

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 3-12, 5-1, 5-3, 6-4, 6-29, and 6-29.1 as
6 follows:

7 (235 ILCS 5/3-12) (from Ch. 43, par. 108)

8 Sec. 3-12. Powers and duties of State Commission.

9 (a) The State commission shall have the following powers,
10 functions and duties:

11 (1) To receive applications and to issue licenses to
12 manufacturers, foreign importers, importing distributors,
13 distributors, non-resident dealers, on premise consumption
14 retailers, off premise sale retailers, special event
15 retailer licensees, special use permit licenses, auction
16 liquor licenses, brew pubs, caterer retailers,
17 non-beverage users, railroads, including owners and
18 lessees of sleeping, dining and cafe cars, airplanes,
19 boats, brokers, and wine maker's premises licensees in
20 accordance with the provisions of this Act, and to suspend
21 or revoke such licenses upon the State commission's
22 determination, upon notice after hearing, that a licensee
23 has violated any provision of this Act or any rule or
24 regulation issued pursuant thereto and in effect for 30
25 days prior to such violation. Except in the case of an
26 action taken pursuant to a violation of Section 6-3, 6-5,
27 or 6-9, any action by the State Commission to suspend or
28 revoke a licensee's license may be limited to the license
29 for the specific premises where the violation occurred.

30 In lieu of suspending or revoking a license, the
31 commission may impose a fine, upon the State commission's
32 determination and notice after hearing, that a licensee has

1 violated any provision of this Act or any rule or
2 regulation issued pursuant thereto and in effect for 30
3 days prior to such violation. The fine imposed under this
4 paragraph may not exceed \$500 for each violation. Each day
5 that the activity, which gave rise to the original fine,
6 continues is a separate violation. The maximum fine that
7 may be levied against any licensee, for the period of the
8 license, shall not exceed \$20,000. The maximum penalty that
9 may be imposed on a licensee for selling a bottle of
10 alcoholic liquor with a foreign object in it or serving
11 from a bottle of alcoholic liquor with a foreign object in
12 it shall be the destruction of that bottle of alcoholic
13 liquor for the first 10 bottles so sold or served from by
14 the licensee. For the eleventh bottle of alcoholic liquor
15 and for each third bottle thereafter sold or served from by
16 the licensee with a foreign object in it, the maximum
17 penalty that may be imposed on the licensee is the
18 destruction of the bottle of alcoholic liquor and a fine of
19 up to \$50.

20 (2) To adopt such rules and regulations consistent with
21 the provisions of this Act which shall be necessary to
22 carry on its functions and duties to the end that the
23 health, safety and welfare of the People of the State of
24 Illinois shall be protected and temperance in the
25 consumption of alcoholic liquors shall be fostered and
26 promoted and to distribute copies of such rules and
27 regulations to all licensees affected thereby.

28 (3) To call upon other administrative departments of
29 the State, county and municipal governments, county and
30 city police departments and upon prosecuting officers for
31 such information and assistance as it deems necessary in
32 the performance of its duties.

33 (4) To recommend to local commissioners rules and
34 regulations, not inconsistent with the law, for the
35 distribution and sale of alcoholic liquors throughout the
36 State.

1 (5) To inspect, or cause to be inspected, any premises
2 in this State where alcoholic liquors are manufactured,
3 distributed, warehoused, or sold.

4 (5.1) Upon receipt of a complaint or upon having
5 knowledge that any person is engaged in business as a
6 manufacturer, importing distributor, distributor, or
7 retailer without a license or valid license, to notify the
8 local liquor authority, file a complaint with the State's
9 Attorney's Office of the county where the incident
10 occurred, or initiate an investigation with the
11 appropriate law enforcement officials.

12 (5.2) To issue a cease and desist notice to persons
13 shipping alcoholic liquor into this State from a point
14 outside of this State if the shipment is in violation of
15 this Act.

16 (5.3) To receive complaints from licensees, local
17 officials, law enforcement agencies, organizations, and
18 persons stating that any licensee has been or is violating
19 any provision of this Act or the rules and regulations
20 issued pursuant to this Act. Such complaints shall be in
21 writing, signed and sworn to by the person making the
22 complaint, and shall state with specificity the facts in
23 relation to the alleged violation. If the Commission has
24 reasonable grounds to believe that the complaint
25 substantially alleges a violation of this Act or rules and
26 regulations adopted pursuant to this Act, it shall conduct
27 an investigation. If, after conducting an investigation,
28 the Commission is satisfied that the alleged violation did
29 occur, it shall proceed with disciplinary action against
30 the licensee as provided in this Act.

31 (6) To hear and determine appeals from orders of a
32 local commission in accordance with the provisions of this
33 Act, as hereinafter set forth. Hearings under this
34 subsection shall be held in Springfield or Chicago, at
35 whichever location is the more convenient for the majority
36 of persons who are parties to the hearing.

1 (7) The commission shall establish uniform systems of
2 accounts to be kept by all retail licensees having more
3 than 4 employees, and for this purpose the commission may
4 classify all retail licensees having more than 4 employees
5 and establish a uniform system of accounts for each class
6 and prescribe the manner in which such accounts shall be
7 kept. The commission may also prescribe the forms of
8 accounts to be kept by all retail licensees having more
9 than 4 employees, including but not limited to accounts of
10 earnings and expenses and any distribution, payment, or
11 other distribution of earnings or assets, and any other
12 forms, records and memoranda which in the judgment of the
13 commission may be necessary or appropriate to carry out any
14 of the provisions of this Act, including but not limited to
15 such forms, records and memoranda as will readily and
16 accurately disclose at all times the beneficial ownership
17 of such retail licensed business. The accounts, forms,
18 records and memoranda shall be available at all reasonable
19 times for inspection by authorized representatives of the
20 State commission or by any local liquor control
21 commissioner or his or her authorized representative. The
22 commission, may, from time to time, alter, amend or repeal,
23 in whole or in part, any uniform system of accounts, or the
24 form and manner of keeping accounts.

