

**SB0295**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0295**

Introduced 2/7/2007, by Sen. Carole Pankau

**SYNOPSIS AS INTRODUCED:**

235 ILCS 5/6-2

from Ch. 43, par. 120

Amends the Liquor Control Act of 1934. Provides that no license of any kind issued by the State Commission or any local commission shall be issued to a person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not post a poster or sign in a conspicuous place stating, "If you weigh 160 pounds and consume four alcoholic drinks in 1 hour, your blood alcohol concentration will be .08."

LRB095 05022 KBJ 25090 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 Section 6-2 as follows:

6 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

7 Sec. 6-2. Issuance of licenses to certain persons  
8 prohibited.

9 (a) Except as otherwise provided in subsection (b) of this  
10 Section and in paragraph (1) of subsection (a) of Section 3-12,  
11 no license of any kind issued by the State Commission or any  
12 local commission shall be issued to:

13 (1) A person who is not a resident of any city, village  
14 or county in which the premises covered by the license are  
15 located; except in case of railroad or boat licenses.

16 (2) A person who is not of good character and  
17 reputation in the community in which he resides.

18 (3) A person who is not a citizen of the United States.

19 (4) A person who has been convicted of a felony under  
20 any Federal or State law, unless the Commission determines  
21 that such person has been sufficiently rehabilitated to  
22 warrant the public trust after considering matters set  
23 forth in such person's application and the Commission's

1 investigation. The burden of proof of sufficient  
2 rehabilitation shall be on the applicant.

3 (5) A person who has been convicted of being the keeper  
4 or is keeping a house of ill fame.

5 (6) A person who has been convicted of pandering or  
6 other crime or misdemeanor opposed to decency and morality.

7 (7) A person whose license issued under this Act has  
8 been revoked for cause.

9 (8) A person who at the time of application for renewal  
10 of any license issued hereunder would not be eligible for  
11 such license upon a first application.

12 (9) A copartnership, if any general partnership  
13 thereof, or any limited partnership thereof, owning more  
14 than 5% of the aggregate limited partner interest in such  
15 copartnership would not be eligible to receive a license  
16 hereunder for any reason other than residence within the  
17 political subdivision, unless residency is required by  
18 local ordinance.

19 (10) A corporation or limited liability company, if any  
20 member, officer, manager or director thereof, or any  
21 stockholder or stockholders owning in the aggregate more  
22 than 5% of the stock of such corporation, would not be  
23 eligible to receive a license hereunder for any reason  
24 other than citizenship and residence within the political  
25 subdivision.

26 (10a) A corporation or limited liability company

1 unless it is incorporated or organized in Illinois, or  
2 unless it is a foreign corporation or foreign limited  
3 liability company which is qualified under the Business  
4 Corporation Act of 1983 or the Limited Liability Company  
5 Act to transact business in Illinois. The Commission shall  
6 permit and accept from an applicant for a license under  
7 this Act proof prepared from the Secretary of State's  
8 website that the corporation or limited liability company  
9 is in good standing and is qualified under the Business  
10 Corporation Act of 1983 or the Limited Liability Company  
11 Act to transact business in Illinois.

12 (11) A person whose place of business is conducted by a  
13 manager or agent unless the manager or agent possesses the  
14 same qualifications required by the licensee.

15 (12) A person who has been convicted of a violation of  
16 any Federal or State law concerning the manufacture,  
17 possession or sale of alcoholic liquor, subsequent to the  
18 passage of this Act or has forfeited his bond to appear in  
19 court to answer charges for any such violation.

20 (13) A person who does not beneficially own the  
21 premises for which a license is sought, or does not have a  
22 lease thereon for the full period for which the license is  
23 to be issued.

