



Rep. Michael J. Zalewski

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LRB100 09622 RPS 26374 a

1 AMENDMENT TO SENATE BILL 941

2 AMENDMENT NO. _____. Amend Senate Bill 941 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 1-3.17.1 and 5-1 as follows:

6 (235 ILCS 5/1-3.17.1) (from Ch. 43, par. 95.17.1)

7 Sec. 1-3.17.1. "Special event retailer" means an
8 educational, fraternal, political, civic, religious, or
9 non-profit organization which sells or offers for sale beer,
10 spirits, or wine, or any combination thereof ~~both~~, only for
11 consumption at the location and on the dates designated by a
12 special event retail license.

13 (Source: P.A. 86-404.)

14 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

15 Sec. 5-1. Licenses issued by the Illinois Liquor Control

1 Commission shall be of the following classes:

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

8 (b) Distributor's license,

9 (c) Importing Distributor's license,

10 (d) Retailer's license,

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

12 (f) Railroad license,

13 (g) Boat license,

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

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

16 (j) Airplane license,

17 (k) Foreign importer's license,

18 (l) Broker's license,

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

20 (n) Brew Pub license,

21 (o) Auction liquor license,

22 (p) Caterer retailer license,

23 (q) Special use permit license,

24 (r) Winery shipper's license,

25 (s) Craft distiller tasting permit.

26 No person, firm, partnership, corporation, or other legal

1 business entity that is engaged in the manufacturing of wine
2 may concurrently obtain and hold a wine-maker's license and a
3 wine manufacturer's license.

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

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

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

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

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

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

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

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

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

25 Class 9. A craft distiller license shall allow the
26 manufacture of up to 100,000 ~~March 1, 2013 (Public Act 97-1166)~~

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

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

22 Any craft distiller licensed under this Act who on July 28,
23 2010 (the effective date of Public Act 96-1367) was licensed as
24 a distiller and manufactured no more spirits than permitted by
25 this Section shall not be required to pay the initial licensing
26 fee.

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

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

1 brewer wholly owned and operated by the same licensee.

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

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

26 (b) A distributor's license shall allow the wholesale

1 purchase and storage of alcoholic liquors and sale of alcoholic
2 liquors to licensees in this State and to persons without the
3 State, as may be permitted by law. No person licensed as a
4 distributor shall be granted a non-resident dealer's license.

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

24 (d) A retailer's license shall allow the licensee to sell
25 and offer for sale at retail, only in the premises specified in
26 the license, alcoholic liquor for use or consumption, but not

1 for resale in any form. Nothing in Public Act 95-634 shall
2 deny, limit, remove, or restrict the ability of a holder of a
3 retailer's license to transfer, deliver, or ship alcoholic
4 liquor to the purchaser for use or consumption subject to any
5 applicable local law or ordinance. Any retail license issued to
6 a manufacturer shall only permit the manufacturer to sell beer
7 at retail on the premises actually occupied by the
8 manufacturer. For the purpose of further describing the type of
9 business conducted at a retail licensed premises, a retailer's
10 licensee may be designated by the State Commission as (i) an on
11 premise consumption retailer, (ii) an off premise sale
12 retailer, or (iii) a combined on premise consumption and off
13 premise sale retailer.

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

18 (e) A special event retailer's license (not-for-profit)
19 shall permit the licensee to purchase alcoholic liquors from an
20 Illinois licensed distributor (unless the licensee purchases
21 less than \$500 of alcoholic liquors for the special event, in
22 which case the licensee may purchase the alcoholic liquors from
23 a licensed retailer) and shall allow the licensee to sell and
24 offer for sale, at retail, alcoholic liquors for use or
25 consumption, but not for resale in any form and only at the
26 location and on the specific dates designated for the special

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

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

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

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

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

1 licensee solely for the non-beverage purposes set forth in
2 subsection (a) of Section 8-1 of this Act, and such licenses
3 shall be divided and classified and shall permit the purchase,
4 possession and use of limited and stated quantities of
5 alcoholic liquor as follows:

6 Class 1, not to exceed 500 gallons

7 Class 2, not to exceed 1,000 gallons

8 Class 3, not to exceed 5,000 gallons

9 Class 4, not to exceed 10,000 gallons

10 Class 5, not to exceed 50,000 gallons

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

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

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

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

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

22 (l) (i) A broker's license shall be required of all persons
23 who solicit orders for, offer to sell or offer to supply
24 alcoholic liquor to retailers in the State of Illinois, or who
25 offer to retailers to ship or cause to be shipped or to make
26 contact with distillers, rectifiers, brewers or manufacturers

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

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

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

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

26 A broker's license under this subsection (1) shall not

1 entitle the holder to buy or sell any alcoholic liquors for his
2 own account or to take or deliver title to such alcoholic
3 liquors.

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

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

13 (m) A non-resident dealer's license shall permit such
14 licensee to ship into and warehouse alcoholic liquor into this
15 State from any point outside of this State, and to sell such
16 alcoholic liquor to Illinois licensed foreign importers and
17 importing distributors and to no one else in this State;
18 provided that (i) said non-resident dealer shall register with
19 the Illinois Liquor Control Commission each and every brand of
20 alcoholic liquor which it proposes to sell to Illinois
21 licensees during the license period, (ii) it shall comply with
22 all of the provisions of Section 6-9 hereof with respect to
23 registration of such Illinois licensees as may be granted the
24 right to sell such brands at wholesale, and (iii) the
25 non-resident dealer shall comply with the provisions of
26 Sections 6-5 and 6-6 of this Act to the same extent that these

1 provisions apply to manufacturers. No person licensed as a
2 non-resident dealer shall be granted a distributor's or
3 importing distributor's license.

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

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

25 A person who holds a class 2 brewer license may
26 simultaneously hold a brew pub license if the class 2 brewer

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

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

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

1 unlicensed.

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

10 (q) A special use permit license shall allow an Illinois
11 licensed retailer to transfer a portion of its alcoholic liquor
12 inventory from its retail licensed premises to the premises
13 specified in the license hereby created, and to sell or offer
14 for sale at retail, only in the premises specified in the
15 license hereby created, the transferred alcoholic liquor for
16 use or consumption, but not for resale in any form. A special
17 use permit license may be granted for the following time
18 periods: one day or less; 2 or more days to a maximum of 15 days
19 per location in any 12-month ~~12-month~~ period. An applicant for
20 the special use 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 (r) A winery shipper's license shall allow a person with a
25 first-class or second-class wine manufacturer's license, a
26 first-class or second-class wine-maker's license, or a limited

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

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

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

1 include the name and address of the third-party provider filing
2 the statement, the time period covered by the statement, and
3 the following information:

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

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

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

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

25 The State Commission shall adopt rules as soon as
26 practicable to implement the requirements of Public Act 99-904

1 ~~this amendatory Act of the 99th General Assembly~~ and shall
2 adopt rules prohibiting any such third-party appointment of a
3 third-party provider, except for a common carrier, that has
4 been deemed by the State Commission to have violated the
5 provisions of this Act with regard to any winery shipper
6 licensee.

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

26 A winery shipper licensee must collect, maintain, and

1 submit to the Commission on a semi-annual basis the total
2 number of cases per resident of wine shipped to residents of
3 this State. A winery shipper licensed under this subsection (r)
4 must comply with the requirements of Section 6-29 of this Act.

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

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

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

1 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
2 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; 99-642, eff.
3 7-28-16; 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904,
4 eff. 1-1-17; revised 9-15-16.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law."