

1 AN ACT concerning business.

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

4 Section 5. The Beer Industry Fair Dealing Act is amended by
5 changing Section 3 as follows:

6 (815 ILCS 720/3) (from Ch. 43, par. 303)

7 Sec. 3. Termination and notice of cancellation.

8 (1) Except as provided in subsection (3) of this Section,
9 no brewer or beer wholesaler may cancel, fail to renew, or
10 otherwise terminate an agreement unless the brewer or
11 wholesaler furnishes prior notification to the affected party
12 in accordance with subsection (2).

13 (2) The notification required under subsection (1) shall be
14 in writing and sent to the affected party by certified mail not
15 less than 90 days before the date on which the agreement will
16 be cancelled, not renewed, or otherwise terminated. The
17 notification shall contain (a) a statement of intention to
18 cancel, failure to renew, or otherwise terminate an agreement,
19 (b) a complete statement of reasons therefor ~~therefore~~,
20 including all data and documentation necessary to fully apprise
21 the wholesaler of the reasons for the action, and (c) the date
22 on which the action shall take effect.

23 (3) A brewer may cancel, fail to renew, or otherwise

1 terminate an agreement without furnishing any prior
2 notification for any of the following reasons:

3 (A) Wholesaler's failure to pay any account when due
4 and upon demand by the brewer for such payment, in
5 accordance with agreed payment terms.

6 (B) Wholesaler's assignment for the benefit of
7 creditors, or similar disposition, of substantially all of
8 the assets of such party's business.

9 (C) Insolvency of wholesaler, or the institution of
10 proceedings in bankruptcy by or against the wholesaler.

11 (D) Dissolution or liquidation of the wholesaler.

12 (E) Wholesaler's conviction of, or plea of guilty or no
13 contest, to a charge of violating a law or regulation, in
14 this State which materially and adversely affects the
15 ability of either party to continue to sell beer in this
16 State, or, unless otherwise provided by agreement, the
17 revocation or suspension of a license or permit to sell
18 beer in this State for a period of not less than 30 days
19 which has a material and adverse effect on the wholesaler's
20 ability to sell beer in this State.

21 (F) Any attempted transfer of business assets of the
22 wholesaler, voting stock of the wholesaler, voting stock of
23 any parent corporation of the wholesaler, or any change in
24 the beneficial ownership or control of any entity without
25 obtaining the prior consent or approval as provided for
26 under Section 6 unless the brewer neither approves,

1 consents to, nor objects to the transfer within 60 days
2 after receiving all requested information from the
3 wholesaler regarding the proposed purchase, in which event
4 the brewer shall be deemed to have consented to the
5 proposed transaction.

6 (G) Fraudulent conduct by the wholesaler in its
7 dealings with the brewer.

8 (Source: P.A. 88-410; revised 10-9-18.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.