



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4444**

Introduced 01/09/06, by Rep. Daniel J. Burke

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/5-1	from Ch. 43, par. 115
235 ILCS 5/5-3	from Ch. 43, par. 118
235 ILCS 5/6-29	from Ch. 43, par. 144e
235 ILCS 5/6-29.1	

Amends the Liquor Control Act of 1934. Permits first-class wine-maker licensees to manufacture up to 100,000 (now, 50,000) gallons of wine per year and second-class wine-maker licensees to manufacture between 100,000 and 200,000 (now, 50,000 and 100,000) gallons of wine per year. Permits first-class wine-maker licensees to sell 25,000 (now, 5,000) gallons of the licensee's wine to retailers and second-class wine-maker licensees to sell 50,000 (now, 10,000) gallons of the licensee's wine to retailers. Removes provisions prohibiting (i) the issuance of more than one wine-maker's license to any person, firm, partnership, corporation, or other legal business entity and (ii) a subsidiary or affiliate, officer, associate, member, partner, representative, employee, agent, or shareholder of a first or second-class wine-maker licensee from being issued a wine-maker's license. Permits a special event retailer licensee to purchase up to \$2,000 (now, \$500) of alcoholic liquors from a licensed retailer. Permits a wine-maker's premises licensee that concurrently holds a first-class wine-maker's license to sell at retail on the licensed premises not more than 100,000 (now, 50,000) gallons of wine and a licensee holding a second-class wine-maker's license to sell at retail on the licensed premises not more than 200,000 (now, 100,000) gallons of wine. Permits a wine-maker's premises licensee to sell and offer for sale at up to 10 (now, 2) additional locations for use and consumption and not for resale. Creates an out-of-state shipper's license. Provides that an out-of-state shipper licensee may ship wine sold or manufactured by the licensee directly to a resident of Illinois who is 21 years of age or older for that resident's personal use and not for resale. Requires certain information to be collected and maintained and made available to the Illinois Liquor Control Commission by out-of-state shipper licensees. Provides an annual fee for the license. Provides that a first-class wine-maker licensee, second-class wine-maker licensee, or out-of-state shipper licensee (now, an adult resident or holder of an alcoholic beverage license in a state which affords Illinois licensees or adult residents an equal reciprocal shipping privilege) may ship up to 3 cases of wine per month (now, 2 cases per year) to residents of Illinois. Provides that delivery of a shipment by an out-of-state shipper licensee is deemed to constitute a sale in this State. Requires licensees to require transporters or common carriers who deliver the wine to obtain the signature of a person 21 years of age or older at the delivery address at the time of delivery. Permits wine-makers licensed in other states that ship or transport wine from a point outside of this State to a retailer in this State to ship or transport wine in the amount permitted for a wine-maker licensed in this State. Makes other changes. Effective immediately.

LRB094 17358 LJB 52653 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 5-1, 5-3, 6-29, and 6-29.1 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

7 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
8 Commission shall be of the following classes:

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

14 (b) Distributor's license,

15 (c) Importing Distributor's license,

16 (d) Retailer's license,

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

18 (f) Railroad license,

19 (g) Boat license,

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

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

22 (j) Airplane license,

23 (k) Foreign importer's license,

24 (l) Broker's license,

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

26 (n) Brew Pub license,

27 (o) Auction liquor license,

28 (p) Caterer retailer license,

29 (q) Special use permit license, ~~and~~

30 (r) Out-of-state shipper's license.

31 No person, firm, partnership, corporation, or other legal  
32 business entity that is engaged in the manufacturing of wine

1 may concurrently obtain and hold a wine-maker's license and a  
2 wine manufacturer's license.

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

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

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

15 Class 3. A Brewer may make sales and deliveries of beer to  
16 importing distributors, distributors, and to non-licensees,  
17 and to retailers provided the brewer obtains an importing  
18 distributor's license or distributor's license in accordance  
19 with the provisions of this Act.