24 (14) Any law enforcing public official, including  
25 members of local liquor control commissions, any mayor,  
26 alderman, or member of the city council or commission, any

1 president of the village board of trustees, any member of a  
2 village board of trustees, or any president or member of a  
3 county board; and no such official shall have a direct  
4 interest in the manufacture, sale, or distribution of  
5 alcoholic liquor, except that a license may be granted to  
6 such official in relation to premises that are not located  
7 within the territory subject to the jurisdiction of that  
8 official if the issuance of such license is approved by the  
9 State Liquor Control Commission and except that a license  
10 may be granted, in a city or village with a population of  
11 50,000 or less, to any alderman, member of a city council,  
12 or member of a village board of trustees in relation to  
13 premises that are located within the territory subject to  
14 the jurisdiction of that official if (i) the sale of  
15 alcoholic liquor pursuant to the license is incidental to  
16 the selling of food, (ii) the issuance of the license is  
17 approved by the State Commission, (iii) the issuance of the  
18 license is in accordance with all applicable local  
19 ordinances in effect where the premises are located, and  
20 (iv) the official granted a license does not vote on  
21 alcoholic liquor issues pending before the board or council  
22 to which the license holder is elected. Notwithstanding any  
23 provision of this paragraph (14) to the contrary, an  
24 alderman or member of a city council or commission, a  
25 member of a village board of trustees other than the  
26 president of the village board of trustees, or a member of

1 a county board other than the president of a county board  
2 may have a direct interest in the manufacture, sale, or  
3 distribution of alcoholic liquor as long as he or she is  
4 not a law enforcing public official, a mayor, a village  
5 board president, or president of a county board. To prevent  
6 any conflict of interest, the elected official with the  
7 direct interest in the manufacture, sale, or distribution  
8 of alcoholic liquor cannot participate in any meetings,  
9 hearings, or decisions on matters impacting the  
10 manufacture, sale, or distribution of alcoholic liquor.

11 (15) A person who is not a beneficial owner of the  
12 business to be operated by the licensee.

13 (16) A person who has been convicted of a gambling  
14 offense as proscribed by any of subsections (a) (3) through  
15 (a) (11) of Section 28-1 of, or as proscribed by Section  
16 28-1.1 or 28-3 of, the Criminal Code of 1961, or as  
17 proscribed by a statute replaced by any of the aforesaid  
18 statutory provisions.

19 (17) A person or entity to whom a federal wagering  
20 stamp has been issued by the federal government, unless the  
21 person or entity is eligible to be issued a license under  
22 the Raffles Act or the Illinois Pull Tabs and Jar Games  
23 Act.

24 (18) A person who intends to sell alcoholic liquors for  
25 use or consumption on his or her licensed retail premises  
26 who does not have liquor liability insurance coverage for

1 that premises in an amount that is at least equal to the  
2 maximum liability amounts set out in subsection (a) of  
3 Section 6-21.

4 (19) A person who intends to sell alcoholic liquors for  
5 use or consumption on his or her licensed retail premises  
6 who does not post a poster or sign in a conspicuous place  
7 stating, "If you weigh 160 pounds and consume four  
8 alcoholic drinks in 1 hour, your blood alcohol  
9 concentration will be .08."

10 (b) A criminal conviction of a corporation is not grounds  
11 for the denial, suspension, or revocation of a license applied  
12 for or held by the corporation if the criminal conviction was  
13 not the result of a violation of any federal or State law  
14 concerning the manufacture, possession or sale of alcoholic  
15 liquor, the offense that led to the conviction did not result  
16 in any financial gain to the corporation and the corporation  
17 has terminated its relationship with each director, officer,  
18 employee, or controlling shareholder whose actions directly  
19 contributed to the conviction of the corporation. The  
20 Commission shall determine if all provisions of this subsection  
21 (b) have been met before any action on the corporation's  
22 license is initiated.

23 (Source: P.A. 93-266, eff. 1-1-04; 93-1057, eff. 12-2-04; 94-5,  
24 eff. 6-3-05; 94-289, eff. 1-1-06; 94-381, eff. 7-29-05; revised  
25 8-19-05.)