25 (8) In the conduct of any hearing authorized to be held
26 by the commission, to appoint, at the commission's
27 discretion, hearing officers to conduct hearings involving
28 complex issues or issues that will require a protracted
29 period of time to resolve, to examine, or cause to be
30 examined, under oath, any licensee, and to examine or cause
31 to be examined the books and records of such licensee; to
32 hear testimony and take proof material for its information
33 in the discharge of its duties hereunder; to administer or
34 cause to be administered oaths; for any such purpose to
35 issue subpoena or subpoenas to require the attendance of
36 witnesses and the production of books, which shall be

1 effective in any part of this State, and to adopt rules to
2 implement its powers under this paragraph (8).

3 Any Circuit Court may by order duly entered, require
4 the attendance of witnesses and the production of relevant
5 books subpoenaed by the State commission and the court may
6 compel obedience to its order by proceedings for contempt.

7 (9) To investigate the administration of laws in
8 relation to alcoholic liquors in this and other states and
9 any foreign countries, and to recommend from time to time
10 to the Governor and through him or her to the legislature
11 of this State, such amendments to this Act, if any, as it
12 may think desirable and as will serve to further the
13 general broad purposes contained in Section 1-2 hereof.

14 (10) To adopt such rules and regulations consistent
15 with the provisions of this Act which shall be necessary
16 for the control, sale or disposition of alcoholic liquor
17 damaged as a result of an accident, wreck, flood, fire or
18 other similar occurrence.

19 (11) To develop industry educational programs related
20 to responsible serving and selling, particularly in the
21 areas of overserving consumers and illegal underage
22 purchasing and consumption of alcoholic beverages.

23 (11.1) To license persons providing education and
24 training to alcohol beverage sellers and servers under the
25 Beverage Alcohol Sellers and Servers Education and
26 Training (BASSET) programs and to develop and administer a
27 public awareness program in Illinois to reduce or eliminate
28 the illegal purchase and consumption of alcoholic beverage
29 products by persons under the age of 21. Application for a
30 license shall be made on forms provided by the State
31 Commission.

32 (12) To develop and maintain a repository of license
33 and regulatory information.

34 (13) On or before January 15, 1994, the Commission
35 shall issue a written report to the Governor and General
36 Assembly that is to be based on a comprehensive study of

1 the impact on and implications for the State of Illinois of
2 Section 1926 of the Federal ADAMHA Reorganization Act of
3 1992 (Public Law 102-321). This study shall address the
4 extent to which Illinois currently complies with the
5 provisions of P.L. 102-321 and the rules promulgated
6 pursuant thereto.

7 As part of its report, the Commission shall provide the
8 following essential information:

9 (i) the number of retail distributors of tobacco
10 products, by type and geographic area, in the State;

11 (ii) the number of reported citations and
12 successful convictions, categorized by type and
13 location of retail distributor, for violation of the
14 Sale of Tobacco to Minors Act and the Smokeless Tobacco
15 Limitation Act;

16 (iii) the extent and nature of organized
17 educational and governmental activities that are
18 intended to promote, encourage or otherwise secure
19 compliance with any Illinois laws that prohibit the
20 sale or distribution of tobacco products to minors; and

21 (iv) the level of access and availability of
22 tobacco products to individuals under the age of 18.

23 To obtain the data necessary to comply with the
24 provisions of P.L. 102-321 and the requirements of this
25 report, the Commission shall conduct random, unannounced
26 inspections of a geographically and scientifically
27 representative sample of the State's retail tobacco
28 distributors.

29 The Commission shall consult with the Department of
30 Public Health, the Department of Human Services, the
31 Illinois State Police and any other executive branch
32 agency, and private organizations that may have
33 information relevant to this report.

34 The Commission may contract with the Food and Drug
35 Administration of the U.S. Department of Health and Human
36 Services to conduct unannounced investigations of Illinois

1 tobacco vendors to determine compliance with federal laws
2 relating to the illegal sale of cigarettes and smokeless
3 tobacco products to persons under the age of 18.

4 (14) On or before April 30, 2007 and every 2 years
5 thereafter, the State Commission shall present a written
6 report to the Governor and the General Assembly that shall
7 be based on a study of the impact of this amendatory Act of
8 the 94th General Assembly on the business of soliciting,
9 selling, and shipping wine from inside and outside of this
10 State directly to residents of this State. As part of its
11 report, the State Commission shall provide all of the
12 following information:

13 (A) The amount of State excise and sales tax
14 revenues generated.

15 (B) The amount of licensing fees received.

16 (C) The number of cases of wine shipped from inside
17 and outside of this State directly to residents of this
18 State.

19 (D) The number of alcohol compliance operations
20 conducted.

21 (E) The number of direct wine shipper's licenses
22 issued.

23 (F) The number of each of the following: reported
24 violations; cease and desist notices issued by the
25 State Commission; and notices of violations issued by
26 the State Commission and to the Department of Revenue;
27 notices and complaints of violations to law
28 enforcement officials, including, without limitation,
29 the Illinois Attorney General and the U.S. Department
30 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

31 (15) As a means to reduce the underage consumption of
32 alcoholic liquors, the State Commission shall conduct
33 alcohol compliance operations to investigate whether
34 businesses that are soliciting, selling, and shipping wine
35 from inside or outside of this State directly to residents
36 of this State are licensed by this State or are selling or

1 attempting to sell wine to persons under 21 years of age in
2 violation of this Act.

3 (16) The State Commission shall, in addition to
4 notifying any appropriate law enforcement agency, submit
5 notices of complaints or violations of Sections 6-29 and
6 6-29.1 by persons who do not hold a direct wine shipper's
7 license under this Act to the Illinois Attorney General and
8 to the U.S. Department of Treasury's Alcohol and Tobacco
9 Tax and Trade Bureau.

10 (b) On or before April 30, 1999, the Commission shall
11 present a written report to the Governor and the General
12 Assembly that shall be based on a study of the impact of this
13 amendatory Act of 1998 on the business of soliciting, selling,
14 and shipping alcoholic liquor from outside of this State
15 directly to residents of this State.