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

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

28 Class 6. A first-class wine-maker's license shall allow the  
29 manufacture of up to 100,000 ~~50,000~~ gallons of wine per year,  
30 and the storage and sale of such wine to distributors in the  
31 State and to persons without the State, as may be permitted by  
32 law. A first-class wine-maker's license shall allow the sale of  
33 no more than 25,000 ~~5,000~~ gallons of the licensee's wine to  
34 retailers. A first-class wine-maker's license shall allow the  
35 direct shipment of the licensee's wine to an adult resident of  
36 this State in accordance with the provisions of Section 6-29 of

1 ~~this Act. The State Commission shall issue only one first class~~  
2 ~~wine maker's license to any person, firm, partnership,~~  
3 ~~corporation, or other legal business entity that is engaged in~~  
4 ~~the making of less than 50,000 gallons of wine annually that~~  
5 ~~applies for a first class wine maker's license. No subsidiary~~  
6 ~~or affiliate thereof, nor any officer, associate, member,~~  
7 ~~partner, representative, employee, agent, or shareholder may~~  
8 ~~be issued an additional wine maker's license by the State~~  
9 ~~Commission.~~

10 Class 7. A second-class wine-maker's license shall allow  
11 the manufacture of between 100,000 ~~50,000~~ and 200,000 ~~100,000~~  
12 gallons of wine per year, and the storage and sale of such wine  
13 to distributors in this State and to persons without the State,  
14 as may be permitted by law. A second-class wine-maker's license  
15 shall allow the sale of no more than 50,000 ~~10,000~~ gallons of  
16 the licensee's wine directly to retailers. A second-class  
17 wine-maker's license shall allow the direct shipment of the  
18 licensee's wine to an adult resident of this State in  
19 accordance with the provisions of Section 6-29 of this Act. ~~The~~  
20 ~~State Commission shall issue only one second class~~  
21 ~~wine maker's license to any person, firm, partnership,~~  
22 ~~corporation, or other legal business entity that is engaged in~~  
23 ~~the making of less than 100,000 gallons of wine annually that~~  
24 ~~applies for a second class wine maker's license. No subsidiary~~  
25 ~~or affiliate thereof, or any officer, associate, member,~~  
26 ~~partner, representative, employee, agent, or shareholder may~~  
27 ~~be issued an additional wine maker's license by the State~~  
28 ~~Commission.~~

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

33 (a-1) A manufacturer which is licensed in this State to  
34 make sales or deliveries of alcoholic liquor and which enlists  
35 agents, representatives, or individuals acting on its behalf  
36 who contact licensed retailers on a regular and continual basis

1 in this State must register those agents, representatives, or  
2 persons acting on its behalf with the State Commission.

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

18 (b) A distributor's license shall allow the wholesale  
19 purchase and storage of alcoholic liquors and sale of alcoholic  
20 liquors to licensees in this State and to persons without the  
21 State, as may be permitted by law.

22 (c) An importing distributor's license may be issued to and  
23 held by those only who are duly licensed distributors, upon the  
24 filing of an application by a duly licensed distributor, with  
25 the Commission and the Commission shall, without the payment of  
26 any fee, immediately issue such importing distributor's  
27 license to the applicant, which shall allow the importation of  
28 alcoholic liquor by the licensee into this State from any point  
29 in the United States outside this State, and the purchase of  
30 alcoholic liquor in barrels, casks or other bulk containers and  
31 the bottling of such alcoholic liquors before resale thereof,  
32 but all bottles or containers so filled shall be sealed,  
33 labeled, stamped and otherwise made to comply with all  
34 provisions, rules and regulations governing manufacturers in  
35 the preparation and bottling of alcoholic liquors. The  
36 importing distributor's license shall permit such licensee to

1 purchase alcoholic liquor from Illinois licensed non-resident  
2 dealers and foreign importers only.

3 (d) A retailer's license shall allow the licensee to sell  
4 and offer for sale at retail, only in the premises specified in  
5 the license, alcoholic liquor for use or consumption, but not  
6 for resale in any form: Provided that any retail license issued  
7 to a manufacturer shall only permit the manufacturer to sell  
8 beer at retail on the premises actually occupied by the  
9 manufacturer. For the purpose of further describing the type of  
10 business conducted at a retail licensed premises, a retailer's  
11 licensee may be designated by the State Commission as (i) an on  
12 premise consumption retailer, (ii) an off premise sale  
13 retailer, or (iii) a combined on premise consumption and off  
14 premise sale retailer.

