

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 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
16 Commission shall be of the following classes:

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

- 1 (b) Distributor's license,
- 2 (c) Importing Distributor's license,
- 3 (d) Retailer's license,
- 4 (e) Special Event Retailer's license (not-for-profit),
- 5 (f) Railroad license,
- 6 (g) Boat license,
- 7 (h) Non-Beverage User's license,
- 8 (i) Wine-maker's premises license,
- 9 (j) Airplane license,
- 10 (k) Foreign importer's license,
- 11 (l) Broker's license,
- 12 (m) Non-resident dealer's license,
- 13 (n) Brew Pub license,
- 14 (o) Auction liquor license,
- 15 (p) Caterer retailer license,
- 16 (q) Special use permit license,
- 17 (r) Winery shipper's license,
- 18 (s) Craft distiller tasting 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 ~~March 1, 2013 (Public Act 97-1166)~~
20 gallons of spirits by distillation per year and the storage of
21 such spirits. If a craft distiller licensee, including a craft
22 distiller licensee who holds more than one craft distiller
23 license, is not affiliated with any other manufacturer of
24 spirits, then the craft distiller licensee may sell such
25 spirits to distributors in this State and up to 2,500 gallons
26 of such spirits to non-licensees to the extent permitted by any

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

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

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

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

1 gallons of beer per year or any other alcoholic liquor. A class
2 1 brewer licensee may make sales and deliveries to importing
3 distributors and distributors and to retail licensees in
4 accordance with the conditions set forth in paragraph (18) of
5 subsection (a) of Section 3-12 of this Act.

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

21 (a-1) A manufacturer which is licensed in this State to
22 make sales or deliveries of alcoholic liquor to licensed
23 distributors or importing distributors and which enlists
24 agents, representatives, or individuals acting on its behalf
25 who contact licensed retailers on a regular and continual basis
26 in this State must register those agents, representatives, or

1 persons acting on its behalf with the State Commission.

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

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

24 (c) An importing distributor's license may be issued to and
25 held by those only who are duly licensed distributors, upon the
26 filing of an application by a duly licensed distributor, with

1 the Commission and the Commission shall, without the payment of
2 any fee, immediately issue such importing distributor's
3 license to the applicant, which shall allow the importation of
4 alcoholic liquor by the licensee into this State from any point
5 in the United States outside this State, and the purchase of
6 alcoholic liquor in barrels, casks or other bulk containers and
7 the bottling of such alcoholic liquors before resale thereof,
8 but all bottles or containers so filled shall be sealed,
9 labeled, stamped and otherwise made to comply with all
10 provisions, rules and regulations governing manufacturers in
11 the preparation and bottling of alcoholic liquors. The
12 importing distributor's license shall permit such licensee to
13 purchase alcoholic liquor from Illinois licensed non-resident
14 dealers and foreign importers only. No person licensed as an
15 importing distributor shall be granted a non-resident dealer's
16 license.

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

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

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

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

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

14 (f) A railroad license shall permit the licensee to import
15 alcoholic liquors into this State from any point in the United
16 States outside this State and to store such alcoholic liquors
17 in this State; to make wholesale purchases of alcoholic liquors
18 directly from manufacturers, foreign importers, distributors
19 and importing distributors from within or outside this State;
20 and to store such alcoholic liquors in this State; provided
21 that the above powers may be exercised only in connection with
22 the importation, purchase or storage of alcoholic liquors to be
23 sold or dispensed on a club, buffet, lounge or dining car
24 operated on an electric, gas or steam railway in this State;
25 and provided further, that railroad licensees exercising the
26 above powers shall be subject to all provisions of Article VIII

1 of this Act as applied to importing distributors. A railroad
 2 license shall also permit the licensee to sell or dispense
 3 alcoholic liquors on any club, buffet, lounge or dining car
 4 operated on an electric, gas or steam railway regularly
 5 operated by a common carrier in this State, but shall not
 6 permit the sale for resale of any alcoholic liquors to any
 7 licensee within this State. A license shall be obtained for
 8 each car in which such sales are made.

9 (g) A boat license shall allow the sale of alcoholic liquor
 10 in individual drinks, on any passenger boat regularly operated
 11 as a common carrier on navigable waters in this State or on any
 12 riverboat operated under the Riverboat Gambling Act, which boat
 13 or riverboat maintains a public dining room or restaurant
 14 thereon.