16 As part of its report, the Commission shall provide the
17 following information:

18 (i) the amount of State excise and sales tax revenues
19 generated as a result of this amendatory Act of 1998;

20 (ii) the amount of licensing fees received as a result
21 of this amendatory Act of 1998;

22 (iii) the number of reported violations, the number of
23 cease and desist notices issued by the Commission, the
24 number of notices of violations issued to the Department of
25 Revenue, and the number of notices and complaints of
26 violations to law enforcement officials.

27 (Source: P.A. 92-378, eff. 8-16-01; 92-813, eff. 8-21-02;
28 93-1057, eff. 12-2-04.)

29 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

32 (a) Manufacturer's license - Class 1. Distiller, Class 2.
33 Rectifier, Class 3. Brewer, Class 4. First Class Wine
34 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
35 First Class Winemaker, Class 7. Second Class Winemaker, Class

1 8. Limited Wine Manufacturer,

2 (b) Distributor's license,

3 (c) Importing Distributor's license,

4 (d) Retailer's license,

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

6 (f) Railroad license,

7 (g) Boat license,

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

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

10 (j) Airplane license,

11 (k) Foreign importer's license,

12 (l) Broker's license,

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

14 (n) Brew Pub license,

15 (o) Auction liquor license,

16 (p) Caterer retailer license,

17 (q) Special use permit license, ~~and~~18 (r) Direct wine shipper's license.

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:

27 Class 1. A Distiller may make sales and deliveries of
28 alcoholic liquor to distillers, rectifiers, importing
29 distributors, distributors and non-beverage users and to no
30 other licensees.

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

35 Class 3. A Brewer may make sales and deliveries of beer to
36 importing distributors, distributors, and to non-licensees,

1 and to retailers provided the brewer obtains an importing
2 distributor's license or distributor's license in accordance
3 with the provisions of this Act.

4 Class 4. A first class wine-manufacturer may make sales and
5 deliveries of up to 50,000 gallons of wine to manufacturers,
6 importing distributors and distributors, and to no other
7 licensees.

8 Class 5. A second class Wine manufacturer may make sales
9 and deliveries of more than 50,000 gallons of wine to
10 manufacturers, importing distributors and distributors and to
11 no other licensees.

12 Class 6. A first-class wine-maker's license shall allow the
13 manufacture of up to 50,000 gallons of wine per year, and the
14 storage and sale of such wine to distributors in the State and
15 to persons without the State, as may be permitted by law. ~~A~~
16 ~~first class wine maker's license shall allow the sale of no~~
17 ~~more than 5,000 gallons of the licensee's wine to retailers.~~
18 ~~The State Commission shall issue only one first class~~
19 ~~wine maker's license to any person, firm, partnership,~~
20 ~~corporation, or other legal business entity that is engaged in~~
21 ~~the making of less than 50,000 gallons of wine annually that~~
22 ~~applies for a first class wine maker's license. No subsidiary~~
23 ~~or affiliate thereof, nor any officer, associate, member,~~
24 ~~partner, representative, employee, agent, or shareholder may~~
25 ~~be issued an additional wine maker's license by the State~~
26 ~~Commission.~~

27 Class 7. A second-class wine-maker's license shall allow
28 the manufacture of between 50,000 and 150,000 ~~100,000~~ gallons
29 of wine per year, and the storage and sale of such wine to
30 distributors in this State and to persons without the State, as
31 may be permitted by law. ~~A second class wine maker's license~~
32 ~~shall allow the sale of no more than 10,000 gallons of the~~
33 ~~licensee's wine directly to retailers. The State Commission~~
34 ~~shall issue only one second class wine maker's license to any~~
35 ~~person, firm, partnership, corporation, or other legal~~
36 ~~business entity that is engaged in the making of less than~~

1 ~~100,000 gallons of wine annually that applies for a~~
2 ~~second class wine maker's license. No subsidiary or affiliate~~
3 ~~thereof, or any officer, associate, member, partner,~~
4 ~~representative, employee, agent, or shareholder may be issued~~
5 ~~an additional wine maker's license by the State Commission.~~

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

10 (a-1) A manufacturer which is licensed in this State to
11 make sales or deliveries of alcoholic liquor and which enlists
12 agents, representatives, or individuals acting on its behalf
13 who contact licensed retailers on a regular and continual basis
14 in this State must register those agents, representatives, or
15 persons acting on its behalf with the State Commission.

16 Registration of agents, representatives, or persons acting
17 on behalf of a manufacturer is fulfilled by submitting a form
18 to the Commission. The form shall be developed by the
19 Commission and shall include the name and address of the
20 applicant, the name and address of the manufacturer he or she
21 represents, the territory or areas assigned to sell to or
22 discuss pricing terms of alcoholic liquor, and any other
23 questions deemed appropriate and necessary. All statements in
24 the forms required to be made by law or by rule shall be deemed
25 material, and any person who knowingly misstates any material
26 fact under oath in an application is guilty of a Class B
27 misdemeanor. Fraud, misrepresentation, false statements,
28 misleading statements, evasions, or suppression of material
29 facts in the securing of a registration are grounds for
30 suspension or revocation of the registration.

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

35 (c) An importing distributor's license may be issued to and
36 held by those only who are duly licensed distributors, upon the

1 filing of an application by a duly licensed distributor, with
2 the Commission and the Commission shall, without the payment of
3 any fee, immediately issue such importing distributor's
4 license to the applicant, which shall allow the importation of
5 alcoholic liquor by the licensee into this State from any point
6 in the United States outside this State, and the purchase of
7 alcoholic liquor in barrels, casks or other bulk containers and
8 the bottling of such alcoholic liquors before resale thereof,
9 but all bottles or containers so filled shall be sealed,
10 labeled, stamped and otherwise made to comply with all
11 provisions, rules and regulations governing manufacturers in
12 the preparation and bottling of alcoholic liquors. The
13 importing distributor's license shall permit such licensee to
14 purchase alcoholic liquor from Illinois licensed non-resident
15 dealers and foreign importers only.

