



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3993

Introduced 2/28/2023, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/7-1

from Ch. 43, par. 145

Amends the Liquor Control Act of 1934. Provides that the Illinois Liquor Control Commission or local liquor commissioner may not refuse to issue a retail license based on an applicant's noncitizen status if the applicant otherwise meets the qualifications for licensure and the applicant has a valid Illinois driver's license or Illinois identification card; the applicant undergoes a criminal history records check and has no record of an offense that would disqualify him or her from licensure; the applicant resides in the jurisdiction in which the license will be issued; the applicant is in good standing with the community in which the license will be issued; and the applicant is in good standing with the Internal Revenue Service, the Department of Revenue, his or her creditors, applicable credit bureaus, and any other similar financial agencies. Preempts home rule powers. Effective immediately.

LRB103 31052 RPS 57670 b

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 Section 7-1 as follows:

6 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

7 Sec. 7-1. An applicant for a retail license from the State  
8 Commission shall submit to the State Commission an application  
9 in writing under oath stating:

10 (1) The applicant's name and mailing address;

11 (2) The name and address of the applicant's business;

12 (3) If applicable, the date of the filing of the  
13 "assumed name" of the business with the County Clerk;

14 (4) In case of a copartnership, the date of the  
15 formation of the partnership; in the case of an Illinois  
16 corporation, the date of its incorporation; or in the case  
17 of a foreign corporation, the State where it was  
18 incorporated and the date of its becoming qualified under  
19 the Business Corporation Act of 1983 to transact business  
20 in the State of Illinois;

21 (5) The number, the date of issuance and the date of  
22 expiration of the applicant's current local retail liquor  
23 license;

1           (6) The name of the city, village, or county that  
2 issued the local retail liquor license;

3           (7) The name and address of the landlord if the  
4 premises are leased;

5           (8) The date of the applicant's first request for a  
6 State liquor license and whether it was granted, denied or  
7 withdrawn;

8           (9) The address of the applicant when the first  
9 application for a State liquor license was made;

10          (10) The applicant's current State liquor license  
11 number;

12          (11) The date the applicant began liquor sales at his  
13 place of business;

14          (12) The address of the applicant's warehouse if he  
15 warehouses liquor;

16          (13) The applicant's Retailers' Occupation Tax (ROT)  
17 Registration Number;

18          (14) The applicant's document locator number on his  
19 Federal Special Tax Stamp;

20          (15) Whether the applicant is delinquent in the  
21 payment of the Retailers' Occupation Tax (Sales Tax), and  
22 if so, the reasons therefor;

23          (16) Whether the applicant is delinquent under the  
24 cash beer law, and if so, the reasons therefor;

25          (17) In the case of a retailer, whether he is  
26 delinquent under the 30-day credit law, and if so, the

1 reasons therefor;

2 (18) In the case of a distributor, whether he is  
3 delinquent under the 15-day credit law, and if so, the  
4 reasons therefor;

5 (19) Whether the applicant has made an application for  
6 a liquor license which has been denied, and if so, the  
7 reasons therefor;

8 (20) Whether the applicant has ever had any previous  
9 liquor license suspended or revoked, and if so, the  
10 reasons therefor;

11 (21) Whether the applicant has ever been convicted of  
12 a gambling offense or felony, and if so, the particulars  
13 thereof;

14 (22) Whether the applicant possesses a current Federal  
15 Wagering Stamp, and if so, the reasons therefor;

16 (23) Whether the applicant, or any other person,  
17 directly in his place of business is a public official,  
18 and if so, the particulars thereof;

19 (24) The applicant's name, sex, date of birth, social  
20 security number, position and percentage of ownership in  
21 the business; and the name, sex, date of birth, social  
22 security number, position and percentage of ownership in  
23 the business of every sole owner, partner, corporate  
24 officer, director, manager and any person who owns 5% or  
25 more of the shares of the applicant business entity or  
26 parent corporations of the applicant business entity; and

1           (25) That he has not received or borrowed money or  
2 anything else of value, and that he will not receive or  
3 borrow money or anything else of value (other than  
4 merchandising credit in the ordinary course of business  
5 for a period not to exceed 90 days as herein expressly  
6 permitted under Section 6-5 hereof), directly or  
7 indirectly, from any manufacturer, importing distributor  
8 or distributor or from any representative of any such  
9 manufacturer, importing distributor or distributor, nor be  
10 a party in any way, directly or indirectly, to any  
11 violation by a manufacturer, distributor or importing  
12 distributor of Section 6-6 of this Act.

13           In addition to any other requirement of this Section, an  
14 applicant for a special use permit license and a special event  
15 retailer's license shall also submit (A) proof satisfactory to  
16 the Commission that the applicant has a resale number issued  
17 under Section 2c of the Retailers' Occupation Tax Act or that  
18 the applicant is registered under Section 2a of the Retailers'  
19 Occupation Tax Act, (B) proof satisfactory to the Commission  
20 that the applicant has a current, valid exemption  
21 identification number issued under Section 1g of the  
22 Retailers' Occupation Tax Act and a certification to the  
23 Commission that the purchase of alcoholic liquors will be a  
24 tax-exempt purchase, or (C) a statement that the applicant is  
25 not registered under Section 2a of the Retailers' Occupation  
26 Tax Act, does not hold a resale number under Section 2c of the

1 Retailers' Occupation Tax Act, and does not hold an exemption  
2 number under Section 1g of the Retailers' Occupation Tax Act.  
3 The applicant shall also submit proof of adequate dram shop  
4 insurance for the special event prior to being issued a  
5 license.

6 In addition to the foregoing information, such application  
7 shall contain such other and further information as the State  
8 Commission and the local commission may, by rule or regulation  
9 not inconsistent with law, prescribe.

10 If the applicant reports a felony conviction as required  
11 under paragraph (21) of this Section, such conviction may be  
12 considered by the Commission in accordance with Section 6-2.5  
13 of this Act in determining qualifications for licensing, but  
14 shall not operate as a bar to licensing.

15 If said application is made in behalf of a partnership,  
16 firm, association, club or corporation, then the same shall be  
17 signed by one member of such partnership or the president or  
18 secretary of such corporation or an authorized agent of said  
19 partnership or corporation.

20 Notwithstanding any provision to the contrary, the State  
21 Commission or local liquor commissioner may not refuse to  
22 issue a retail license based on an applicant's noncitizen  
23 status if the applicant otherwise meets the qualifications for  
24 licensure and:

25 (1) the applicant has a valid Illinois driver's  
26 license or Illinois identification card;

1           (2) the applicant undergoes a criminal history record  
2           check and has no record of an offense that would  
3           disqualify him or her from licensure;

4           (3) the applicant resides in the jurisdiction in which  
5           the license will be issued;

6           (4) the applicant is in good standing with the  
7           community in which the license will be issued; and

8           (5) the applicant is in good standing with the  
9           Internal Revenue Service, the Department of Revenue, his  
10           or her creditors, applicable credit bureaus, and any other  
11           similar financial agencies.

12           The changes made to this Section by this amendatory Act of  
13           the 103rd General Assembly are a denial and limitation of home  
14           rule powers and functions under subsection (h) of Section 6 of  
15           Article VII of the Illinois Constitution.

16           All other applications shall be on forms prescribed by the  
17           State Commission, and which may exclude any of the above  
18           requirements which the State Commission rules to be  
19           inapplicable.

20           (Source: P.A. 100-286, eff. 1-1-18.)

21           Section 99. Effective date. This Act takes effect upon  
22           becoming law.