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

- 25 Class 1, not to exceed 500 gallons
- 26 Class 2, not to exceed 1,000 gallons

- 1 Class 3, not to exceed 5,000 gallons
- 2 Class 4, not to exceed 10,000 gallons
- 3 Class 5, not to exceed 50,000 gallons

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

1 require additional licensing per location as specified in
2 Section 5-3 of this Act. A wine-maker's premises licensee shall
3 secure liquor liability insurance coverage in an amount at
4 least equal to the maximum liability amounts set forth in
5 subsection (a) of Section 6-21 of this Act.

6 (j) An airplane license shall permit the licensee to import
7 alcoholic liquors into this State from any point in the United
8 States outside this State and to store such alcoholic liquors
9 in this State; to make wholesale purchases of alcoholic liquors
10 directly from manufacturers, foreign importers, distributors
11 and importing distributors from within or outside this State;
12 and to store such alcoholic liquors in this State; provided
13 that the above powers may be exercised only in connection with
14 the importation, purchase or storage of alcoholic liquors to be
15 sold or dispensed on an airplane; and provided further, that
16 airplane licensees exercising the above powers shall be subject
17 to all provisions of Article VIII of this Act as applied to
18 importing distributors. An airplane licensee shall also permit
19 the sale or dispensing of alcoholic liquors on any passenger
20 airplane regularly operated by a common carrier in this State,
21 but shall not permit the sale for resale of any alcoholic
22 liquors to any licensee within this State. A single airplane
23 license shall be required of an airline company if liquor
24 service is provided on board aircraft in this State. The annual
25 fee for such license shall be as determined in Section 5-3.

26 (k) A foreign importer's license shall permit such licensee

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

15 (1) (i) A broker's license shall be required of all persons
16 who solicit orders for, offer to sell or offer to supply
17 alcoholic liquor to retailers in the State of Illinois, or who
18 offer to retailers to ship or cause to be shipped or to make
19 contact with distillers, rectifiers, brewers or manufacturers
20 or any other party within or without the State of Illinois in
21 order that alcoholic liquors be shipped to a distributor,
22 importing distributor or foreign importer, whether such
23 solicitation or offer is consummated within or without the
24 State of Illinois.

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

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

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

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

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

23 This subsection (1) shall not apply to distributors,
24 employees of distributors, or employees of a manufacturer who
25 has registered the trademark, brand or name of the alcoholic
26 liquor pursuant to Section 6-9 of this Act, and who regularly

1 sells such alcoholic liquor in the State of Illinois only to
2 its registrants thereunder.

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

6 (m) A non-resident dealer's license shall permit such
7 licensee to ship into and warehouse alcoholic liquor into this
8 State from any point outside of this State, and to sell such
9 alcoholic liquor to Illinois licensed foreign importers and
10 importing distributors and to no one else in this State;
11 provided that (i) said non-resident dealer shall register with
12 the Illinois Liquor Control Commission each and every brand of
13 alcoholic liquor which it proposes to sell to Illinois
14 licensees during the license period, (ii) it shall comply with
15 all of the provisions of Section 6-9 hereof with respect to
16 registration of such Illinois licensees as may be granted the
17 right to sell such brands at wholesale, and (iii) the
18 non-resident dealer shall comply 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. No person licensed as a
21 non-resident dealer shall be granted a distributor's or
22 importing distributor's license.

23 (n) A brew pub license shall allow the licensee to only (i)
24 manufacture up to 155,000 gallons of beer per year only on the
25 premises specified in the license, (ii) make sales of the beer
26 manufactured on the premises or, with the approval of the

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

15 A brew pub licensee shall not under any circumstance sell
16 or offer for sale beer manufactured by the brew pub licensee to
17 retail licensees.

18 A person who holds a class 2 brewer license may
19 simultaneously hold a brew pub license if the class 2 brewer
20 (i) does not, under any circumstance, sell or offer for sale
21 beer manufactured by the class 2 brewer to retail licensees;
22 (ii) does not hold more than 3 brew pub licenses in this State;
23 (iii) does not manufacture more than a combined 3,720,000
24 gallons of beer per year, including the beer manufactured at
25 the brew pub; and (iv) is not a member of or affiliated with,
26 directly or indirectly, a manufacturer that produces more than

1 3,720,000 gallons of beer per year or any other alcoholic
2 liquor.