16 (d) A retailer's license shall allow the licensee to sell
17 and offer for sale at retail, only in the premises specified in
18 the license, alcoholic liquor for use or consumption, but not
19 for resale in any form: Provided that any retail license issued
20 to a manufacturer shall only permit the manufacturer to sell
21 beer at retail on the premises actually occupied by the
22 manufacturer. For the purpose of further describing the type of
23 business conducted at a retail licensed premises, a retailer
24 ~~retailer's~~ licensee may be designated by the State Commission
25 as (i) an on premise consumption retailer, (ii) an off premise
26 sale retailer, or (iii) a combined on premise consumption and
27 off premise sale retailer.

28 Notwithstanding any other provision of this subsection
29 (d), a retail licensee may sell alcoholic liquors to a special
30 event retailer licensee for resale to the extent permitted
31 under subsection (e).

32 (e) A special event retailer's license (not-for-profit)
33 shall permit the licensee to purchase alcoholic liquors from an
34 Illinois licensed distributor (unless the licensee purchases
35 less than \$500 of alcoholic liquors for the special event, in
36 which case the licensee may purchase the alcoholic liquors from

1 a licensed retailer) and shall allow the licensee to sell and
2 offer for sale, at retail, alcoholic liquors for use or
3 consumption, but not for resale in any form and only at the
4 location and on the specific dates designated for the special
5 event in the license. An applicant for a special event retailer
6 license must (i) furnish with the application: (A) a resale
7 number issued under Section 2c of the Retailers' Occupation Tax
8 Act or evidence that the applicant is registered under Section
9 2a of the Retailers' Occupation Tax Act, (B) a current, valid
10 exemption identification number issued under Section 1g of the
11 Retailers' Occupation Tax Act, and a certification to the
12 Commission that the purchase of alcoholic liquors will be a
13 tax-exempt purchase, or (C) a statement that the applicant is
14 not registered under Section 2a of the Retailers' Occupation
15 Tax Act, does not hold a resale number under Section 2c of the
16 Retailers' Occupation Tax Act, and does not hold an exemption
17 number under Section 1g of the Retailers' Occupation Tax Act,
18 in which event the Commission shall set forth on the special
19 event retailer's license a statement to that effect; (ii)
20 submit with the application proof satisfactory to the State
21 Commission that the applicant will provide dram shop liability
22 insurance in the maximum limits; and (iii) show proof
23 satisfactory to the State Commission that the applicant has
24 obtained local authority approval.

25 (f) A railroad license shall permit the licensee to import
26 alcoholic liquors into this State from any point in the United
27 States outside this State and to store such alcoholic liquors
28 in this State; to make wholesale purchases of alcoholic liquors
29 directly from manufacturers, foreign importers, distributors
30 and importing distributors from within or outside this State;
31 and to store such alcoholic liquors in this State; provided
32 that the above powers may be exercised only in connection with
33 the importation, purchase or storage of alcoholic liquors to be
34 sold or dispensed on a club, buffet, lounge or dining car
35 operated on an electric, gas or steam railway in this State;
36 and provided further, that railroad licensees exercising the

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

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

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

- 26 Class 1, not to exceed 500 gallons
- 27 Class 2, not to exceed 1,000 gallons
- 28 Class 3, not to exceed 5,000 gallons
- 29 Class 4, not to exceed 10,000 gallons
- 30 Class 5, not to exceed 50,000 gallons

31 (i) A wine-maker's premises license shall allow a licensee
 32 that concurrently holds a first-class wine-maker's license to
 33 sell and offer for sale at retail in the premises specified in
 34 such license not more than 50,000 gallons of the first-class
 35 wine-maker's wine that is made at the first-class wine-maker's
 36 licensed premises per year for use or consumption, but not for

1 resale in any form. A wine-maker's premises license shall allow
2 a licensee who concurrently holds a second-class wine-maker's
3 license to sell and offer for sale at retail in the premises
4 specified in such license up to 150,000 ~~100,000~~ gallons of the
5 second-class wine-maker's wine that is made at the second-class
6 wine-maker's licensed premises per year for use or consumption
7 but not for resale in any form. A wine-maker's premises license
8 shall allow a licensee that concurrently holds a first-class
9 wine-maker's license or a second-class wine-maker's license to
10 sell and offer for sale at retail at the premises specified in
11 the wine-maker's premises license, for use or consumption but
12 not for resale in any form, any beer, wine, and spirits
13 purchased from a licensed distributor. Upon approval from the
14 State Commission, a wine-maker's premises license shall allow
15 the licensee to sell and offer for sale at (i) the wine-maker's
16 licensed premises and (ii) at up to 2 additional locations for
17 use and consumption and not for resale. Each location shall
18 require additional licensing per location as specified in
19 Section 5-3 of this Act. A wine-maker's premises licensee shall
20 secure liquor liability insurance coverage in an amount at
21 least equal to the maximum liability amounts set forth in
22 subsection (a) of Section 6-21 of this Act.

23 (j) An airplane license shall permit the licensee to import
24 alcoholic liquors into this State from any point in the United
25 States outside this State and to store such alcoholic liquors
26 in this State; to make wholesale purchases of alcoholic liquors
27 directly from manufacturers, foreign importers, distributors
28 and importing distributors from within or outside this State;
29 and to store such alcoholic liquors in this State; provided
30 that the above powers may be exercised only in connection with
31 the importation, purchase or storage of alcoholic liquors to be
32 sold or dispensed on an airplane; and provided further, that
33 airplane licensees exercising the above powers shall be subject
34 to all provisions of Article VIII of this Act as applied to
35 importing distributors. An airplane licensee shall also permit
36 the sale or dispensing of alcoholic liquors on any passenger

1 airplane regularly operated by a common carrier in this State,
2 but shall not permit the sale for resale of any alcoholic
3 liquors to any licensee within this State. A single airplane
4 license shall be required of an airline company if liquor
5 service is provided on board aircraft in this State. The annual
6 fee for such license shall be as determined in Section 5-3.