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

19 (e) A special event retailer's license (not-for-profit)  
20 shall permit the licensee to purchase alcoholic liquors from an  
21 Illinois licensed distributor (unless the licensee purchases  
22 less than \$2,000 ~~\$500~~ of alcoholic liquors for the special  
23 event, in which case the licensee may purchase the alcoholic  
24 liquors from a licensed retailer) and shall allow the licensee  
25 to sell and offer for sale, at retail, alcoholic liquors for  
26 use or consumption, but not for resale in any form and only at  
27 the location and on the specific dates designated for the  
28 special event in the license. An applicant for a special event  
29 retailer license must (i) furnish with the application: (A) a  
30 resale number issued under Section 2c of the Retailers'  
31 Occupation Tax Act or evidence that the applicant is registered  
32 under Section 2a of the Retailers' Occupation Tax Act, (B) a  
33 current, valid exemption identification number issued under  
34 Section 1g of the Retailers' Occupation Tax Act, and a  
35 certification to the Commission that the purchase of alcoholic  
36 liquors will be a tax-exempt purchase, or (C) a statement that

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

12 (f) A railroad license shall permit the licensee to import  
13 alcoholic liquors into this State from any point in the United  
14 States outside this State and to store such alcoholic liquors  
15 in this State; to make wholesale purchases of alcoholic liquors  
16 directly from manufacturers, foreign importers, distributors  
17 and importing distributors from within or outside this State;  
18 and to store such alcoholic liquors in this State; provided  
19 that the above powers may be exercised only in connection with  
20 the importation, purchase or storage of alcoholic liquors to be  
21 sold or dispensed on a club, buffet, lounge or dining car  
22 operated on an electric, gas or steam railway in this State;  
23 and provided further, that railroad licensees exercising the  
24 above powers shall be subject to all provisions of Article VIII  
25 of this Act as applied to importing distributors. A railroad  
26 license shall also permit the licensee to sell or dispense  
27 alcoholic liquors on any club, buffet, lounge or dining car  
28 operated on an electric, gas or steam railway regularly  
29 operated by a common carrier in this State, but shall not  
30 permit the sale for resale of any alcoholic liquors to any  
31 licensee within this State. A license shall be obtained for  
32 each car in which such sales are made.

33 (g) A boat license shall allow the sale of alcoholic liquor  
34 in individual drinks, on any passenger boat regularly operated  
35 as a common carrier on navigable waters in this State or on any  
36 riverboat operated under the Riverboat Gambling Act, which boat

1 or riverboat maintains a public dining room or restaurant  
2 thereon.

3 (h) A non-beverage user's license shall allow the licensee  
4 to purchase alcoholic liquor from a licensed manufacturer or  
5 importing distributor, without the imposition of any tax upon  
6 the business of such licensed manufacturer or importing  
7 distributor as to such alcoholic liquor to be used by such  
8 licensee solely for the non-beverage purposes set forth in  
9 subsection (a) of Section 8-1 of this Act, and such licenses  
10 shall be divided and classified and shall permit the purchase,  
11 possession and use of limited and stated quantities of  
12 alcoholic liquor as follows:

- 13 Class 1, not to exceed ..... 500 gallons
- 14 Class 2, not to exceed ..... 1,000 gallons
- 15 Class 3, not to exceed ..... 5,000 gallons
- 16 Class 4, not to exceed ..... 10,000 gallons
- 17 Class 5, not to exceed ..... 50,000 gallons

18 (i) A wine-maker's premises license shall allow a licensee  
19 that concurrently holds a first-class wine-maker's license to  
20 sell and offer for sale at retail in the premises specified in  
21 such license not more than 100,000 ~~50,000~~ gallons of the  
22 first-class wine-maker's wine that is made at the first-class  
23 wine-maker's licensed premises per year for use or consumption,  
24 but not for resale in any form. A wine-maker's premises license  
25 shall allow a licensee who concurrently holds a second-class  
26 wine-maker's license to sell and offer for sale at retail in  
27 the premises specified in such license up to 200,000 ~~100,000~~  
28 gallons of the second-class wine-maker's wine that is made at  
29 the second-class wine-maker's licensed premises per year for  
30 use or consumption but not for resale in any form. A  
31 wine-maker's premises license shall allow a licensee that  
32 concurrently holds a first-class wine-maker's license or a  
33 second-class wine-maker's license to sell and offer for sale at  
34 retail at the premises specified in the wine-maker's premises  
35 license, for use or consumption but not for resale in any form,  
36 any beer, wine, and spirits purchased from a licensed



1 distributor. Upon approval from the State Commission, a  
2 wine-maker's premises license shall allow the licensee to sell  
3 and offer for sale at (i) the wine-maker's licensed premises  
4 and (ii) at up to 10 ~~2~~ additional locations for use and  
5 consumption and not for resale. Each location shall require  
6 additional licensing per location as specified in Section 5-3  
7 of this Act.

