacturer's licensee,
10 a first-class or second-class wine-maker's licensee, a limited
11 wine manufacturer's licensee, or a person who is licensed to
12 make wine under the laws of another state shall also be
13 disclosed by the winery shipper's licensee, and a copy of the
14 written appointment of the third-party wine provider, except
15 for a common carrier, to the wine manufacturer shall be filed
16 with the State Commission as a supplement to the winery
17 shipper's license application or any renewal thereof. The
18 winery shipper's license holder shall affirm under penalty of
19 perjury, as part of the winery shipper's license application or
20 renewal, that he or she only ships wine, either directly or
21 indirectly through a third-party provider, from the licensee's
22 own production.

23 Except for a common carrier, a third-party provider
24 shipping wine on behalf of a winery shipper's license holder is
25 the agent of the winery shipper's license holder and, as such,
26 a winery shipper's license holder is responsible for the acts

1 and omissions of the third-party provider acting on behalf of
2 the license holder. A third-party provider, except for a common
3 carrier, that engages in shipping wine into Illinois on behalf
4 of a winery shipper's license holder shall consent to the
5 jurisdiction of the State Commission and the State. Any
6 third-party, except for a common carrier, holding such an
7 appointment shall, by February 1 of each calendar year and upon
8 request by the State Commission or the Department of Revenue,
9 file with the State Commission a statement detailing each
10 shipment made to an Illinois resident. The statement shall
11 include the name and address of the third-party provider filing
12 the statement, the time period covered by the statement, and
13 the following information:

- 14 (1) the name, address, and license number of the winery
15 shipper on whose behalf the shipment was made;
- 16 (2) the quantity of the products delivered; and
- 17 (3) the date and address of the shipment.

18 If the Department of Revenue or the State Commission requests a
19 statement under this paragraph, the third-party provider must
20 provide that statement no later than 30 days after the request
21 is made. Any books, records, supporting papers, and documents
22 containing information and data relating to a statement under
23 this paragraph shall be kept and preserved for a period of 3
24 years, unless their destruction sooner is authorized, in
25 writing, by the Director of Revenue, and shall be open and
26 available to inspection by the Director of Revenue or the State

1 Commission or any duly authorized officer, agent, or employee
2 of the State Commission or the Department of Revenue, at all
3 times during business hours of the day. Any person who violates
4 any provision of this paragraph or any rule of the State
5 Commission for the administration and enforcement of the
6 provisions of this paragraph is guilty of a Class C
7 misdemeanor. In case of a continuing violation, each day's
8 continuance thereof shall be a separate and distinct offense.

9 The State Commission shall adopt rules as soon as
10 practicable to implement the requirements of Public Act 99-904
11 and shall adopt rules prohibiting any such third-party
12 appointment of a third-party provider, except for a common
13 carrier, that has been deemed by the State Commission to have
14 violated the provisions of this Act with regard to any winery
15 shipper licensee.

16 A winery shipper licensee must pay to the Department of
17 Revenue the State liquor gallonage tax under Section 8-1 for
18 all wine that is sold by the licensee and shipped to a person
19 in this State. For the purposes of Section 8-1, a winery
20 shipper licensee shall be taxed in the same manner as a
21 manufacturer of wine. A licensee who is not otherwise required
22 to register under the Retailers' Occupation Tax Act must
23 register under the Use Tax Act to collect and remit use tax to
24 the Department of Revenue for all gallons of wine that are sold
25 by the licensee and shipped to persons in this State. If a
26 licensee fails to remit the tax imposed under this Act in

1 accordance with the provisions of Article VIII of this Act, the
2 winery shipper's license shall be revoked in accordance with
3 the provisions of Article VII of this Act. If a licensee fails
4 to properly register and remit tax under the Use Tax Act or the
5 Retailers' Occupation Tax Act for all wine that is sold by the
6 winery shipper and shipped to persons in this State, the winery
7 shipper's license shall be revoked in accordance with the
8 provisions of Article VII of this Act.

9 A winery shipper licensee must collect, maintain, and
10 submit to the Commission on a semi-annual basis the total
11 number of cases per resident of wine shipped to residents of
12 this State. A winery shipper licensed under this subsection (r)
13 must comply with the requirements of Section 6-29 of this Act.

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

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

23 (s) A craft distiller tasting permit license shall allow an
24 Illinois licensed craft distiller to transfer a portion of its
25 alcoholic liquor inventory from its craft distiller licensed
26 premises to the premises specified in the license hereby

1 created and to conduct a sampling, only in the premises
2 specified in the license hereby created, of the transferred
3 alcoholic liquor in accordance with subsection (c) of Section
4 6-31 of this Act. The transferred alcoholic liquor may not be
5 sold or resold in any form. An applicant for the craft
6 distiller tasting permit license must also submit with the
7 application proof satisfactory to the State Commission that the
8 applicant will provide dram shop liability insurance to the
9 maximum limits and have local authority approval.

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.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."