7 (k) A foreign importer's license shall permit such licensee
8 to purchase alcoholic liquor from Illinois licensed
9 non-resident dealers only, and to import alcoholic liquor other
10 than in bulk from any point outside the United States and to
11 sell such alcoholic liquor to Illinois licensed importing
12 distributors and to no one else in Illinois; provided that the
13 foreign importer registers with the State Commission every
14 brand of alcoholic liquor that it proposes to sell to Illinois
15 licensees during the license period and provided further that
16 the foreign importer complies with all of the provisions of
17 Section 6-9 of this Act with respect to registration of such
18 Illinois licensees as may be granted the right to sell such
19 brands at wholesale.

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

30 No holder of a retailer's license issued by the Illinois
31 Liquor Control Commission shall purchase or receive any
32 alcoholic liquor, the order for which was solicited or offered
33 for sale to such retailer by a broker unless the broker is the
34 holder of a valid broker's license.

35 The broker shall, upon the acceptance by a retailer of the
36 broker's solicitation of an order or offer to sell or supply or

1 deliver or have delivered alcoholic liquors, promptly forward
2 to the Illinois Liquor Control Commission a notification of
3 said transaction in such form as the Commission may by
4 regulations prescribe.

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

14 A broker's license under this subsection (1) ~~(1)~~ shall not
15 entitle the holder to buy or sell any alcoholic liquors for his
16 own account or to take or deliver title to such alcoholic
17 liquors.

18 This subsection (1) ~~(1)~~ shall not apply to distributors,
19 employees of distributors, or employees of a manufacturer who
20 has registered the trademark, brand or name of the alcoholic
21 liquor pursuant to Section 6-9 of this Act, and who regularly
22 sells such alcoholic liquor in the State of Illinois only to
23 its registrants thereunder.

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

27 (m) A non-resident dealer's license shall permit such
28 licensee to ship into and warehouse alcoholic liquor into this
29 State from any point outside of this State, and to sell such
30 alcoholic liquor to Illinois licensed foreign importers and
31 importing distributors and to no one else in this State;
32 provided that said non-resident dealer shall register with the
33 Illinois Liquor Control Commission each and every brand of
34 alcoholic liquor which it proposes to sell to Illinois
35 licensees during the license period; and further provided that
36 it shall comply with all of the provisions of Section 6-9

1 hereof with respect to registration of such Illinois licensees
2 as may be granted the right to sell such brands at wholesale.

3 (n) A brew pub license shall allow the licensee to
4 manufacture beer only on the premises specified in the license,
5 to make sales of the beer manufactured on the premises to
6 importing distributors, distributors, and to non-licensees for
7 use and consumption, to store the beer upon the premises, and
8 to sell and offer for sale at retail from the licensed
9 premises, provided that a brew pub licensee shall not sell for
10 off-premises consumption more than 50,000 gallons per year.

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

16 (p) An auction liquor license shall allow the licensee to
17 sell and offer for sale at auction wine and spirits for use or
18 consumption, or for resale by an Illinois liquor licensee in
19 accordance with provisions of this Act. An auction liquor
20 license will be issued to a person and it will permit the
21 auction liquor licensee to hold the auction anywhere in the
22 State. An auction liquor license must be obtained for each
23 auction at least 14 days in advance of the auction date.

24 (q) A special use permit license shall allow an Illinois
25 licensed retailer to transfer a portion of its alcoholic liquor
26 inventory from its retail licensed premises to the premises
27 specified in the license hereby created, and to sell or offer
28 for sale at retail, only in the premises specified in the
29 license hereby created, the transferred alcoholic liquor for
30 use or consumption, but not for resale in any form. A special
31 use permit license may be granted for the following time
32 periods: one day or less; 2 or more days to a maximum of 15 days
33 per location in any 12 month period. An applicant for the
34 special use permit license must also submit with the
35 application proof satisfactory to the State Commission that the
36 applicant will provide dram shop liability insurance to the

1 maximum limits and have local authority approval.

2 (r) A direct wine shipper's license shall allow a person
3 with a first-class or second-class wine manufacturer's
4 license, a first-class or second-class wine-maker's license,
5 or a limited wine manufacturer's license or who is licensed to
6 manufacture wine under the laws of another state to ship wine
7 manufactured by that licensee directly to a resident of this
8 State who is 21 years of age or older for that resident's
9 personal use and not for resale. Prior to receiving a direct
10 wine shipper's license, an applicant for the license must
11 provide the State Commission with a true copy of its current
12 license in any state in which it is licensed as a manufacturer
13 of wine. An applicant for a direct wine shipper's license must
14 also complete an application form that provides any other
15 information the State Commission deems necessary. The
16 application form shall include an acknowledgement consenting
17 to the jurisdiction of the State Commission, the Illinois
18 Department of Revenue, and the courts of this State concerning
19 the enforcement of this Act and any related laws, rules, and
20 regulations, including authorizing the Department of Revenue
21 and the State Commission to conduct audits for the purpose of
22 ensuring compliance with this Act.

23 A direct wine shipper licensee must pay to the Department
24 of Revenue the State liquor gallonage tax under Section 8-1 for
25 all wine that is sold by the licensee and shipped to a person
26 in this State. A licensee who is not otherwise required to
27 register under the Retailers' Occupation Tax Act must register
28 under the Use Tax Act to collect and remit use tax to the
29 Department of Revenue for all gallons of wine that are sold by
30 the licensee and shipped to persons in this State. If a
31 licensee fails to remit the tax imposed under this Act in
32 accordance with the provisions of Article VIII of this Act, the
33 direct wine shipper's license shall be revoked in accordance
34 with the provisions of Article VII of this Act. If a licensee
35 fails to properly register and remit tax under the Use Tax Act
36 or the Retailers' Occupation Tax Act for all wine that is sold

1 by the direct wine shipper and shipped to persons in this
2 State, the direct wine shipper's license shall be revoked in
3 accordance with the provisions of Article VII of this Act.