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

28 (k) A foreign importer's license shall permit such licensee  
29 to purchase alcoholic liquor from Illinois licensed  
30 non-resident dealers only, and to import alcoholic liquor other  
31 than in bulk from any point outside the United States and to  
32 sell such alcoholic liquor to Illinois licensed importing  
33 distributors and to no one else in Illinois; provided that the  
34 foreign importer registers with the State Commission every  
35 brand of alcoholic liquor that it proposes to sell to Illinois  
36 licensees during the license period and provided further that

1 the foreign importer complies with all of the provisions of  
2 Section 6-9 of this Act with respect to registration of such  
3 Illinois licensees as may be granted the right to sell such  
4 brands at wholesale.

5 (1) (i) A broker's license shall be required of all persons  
6 who solicit orders for, offer to sell or offer to supply  
7 alcoholic liquor to retailers in the State of Illinois, or who  
8 offer to retailers to ship or cause to be shipped or to make  
9 contact with distillers, rectifiers, brewers or manufacturers  
10 or any other party within or without the State of Illinois in  
11 order that alcoholic liquors be shipped to a distributor,  
12 importing distributor or foreign importer, whether such  
13 solicitation or offer is consummated within or without the  
14 State of Illinois.

15 No holder of a retailer's license issued by the Illinois  
16 Liquor Control Commission shall purchase or receive any  
17 alcoholic liquor, the order for which was solicited or offered  
18 for sale to such retailer by a broker unless the broker is the  
19 holder of a valid broker's license.

20 The broker shall, upon the acceptance by a retailer of the  
21 broker's solicitation of an order or offer to sell or supply or  
22 deliver or have delivered alcoholic liquors, promptly forward  
23 to the Illinois Liquor Control Commission a notification of  
24 said transaction in such form as the Commission may by  
25 regulations prescribe.

26 (ii) A broker's license shall be required of a person  
27 within this State, other than a retail licensee, who, for a fee  
28 or commission, promotes, solicits, or accepts orders for  
29 alcoholic liquor, for use or consumption and not for resale, to  
30 be shipped from this State and delivered to residents outside  
31 of this State by an express company, common carrier, or  
32 contract carrier. This Section does not apply to any person who  
33 promotes, solicits, or accepts orders for wine as specifically  
34 authorized in Section 6-29 of this Act.

35 A broker's license under this subsection (1) shall not  
36 entitle the holder to buy or sell any alcoholic liquors for his

1 own account or to take or deliver title to such alcoholic  
2 liquors.

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

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

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

24 (n) A brew pub license shall allow the licensee to  
25 manufacture beer only on the premises specified in the license,  
26 to make sales of the beer manufactured on the premises to  
27 importing distributors, distributors, and to non-licensees for  
28 use and consumption, to store the beer upon the premises, and  
29 to sell and offer for sale at retail from the licensed  
30 premises, provided that a brew pub licensee shall not sell for  
31 off-premises consumption more than 50,000 gallons per year.

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

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

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

23 (r) An out-of-state shipper's license shall allow a person  
24 licensed to sell at retail or manufacture wine under the laws  
25 of another state to ship wine sold or manufactured by that  
26 licensee directly to a resident of this State who is 21 years  
27 of age or older for that resident's personal use and not for  
28 resale. Prior to receiving an out-of-state shipper's license,  
29 an applicant for the license must provide the State Commission  
30 with a true copy of its current license in any state in which  
31 it is licensed as a retailer or manufacturer of wine.

32 An out-of-state shipper licensee must collect and maintain  
33 and make available to the State Commission upon request the  
34 following information:

35 (1) the name and date of birth of each Illinois  
36 purchaser;

1           (2) the full mailing address of each Illinois  
2           purchaser, including zip code;

3           (3) the name, total quantity, and total price of wine  
4           purchased;

5           (4) the date of purchase;

6           (5) the name and address of the transporter or common  
7           carrier delivering the wine;

8           (6) the signature of the person filing the report; and

9           (7) any other information required by the State  
10          Commission.

