



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

235 ILCS 5/7-5

from Ch. 43, par. 149

Amends the Liquor Control Act of 1934. Provides that the Illinois Liquor Control Commission shall refuse the issuance or renewal of a license if the licensee or license applicant has violated certain provisions of the Retailers' Occupation Tax Act concerning the filing of returns. Provides that the Illinois Liquor Control Commission shall suspend or revoke (now revoke) the license of a licensee who has violated certain provisions of the Retailers' Occupation Tax Act concerning the filing of returns.

LRB093 18776 LRD 44508 b

1 AN ACT concerning alcoholic 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 7-5 as follows:

6 (235 ILCS 5/7-5) (from Ch. 43, par. 149)

7 Sec. 7-5. The local liquor control commissioner may revoke
8 or suspend any license issued by him if he determines that the
9 licensee has violated any of the provisions of this Act or of
10 any valid ordinance or resolution enacted by the particular
11 city council, president, or board of trustees or county board
12 (as the case may be) or any applicable rule or regulations
13 established by the local liquor control commissioner or the
14 State commission which is not inconsistent with law. Upon
15 notification by the Illinois Department of Revenue, the State
16 Commission shall refuse the issuance or renewal of a license or
17 suspend or revoke any license issued by it if the licensee or
18 license applicant has violated the provisions of Section 3 of
19 the Retailers' Occupation Tax Act. In addition to the
20 suspension, the local liquor control commissioner in any county
21 or municipality may levy a fine on the licensee for such
22 violations. The fine imposed shall not exceed \$1000 for a first
23 violation within a 12-month period, \$1,500 for a second
24 violation within a 12-month period, and \$2,500 for a third or
25 subsequent violation within a 12-month period. Each day on
26 which a violation continues shall constitute a separate
27 violation. Not more than \$15,000 in fines under this Section
28 may be imposed against any licensee during the period of his
29 license. Proceeds from such fines shall be paid into the
30 general corporate fund of the county or municipal treasury, as
31 the case may be.

32 However, no such license shall be so revoked or suspended

1 and no licensee shall be fined except after a public hearing by
2 the local liquor control commissioner with a 3 day written
3 notice to the licensee affording the licensee an opportunity to
4 appear and defend. All such hearings shall be open to the
5 public and the local liquor control commissioner shall reduce
6 all evidence to writing and shall maintain an official record
7 of the proceedings. If the local liquor control commissioner
8 has reason to believe that any continued operation of a
9 particular licensed premises will immediately threaten the
10 welfare of the community he may, upon the issuance of a written
11 order stating the reason for such conclusion and without notice
12 or hearing order the licensed premises closed for not more than
13 7 days, giving the licensee an opportunity to be heard during
14 that period, except that if such licensee shall also be engaged
15 in the conduct of another business or businesses on the
16 licensed premises such order shall not be applicable to such
17 other business or businesses.

18 The local liquor control commissioner shall within 5 days
19 after such hearing, if he determines after such hearing that
20 the license should be revoked or suspended or that the licensee
21 should be fined, state the reason or reasons for such
22 determination in a written order, and either the amount of the
23 fine, the period of suspension, or that the license has been
24 revoked, and shall serve a copy of such order within the 5 days
25 upon the licensee.

26 If the premises for which the license was issued are
27 located outside of a city, village or incorporated town having
28 a population of 500,000 or more inhabitants, the licensee after
29 the receipt of such order of suspension or revocation shall
30 have the privilege within a period of 20 days after the receipt
31 of such order of suspension or revocation of appealing the
32 order to the State commission for a decision sustaining,
33 reversing or modifying the order of the local liquor control
34 commissioner. If the State commission affirms the local
35 commissioner's order to suspend or revoke the license at the
36 first hearing, the appellant shall cease to engage in the

1 business for which the license was issued, until the local
2 commissioner's order is terminated by its own provisions or
3 reversed upon rehearing or by the courts.

4 If the premises for which the license was issued are
5 located within a city, village or incorporated town having a
6 population of 500,000 or more inhabitants, the licensee shall
7 have the privilege, within a period of 20 days after the
8 receipt of such order of fine, suspension or revocation, of
9 appealing the order to the local license appeal commission and
10 upon the filing of such an appeal by the licensee the license
11 appeal commission shall determine the appeal upon certified
12 record of proceedings of the local liquor commissioner in
13 accordance with the provisions of Section 7-9. Within 30 days
14 after such appeal was heard the license appeal commission shall
15 render a decision sustaining or reversing the order of the
16 local liquor control commissioner.

17 (Source: P.A. 93-22, eff. 6-20-03.)