4 A direct wine shipper licensee must collect, maintain, and
5 submit to the State Commission on a semi-annual basis all of
6 the following information:

- 7 (1) The name and birth date of each Illinois purchaser.
- 8 (2) The full mailing address of each Illinois
9 purchaser, including the zip code.
- 10 (3) The name, total quantity, and total price of the
11 wine purchased.
- 12 (4) The date of purchase.
- 13 (5) The name and address of the transporter or common
14 carrier delivering the wine.
- 15 (6) The signature of the person filing the report.
- 16 (7) Any other information required by the State
17 Commission.

18 A direct wine shipper licensed under this subsection (r)
19 must comply with the requirements of Section 6-29 of this Act.

20 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;
21 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.
22 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

23 (235 ILCS 5/5-3) (from Ch. 43, par. 118)
24 Sec. 5-3. License fees. Except as otherwise provided
25 herein, at the time application is made to the State Commission
26 for a license of any class, the applicant shall pay to the
27 State Commission the fee hereinafter provided for the kind of
28 license applied for.

29 The fee for licenses issued by the State Commission shall
30 be as follows:

31 For a manufacturer's license:

32 Class 1. Distiller	\$3,600
33 Class 2. Rectifier	3,600
34 Class 3. Brewer	900
35 Class 4. First-class Wine Manufacturer	600

1	Class 5. Second-class	
2	Wine Manufacturer	1,200
3	Class 6. First-class wine-maker	600
4	Class 7. Second-class wine-maker	1200
5	Class 8. Limited Wine Manufacturer	120
6	For a Brew Pub License	1,050
7	For a caterer retailer's license	200
8	For a foreign importer's license	25
9	For an importing distributor's license	25
10	For a distributor's license	270
11	For a non-resident dealer's license	
12	(500,000 gallons or over)	270
13	For a non-resident dealer's license	
14	(under 500,000 gallons)	90
15	For a wine-maker's premises license	100
16	<u>For a direct wine shipper's license</u>	
17	<u>(under 250,000 gallons)</u>	<u>150</u>
18	<u>For a direct wine shipper's license</u>	
19	<u>(250,000 or over, but under 500,000 gallons)</u>	<u>500</u>
20	<u>For a direct wine shipper's license</u>	
21	<u>(500,000 gallons or over)</u>	<u>1,000</u>
22	For a wine-maker's premises license,	
23	second location	350
24	For a wine-maker's premises license,	
25	third location	350
26	For a retailer's license	500
27	For a special event retailer's license,	
28	(not-for-profit)	25
29	For a special use permit license,	
30	one day only	50
31	2 days or more	100
32	For a railroad license	60
33	For a boat license	180
34	For an airplane license, times the	
35	licensee's maximum number of aircraft	
36	in flight, serving liquor over the	

1 State at any given time, which either
2 originate, terminate, or make
3 an intermediate stop in the State 60

4 For a non-beverage user's license:

5 Class 1 24
6 Class 2 60
7 Class 3 120
8 Class 4 240
9 Class 5 600

10 For a broker's license 600
11 For an auction liquor license 50

12 Fees collected under this Section shall be paid into the
13 Dram Shop Fund. On and after July 1, 2003, of the funds
14 received for a retailer's license, in addition to the first
15 \$175, an additional \$75 shall be paid into the Dram Shop Fund,
16 and \$250 shall be paid into the General Revenue Fund. Beginning
17 June 30, 1990 and on June 30 of each subsequent year through
18 June 29, 2003, any balance over \$5,000,000 remaining in the
19 Dram Shop Fund shall be credited to State liquor licensees and
20 applied against their fees for State liquor licenses for the
21 following year. The amount credited to each licensee shall be a
22 proportion of the balance in the Dram Fund that is the same as
23 the proportion of the license fee paid by the licensee under
24 this Section for the period in which the balance was
25 accumulated to the aggregate fees paid by all licensees during
26 that period.

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

29 (a) Hospitals, sanitariums, or clinics when their use
30 of alcoholic liquor is exclusively medicinal, mechanical
31 or scientific.

32 (b) Universities, colleges of learning or schools when
33 their use of alcoholic liquor is exclusively medicinal,
34 mechanical or scientific.

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

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

2 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

3 Sec. 6-4. (a) No person licensed by any licensing authority
4 as a distiller, or a wine manufacturer, or any subsidiary or
5 affiliate thereof, or any officer, associate, member, partner,
6 representative, employee, agent or shareholder owning more
7 than 5% of the outstanding shares of such person shall be
8 issued an importing distributor's or distributor's license,
9 nor shall any person licensed by any licensing authority as an
10 importing distributor, distributor or retailer, or any
11 subsidiary or affiliate thereof, or any officer or associate,
12 member, partner, representative, employee, agent or
13 shareholder owning more than 5% of the outstanding shares of
14 such person be issued a distiller's license or a wine
15 manufacturer's license; and no person or persons licensed as a
16 distiller by any licensing authority shall have any interest,
17 directly or indirectly, with such distributor or importing
18 distributor.

19 However, an importing distributor or distributor, which on
20 January 1, 1985 is owned by a brewer, or any subsidiary or
21 affiliate thereof or any officer, associate, member, partner,
22 representative, employee, agent or shareholder owning more
23 than 5% of the outstanding shares of the importing distributor
24 or distributor referred to in this paragraph, may own or
25 acquire an ownership interest of more than 5% of the
26 outstanding shares of a wine manufacturer and be issued a wine
27 manufacturer's license by any licensing authority.

28 (b) The foregoing provisions shall not apply to any person
29 licensed by any licensing authority as a distiller or wine
30 manufacturer, or to any subsidiary or affiliate of any
31 distiller or wine manufacturer who shall have been heretofore
32 licensed by the State Commission as either an importing
33 distributor or distributor during the annual licensing period
34 expiring June 30, 1947, and shall actually have made sales
35 regularly to retailers.