11          An out-of-state shipper licensed under this subsection (r)  
12          shall comply with the requirements of Section 6-29 of this Act.

13          (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;  
14          92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.  
15          8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

16           (235 ILCS 5/5-3) (from Ch. 43, par. 118)

17           Sec. 5-3. License fees. Except as otherwise provided  
18           herein, at the time application is made to the State Commission  
19           for a license of any class, the applicant shall pay to the  
20           State Commission the fee hereinafter provided for the kind of  
21           license applied for.

22           The fee for licenses issued by the State Commission shall  
23           be as follows:

24           For a manufacturer's license:

25	Class 1. Distiller .....	\$3,600
26	Class 2. Rectifier .....	3,600
27	Class 3. Brewer .....	900
28	Class 4. First-class Wine Manufacturer .....	600
29	Class 5. Second-class	
30	Wine Manufacturer .....	1,200
31	Class 6. First-class wine-maker .....	600
32	Class 7. Second-class wine-maker .....	1200
33	Class 8. Limited Wine Manufacturer .....	120
34	For a Brew Pub License .....	1,050
35	For a caterer retailer's license .....	200

1	For a foreign importer's license .....	25
2	For an importing distributor's license .....	25
3	For a distributor's license .....	270
4	For a non-resident dealer's license	
5	(500,000 gallons or over) .....	270
6	For a non-resident dealer's license	
7	(under 500,000 gallons) .....	90
8	For a wine-maker's premises license .....	100
9	For a wine-maker's premises license,	
10	second location .....	350
11	For a wine-maker's premises license,	
12	third location .....	350
13	For a retailer's license .....	500
14	For a special event retailer's license,	
15	(not-for-profit) .....	25
16	For a special use permit license,	
17	one day only .....	50
18	2 days or more .....	100
19	For a railroad license .....	60
20	For a boat license .....	180
21	For an airplane license, times the	
22	licensee's maximum number of aircraft	
23	in flight, serving liquor over the	
24	State at any given time, which either	
25	originate, terminate, or make	
26	an intermediate stop in the State .....	60
27	For a non-beverage user's license:	
28	Class 1 .....	24
29	Class 2 .....	60
30	Class 3 .....	120
31	Class 4 .....	240
32	Class 5 .....	600
33	For a broker's license .....	600
34	For an auction liquor license .....	50
35	<u>For an out-of-state shipper's license .....</u>	<u>100</u>
36	Fees collected under this Section shall be paid into the	

1 Dram Shop Fund. On and after July 1, 2003, of the funds  
2 received for a retailer's license, in addition to the first  
3 \$175, an additional \$75 shall be paid into the Dram Shop Fund,  
4 and \$250 shall be paid into the General Revenue Fund. Beginning  
5 June 30, 1990 and on June 30 of each subsequent year through  
6 June 29, 2003, any balance over \$5,000,000 remaining in the  
7 Dram Shop Fund shall be credited to State liquor licensees and  
8 applied against their fees for State liquor licenses for the  
9 following year. The amount credited to each licensee shall be a  
10 proportion of the balance in the Dram Fund that is the same as  
11 the proportion of the license fee paid by the licensee under  
12 this Section for the period in which the balance was  
13 accumulated to the aggregate fees paid by all licensees during  
14 that period.

15 No fee shall be paid for licenses issued by the State  
16 Commission to the following non-beverage users:

17 (a) Hospitals, sanitariums, or clinics when their use  
18 of alcoholic liquor is exclusively medicinal, mechanical  
19 or scientific.

20 (b) Universities, colleges of learning or schools when  
21 their use of alcoholic liquor is exclusively medicinal,  
22 mechanical or scientific.

23 (c) Laboratories when their use is exclusively for the  
24 purpose of scientific research.

25 (Source: P.A. 92-378, eff. 8-16-01; 93-22, eff. 6-20-03.)