3 Notwithstanding any other provision of this Act, a licensed
4 brewer, class 2 brewer, or non-resident dealer who before July
5 1, 2015 manufactured less than 3,720,000 gallons of beer per
6 year and held a brew pub license on or before July 1, 2015 may
7 (i) continue to qualify for and hold that brew pub license for
8 the licensed premises and (ii) manufacture more than 3,720,000
9 gallons of beer per year and continue to qualify for and hold
10 that brew pub license if that brewer, class 2 brewer, or
11 non-resident dealer does not simultaneously hold a class 1
12 brewer license and is not a member of or affiliated with,
13 directly or indirectly, a manufacturer that produces more than
14 3,720,000 gallons of beer per year or that produces any other
15 alcoholic liquor.

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

21 (p) An auction liquor license shall allow the licensee to
22 sell and offer for sale at auction wine and spirits for use or
23 consumption, or for resale by an Illinois liquor licensee in
24 accordance with provisions of this Act. An auction liquor
25 license will be issued to a person and it will permit the
26 auction liquor licensee to hold the auction anywhere in the

1 State. An auction liquor license must be obtained for each
2 auction at least 14 days in advance of the auction date.

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

17 (r) A winery shipper's license shall allow a person with a
18 first-class or second-class wine manufacturer's license, a
19 first-class or second-class wine-maker's license, or a limited
20 wine manufacturer's license or who is licensed to make wine
21 under the laws of another state to ship wine made by that
22 licensee directly to a resident of this State who is 21 years
23 of age or older for that resident's personal use and not for
24 resale. Prior to receiving a winery shipper's license, an
25 applicant for the license must provide the Commission with a
26 true copy of its current license in any state in which it is

1 licensed as a manufacturer of wine. An applicant for a winery
2 shipper's license must also complete an application form that
3 provides any other information the Commission deems necessary.
4 The application form shall include all addresses from which the
5 applicant for a winery shipper's license intends to ship wine,
6 including the name and address of any third party, except for a
7 common carrier, authorized to ship wine on behalf of the
8 manufacturer. The application form shall include an
9 acknowledgement consenting to the jurisdiction of the
10 Commission, the Illinois Department of Revenue, and the courts
11 of this State concerning the enforcement of this Act and any
12 related laws, rules, and regulations, including authorizing
13 the Department of Revenue and the Commission to conduct audits
14 for the purpose of ensuring compliance with Public Act 95-634,
15 and an acknowledgement that the wine manufacturer is in
16 compliance with Section 6-2 of this Act. Any third party,
17 except for a common carrier, authorized to ship wine on behalf
18 of a first-class or second-class wine manufacturer's licensee,
19 a first-class or second-class wine-maker's licensee, a limited
20 wine manufacturer's licensee, or a person who is licensed to
21 make wine under the laws of another state shall also be
22 disclosed by the winery shipper's licensee, and a copy of the
23 written appointment of the third-party wine provider, except
24 for a common carrier, to the wine manufacturer shall be filed
25 with the State Commission as a supplement to the winery
26 shipper's license application or any renewal thereof. The

1 winery shipper's license holder shall affirm under penalty of
2 perjury, as part of the winery shipper's license application or
3 renewal, that he or she only ships wine, either directly or
4 indirectly through a third-party provider, from the licensee's
5 own production.

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

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

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

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

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

18 The State Commission shall adopt rules as soon as
19 practicable to implement the requirements of Public Act 99-904
20 ~~this amendatory Act of the 99th General Assembly~~ and shall
21 adopt rules prohibiting any such third-party appointment of a
22 third-party provider, except for a common carrier, that has
23 been deemed by the State Commission to have violated the
24 provisions of this Act with regard to any winery shipper
25 licensee.

26 A winery shipper licensee must pay to the Department of

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

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

24 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
25 Section 3-12, the State Commission may receive, respond to, and
26 investigate any complaint and impose any of the remedies

1 specified in paragraph (1) of subsection (a) of Section 3-12.

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

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

20 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
21 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; 99-642, eff.
22 7-28-16; 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904,
23 eff. 1-1-17; revised 9-15-16.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.