1 (c) Provided, however, that in such instances where a
2 distributor's or importing distributor's license has been
3 issued to any distiller or wine manufacturer or to any
4 subsidiary or affiliate of any distiller or wine manufacturer
5 who has, during the licensing period ending June 30, 1947, sold
6 or distributed as such licensed distributor or importing
7 distributor alcoholic liquors and wines to retailers, such
8 distiller or wine manufacturer or any subsidiary or affiliate
9 of any distiller or wine manufacturer holding such
10 distributor's or importing distributor's license may continue
11 to sell or distribute to retailers such alcoholic liquors and
12 wines which are manufactured, distilled, processed or marketed
13 by distillers and wine manufacturers whose products it sold or
14 distributed to retailers during the whole or any part of its
15 licensing periods; and such additional brands and additional
16 products may be added to the line of such distributor or
17 importing distributor, provided, that such brands and such
18 products were not sold or distributed by any distributor or
19 importing distributor licensed by the State Commission during
20 the licensing period ending June 30, 1947, but can not sell or
21 distribute to retailers any other alcoholic liquors or wines.

22 (d) It shall be unlawful for any distiller licensed
23 anywhere to have any stock ownership or interest in any
24 distributor's or importing distributor's license wherein any
25 other person has an interest therein who is not a distiller and
26 does not own more than 5% of any stock in any distillery.
27 Nothing herein contained shall apply to such distillers or
28 their subsidiaries or affiliates, who had a distributor's or
29 importing distributor's license during the licensing period
30 ending June 30, 1947, which license was owned in whole by such
31 distiller, or subsidiaries or affiliates of such distiller.

32 (e) Any person having been licensed as a manufacturer shall
33 be permitted to receive one retailer's license for the premises
34 in which he actually conducts such business, permitting the
35 sale of beer only on such premises, but no such person shall be
36 entitled to more than one retailer's license in any event, and,

1 other than a manufacturer of beer as stated above, no
2 manufacturer or distributor or importing distributor,
3 excluding airplane licensees exercising powers provided in
4 paragraph (i) of Section 5-1 of this Act, or any subsidiary or
5 affiliate thereof, or any officer, associate, member, partner,
6 representative, employee or agent, or shareholder shall be
7 issued a retailer's license, nor shall any person having a
8 retailer's license, excluding airplane licensees exercising
9 powers provided in paragraph (i) of Section 5-1 of this Act, or
10 any subsidiary or affiliate thereof, or any officer, associate,
11 member, partner, representative or agent, or shareholder be
12 issued a manufacturer's license, importing distributor's
13 license.

14 (f) However, the foregoing prohibitions against any person
15 licensed as a distiller or wine manufacturer being issued a
16 retailer's license shall not apply:

17 (i) to any hotel, motel or restaurant whose principal
18 business is not the sale of alcoholic liquors if said
19 retailer's sales of any alcoholic liquors manufactured, sold,
20 distributed or controlled, directly or indirectly, by any
21 affiliate, subsidiary, officer, associate, member, partner,
22 representative, employee, agent or shareholder owning more
23 than 5% of the outstanding shares of such person does not
24 exceed 10% of the total alcoholic liquor sales of said retail
25 licensee; and

26 (ii) where the Commission determines, having considered
27 the public welfare, the economic impact upon the State and the
28 entirety of the facts and circumstances involved, that the
29 purpose and intent of this Section would not be violated by
30 granting an exemption.

31 (g) Notwithstanding any of the foregoing prohibitions, a
32 limited wine manufacturer may sell at retail at its
33 manufacturing site for on or off premises consumption and may
34 sell to distributors. A limited wine manufacturer licensee
35 shall secure liquor liability insurance coverage in an amount
36 at least equal to the maximum liability amounts set forth in

1 subsection (a) of Section 6-21 of this Act.

2 (Source: P.A. 86-858.)

3 (235 ILCS 5/6-29) (from Ch. 43, par. 144e)

4 Sec. 6-29. Direct ~~Interstate reciprocal~~ wine shipments.

5 (a) The General Assembly declares that the following is the
6 intent of this Section:

7 (1) To authorize direct shipment of wine by an
8 out-of-state wine-maker on the same basis permitted an
9 in-state wine-maker pursuant to the authority of the State
10 under the provisions of Section 2 of the Twenty-First
11 Amendment to the United States Constitution and in
12 conformance with the United States Supreme Court decision
13 decided May 16, 2005 in *Granholm v. Heald*.

14 (2) To reaffirm that the General Assembly's findings
15 and declarations that selling alcoholic liquor through
16 various direct marketing means such as catalogs,
17 newspapers, mailings, and the Internet directly to
18 consumers of this State poses a serious threat to the
19 State's efforts to further temperance and prevent youth
20 from accessing alcoholic liquor and the expansion of youth
21 access to additional types of alcoholic liquors.

22 (3) To maintain the State's broad powers granted by
23 Section 2 of the Twenty-First Amendment to the United
24 States Constitution to control the importation or sale of
25 alcoholic liquor and its right to structure its alcoholic
26 liquor distribution system.

27 (4) To ensure that the General Assembly, by authorizing
28 limited direct shipment of wine to meet the directives of
29 the United States Supreme Court, does not intend to impair
30 or modify the State's distribution of wine through
31 distributors or importing distributors, but only to permit
32 limited shipment of wine for personal use.

33 (5) To provide that, in the event that a court of
34 competent jurisdiction declares or finds that this
35 Section, which is enacted to conform Illinois law to the

1 United States Supreme Court decision, is invalid or
2 unconstitutional, the Illinois General Assembly at its
3 earliest general session shall conduct hearings, study
4 methods, and pass legislation conforming to any directive
5 or order of the court consistent with the temperance and
6 revenue collection purposes of the Liquor Control Act of
7 1934.

8 (b) Notwithstanding any other provision of law, a direct
9 wine shipper licensee may ship, for personal use and not for
10 resale, not more than 12 cases of wine per year to any resident
11 of this State who is 21 years of age or older.

12 (b-3) Notwithstanding any other provision of law, sale and
13 shipment by a direct wine shipper licensee pursuant to this
14 Section shall be deemed to constitute a sale in this State.