26 (235 ILCS 5/6-29) (from Ch. 43, par. 144e)

27 Sec. 6-29. Consumer Interstate reciprocal wine shipments.

28 (a) Notwithstanding any other provision of law, a  
29 first-class wine-maker licensee, second-class wine-maker  
30 licensee, or out-of-state shipper licensee ~~an adult resident or~~  
31 ~~holder of an alcoholic beverage license in a state which~~  
32 ~~affords Illinois licensees or adult residents an equal~~  
33 ~~reciprocal shipping privilege~~ may ship, for personal use and  
34 not for resale, not more than 3 ~~2~~ cases of wine (each case  
35 containing not more than 9 liters) per month ~~year~~ to any adult

1 resident of this State. Delivery of a shipment by an  
2 out-of-state shipper licensee pursuant to this Section shall  
3 ~~not~~ be deemed to constitute a sale in this State.

4 (b) The shipping container of any wine shipped ~~sent into or~~  
5 ~~out of this State~~ under this Section shall be clearly labeled  
6 with the words "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21  
7 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY." ~~to indicate that~~  
8 ~~the package cannot be delivered to a person under the age of 21~~  
9 ~~years.~~ A licensee shall require the transporter or common  
10 carrier who delivers the wine to obtain the signature of a  
11 person 21 years of age or older at the delivery address at the  
12 time of delivery.

13 (c) No broker within this State shall solicit consumers to  
14 engage in interstate reciprocal wine shipments under this  
15 Section. No shipper located outside this State may advertise  
16 such interstate reciprocal wine shipments in this State.

17 (d) It is not the intent of this Section to impair the  
18 distribution of wine through distributors or importing  
19 distributors, but only to permit shipments of wine for personal  
20 use.

21 (Source: P.A. 86-1483.)

22 (235 ILCS 5/6-29.1)

23 Sec. 6-29.1. Direct shipments of alcoholic liquor.  
24 Pursuant to the Twenty-First Amendment of the United States  
25 Constitution allowing states to regulate the distribution and  
26 sale of alcoholic liquor and pursuant to the federal  
27 Webb-Kenyon Act declaring that alcoholic liquor shipped in  
28 interstate commerce must comply with state laws, the General  
29 Assembly hereby finds and declares that selling alcoholic  
30 liquor from a point outside this State through various direct  
31 marketing means, such as catalogs, newspapers, mailers, and the  
32 Internet, directly to residents of this State poses a serious  
33 threat to the State's efforts to prevent youths from accessing  
34 alcoholic liquor; to State revenue collections; and to the  
35 economy of this State.



1 Any person manufacturing, distributing, or selling  
2 alcoholic liquor who knowingly ships or transports or causes  
3 the shipping or transportation of any alcoholic liquor from a  
4 point outside this State to a person in this State who does not  
5 hold a retailer's, manufacturer's, distributor's, importing  
6 distributor's, or non-resident dealer's license issued by the  
7 Liquor Control Commission, other than a shipment of sacramental  
8 wine to a bona fide religious organization, a shipment  
9 authorized by Section 6-29, or any other shipment authorized by  
10 this Act, is in violation of this Act. A wine-maker licensed in  
11 another state that ships or transports wine from a point  
12 outside of this State to a retailer in this State shall ship or  
13 transport wine only in the amount permitted for a wine-maker  
14 licensed in this State under Section 5-1 of this Act.

15 The Commission, upon determining, after investigation,  
16 that a person has violated this Section, shall give notice to  
17 the person by certified mail to cease and desist all shipments  
18 of alcoholic liquor into this State and to withdraw from this  
19 State within 5 working days after receipt of the notice all  
20 shipments of alcoholic liquor then in transit.

21 Whenever the Commission has reason to believe that a person  
22 has failed to comply with the Commission notice under this  
23 Section, it shall notify the Department of Revenue and file a  
24 complaint with the State's Attorney of the county where the  
25 alcoholic liquor was delivered or with appropriate law  
26 enforcement officials.

27 Failure to comply with the notice issued by the Commission  
28 under this Section constitutes a business offense for which the  
29 person shall be fined not more than \$1,000 for a first offense,  
30 not more than \$5,000 for a second offense, and not more than  
31 \$10,000 for a third or subsequent offense. Each shipment of  
32 alcoholic liquor delivered in violation of the cease and desist  
33 notice shall constitute a separate offense.

34 (Source: P.A. 90-739, eff. 8-13-98.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.