15 (b-5) The shipping container of any wine shipped under this
16 Section shall be clearly labeled with the following words:
17 "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR
18 OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE
19 SHOWN BEFORE DELIVERY." This warning must be prominently
20 displayed on the packaging. A licensee shall require the
21 transporter or common carrier that delivers the wine to obtain
22 the signature of a person 21 years of age or older at the
23 delivery address at the time of delivery. At the expense of the
24 licensee, the licensee shall receive a delivery confirmation
25 from the express company, common carrier, or contract carrier
26 indicating the location of the delivery, time of delivery, and
27 the name and signature of the individual 21 years of age or
28 older who accepts delivery. The State Commission shall design
29 and create a label or approve a label that must be affixed to
30 the shipping container by the licensee. ~~Notwithstanding any~~
31 ~~other provision of law, an adult resident or holder of an~~
32 ~~alcoholic beverage license in a state which affords Illinois~~
33 ~~licensees or adult residents an equal reciprocal shipping~~
34 ~~privilege may ship, for personal use and not for resale, not~~
35 ~~more than 2 cases of wine (each case containing not more than 9~~
36 ~~liters) per year to any adult resident of this State. Delivery~~

1 ~~of a shipment pursuant to this Section shall not be deemed to~~
2 ~~constitute a sale in this State.~~

3 ~~(b) The shipping container of any wine sent into or out of~~
4 ~~this State under this Section shall be clearly labeled to~~
5 ~~indicate that the package cannot be delivered to a person under~~
6 ~~the age of 21 years.~~

7 (c) No broker within this State shall solicit consumers to
8 engage in direct ~~interstate reciprocal~~ wine shipments under
9 this Section. ~~No shipper located outside this State may~~
10 ~~advertise such interstate reciprocal wine shipments in this~~
11 ~~State.~~

12 (d) It is not the intent of this Section to impair the
13 distribution of wine through distributors or importing
14 distributors, but only to permit shipments of wine for personal
15 use.

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

17 (235 ILCS 5/6-29.1)

18 Sec. 6-29.1. Direct shipments of alcoholic liquor.

19 (a) The General Assembly makes the following findings:

20 (1) The General Assembly of Illinois, having reviewed
21 the Liquor Control Act of 1934 in light of the United
22 States Supreme Court's 2005 decision in *Granholm v. Heald*,
23 has determined to conform that law to the constitutional
24 principles enunciated by the Court in a manner that best
25 preserves the temperance, revenue, and orderly
26 distribution values of the Act.

27 (2) Minimizing automobile accidents and fatalities,
28 domestic violence, health problems, loss of productivity,
29 unemployment, and other social problems associated with
30 dependency and improvident use of alcoholic beverages
31 remains the policy of Illinois.

32 (3) To the maximum extent constitutionally feasible,
33 Illinois desires to collect sufficient revenue from excise
34 and use taxes on alcoholic beverages for the purpose of
35 responding to such social problems.

1 (4) Combined with family education and individual
2 discipline, retail validation of age and assessment of the
3 capacity of the consumer remains the best pre-sale social
4 protection against the problems associated with the abuse
5 of alcoholic liquor.

6 (5) Therefore, the paramount purpose of this Act is to
7 continue to carefully limit direct shipment sales of wine
8 and to continue to prohibit such direct shipment sales for
9 spirits and beer.

10 For these reasons, the shipment of any alcoholic beverage
11 to any person in Illinois not licensed as a distributor,
12 importing distributor, foreign importer, manufacturer, or
13 non-resident dealer or not shipped pursuant to the provisions
14 of this Act is prohibited. The State Commission shall establish
15 a system to notify the out-of-state trade of this prohibition
16 and to detect violations. The State Commission shall request
17 the Attorney General to extradite any offender.

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

30 Any person manufacturing, distributing, or selling
31 alcoholic liquor who knowingly ships or transports or causes
32 the shipping or transportation of any alcoholic liquor from a
33 point outside this State to a person in this State who does not
34 hold a manufacturer's, distributor's, importing distributor's,
35 foreign importer's, direct wine shipper's, or non-resident
36 dealer's license issued by the Liquor Control Commission, other

1 than a shipment of sacramental wine to a bona fide religious
2 organization, a shipment authorized by Section 6-29, or any
3 other shipment authorized by this Act, is in violation of this
4 Act.

5 The Commission, upon determining, after investigation,
6 that a person has violated this Section, shall give notice to
7 the person by certified mail to cease and desist all shipments
8 of alcoholic liquor into this State and to withdraw from this
9 State within 5 working days after receipt of the notice all
10 shipments of alcoholic liquor then in transit.

11 Whenever the Commission has reason to believe that a person
12 has failed to comply with the Commission notice under this
13 Section, it shall notify the Department of Revenue and file a
14 complaint with the ~~State's Attorney of the county where the~~
15 ~~alcoholic liquor was delivered or with~~ appropriate law
16 enforcement officials.

17 Failure to comply with the notice issued by the Commission
18 under this Section constitutes a business offense for which the
19 person shall be fined not more than \$1,000 for a first offense,
20 not more than \$5,000 for a second offense, and not more than
21 \$10,000 for a third or subsequent offense. Each shipment of
22 alcoholic liquor delivered in violation of the cease and desist
23 notice shall constitute a separate offense.

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

25 Section 90. Severability. The General Assembly recognizes
26 that courts established pursuant to the Constitution of the
27 United States and the Constitution of the State of Illinois
28 construe statutory provisions dealing with judicial
29 interpretation, severability, and partial invalidity by
30 determining whether the legislative intent was to enforce the
31 remainder of the law enacted in the event of a judicial
32 determination of partial invalidity. For the purpose of
33 explaining such intent, if any provision, application,
34 exemption, exception, or authorization of this amendatory Act
35 of the 94th General Assembly, the Retailers' Occupation Tax

1 Act, Section 3-7 of the Uniform Penalty and Interest Act, or
2 the Liquor Control Act of 1934 is held invalid, then all other
3 constitutional provisions, exemptions, exceptions, and
4 authorizations of this amendatory Act of the 94th General
5 Assembly are severable and shall be given effect.

6 Section 99. Effective date. This Act takes effect July 1,
7 2006.