



Sen. Pamela J. Althoff

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LRB095 08771 KBJ 32683 a

1 AMENDMENT TO SENATE BILL 1430

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1430 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Section 6-16 as follows:

6 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

7 Sec. 6-16. Prohibited sales and possession.

8 (a) (i) No licensee nor any officer, associate, member,  
9 representative, agent, or employee of such licensee shall sell,  
10 give, or deliver alcoholic liquor to any person under the age  
11 of 21 years or to any intoxicated person, except as provided in  
12 Section 6-16.1. (ii) No express company, common carrier, or  
13 contract carrier nor any representative, agent, or employee on  
14 behalf of an express company, common carrier, or contract  
15 carrier that carries or transports alcoholic liquor for  
16 delivery within this State shall knowingly give or knowingly

1 deliver to a residential address any shipping container clearly  
2 labeled as containing alcoholic liquor and labeled as requiring  
3 signature of an adult of at least 21 years of age to any person  
4 in this State under the age of 21 years. An express company,  
5 common carrier, or contract carrier that carries or transports  
6 such alcoholic liquor for delivery within this State shall  
7 obtain a signature at the time of delivery acknowledging  
8 receipt of the alcoholic liquor by an adult who is at least 21  
9 years of age. At no time while delivering alcoholic beverages  
10 within this State may any representative, agent, or employee of  
11 an express company, common carrier, or contract carrier that  
12 carries or transports alcoholic liquor for delivery within this  
13 State deliver the alcoholic liquor to a residential address  
14 without the acknowledgment of the consignee and without first  
15 obtaining a signature at the time of the delivery by an adult  
16 who is at least 21 years of age. A signature of a person on file  
17 with the express company, common carrier, or contract carrier  
18 does not constitute acknowledgement of the consignee. Any  
19 express company, common carrier, or contract carrier that  
20 transports alcoholic liquor for delivery within this State that  
21 violates this item (ii) of this subsection (a) by delivering  
22 alcoholic liquor without the acknowledgement of the consignee  
23 and without first obtaining a signature at the time of the  
24 delivery by an adult who is at least 21 years of age is guilty  
25 of a business offense for which the express company, common  
26 carrier, or contract carrier that transports alcoholic liquor

1 within this State shall be fined not more than \$1,001 for a  
2 first offense, not more than \$5,000 for a second offense, and  
3 not more than \$10,000 for a third or subsequent offense. An  
4 express company, common carrier, or contract carrier shall be  
5 held vicariously liable for the actions of its representatives,  
6 agents, or employees. For purposes of this Act, in addition to  
7 other methods authorized by law, an express company, common  
8 carrier, or contract carrier shall be considered served with  
9 process when a representative, agent, or employee alleged to  
10 have violated this Act is personally served. Each shipment of  
11 alcoholic liquor delivered in violation of this item (ii) of  
12 this subsection (a) constitutes a separate offense. (iii) No  
13 person, after purchasing or otherwise obtaining alcoholic  
14 liquor, shall sell, give, or deliver such alcoholic liquor to  
15 another person under the age of 21 years, except in the  
16 performance of a religious ceremony or service. Except as  
17 otherwise provided in item (ii), any express company, common  
18 carrier, or contract carrier that transports alcoholic liquor  
19 within this State that violates the provisions of item (i),  
20 (ii), or (iii) of this paragraph of this subsection (a) is  
21 guilty of a Class A misdemeanor and the sentence shall include,  
22 but shall not be limited to, a fine of not less than \$500. Any  
23 person who violates the provisions of item (iii) of this  
24 paragraph of this subsection (a) is guilty of a Class A  
25 misdemeanor and the sentence shall include, but shall not be  
26 limited to a fine of not less than \$500 for a first offense and

1 not less than \$2,000 for a second or subsequent offense. Any  
2 person who knowingly violates the provisions of item (iii) of  
3 this paragraph of this subsection (a) is guilty of a Class 4  
4 felony if a death occurs as the result of the violation.

5 If a licensee or officer, associate, member,  
6 representative, agent, or employee of the licensee, or a  
7 representative, agent, or employee of an express company,  
8 common carrier, or contract carrier that carries or transports  
9 alcoholic liquor for delivery within this State, is prosecuted  
10 under this paragraph of this subsection (a) for selling,  
11 giving, or delivering alcoholic liquor to a person under the  
12 age of 21 years, the person under 21 years of age who attempted  
13 to buy or receive the alcoholic liquor may be prosecuted  
14 pursuant to Section 6-20 of this Act, unless the person under  
15 21 years of age was acting under the authority of a law  
16 enforcement agency, the Illinois Liquor Control Commission, or  
17 a local liquor control commissioner pursuant to a plan or  
18 action to investigate, patrol, or conduct any similar  
19 enforcement action.

20 For the purpose of preventing the violation of this  
21 Section, any licensee, or his agent or employee, or a  
22 representative, agent, or employee of an express company,  
23 common carrier, or contract carrier that carries or transports  
24 alcoholic liquor for delivery within this State, shall refuse  
25 to sell, deliver, or serve alcoholic beverages to any person  
26 who is unable to produce adequate written evidence of identity

1 and of the fact that he or she is over the age of 21 years, if  
2 requested by the licensee, agent, employee, or representative.

3 Adequate written evidence of age and identity of the person  
4 is a document issued by a federal, state, county, or municipal  
5 government, or subdivision or agency thereof, including, but  
6 not limited to, a motor vehicle operator's license, a  
7 registration certificate issued under the Federal Selective  
8 Service Act, or an identification card issued to a member of  
9 the Armed Forces. Proof that the defendant-licensee, or his  
10 employee or agent, or the representative, agent, or employee of  
11 the express company, common carrier, or contract carrier that  
12 carries or transports alcoholic liquor for delivery within this  
13 State demanded, was shown and reasonably relied upon such  
14 written evidence in any transaction forbidden by this Section  
15 is an affirmative defense in any criminal prosecution therefor  
16 or to any proceedings for the suspension or revocation of any  
17 license based thereon. It shall not, however, be an affirmative  
18 defense if the agent or employee accepted the written evidence  
19 knowing it to be false or fraudulent. If a false or fraudulent  
20 Illinois driver's license or Illinois identification card is  
21 presented by a person less than 21 years of age to a licensee  
22 or the licensee's agent or employee for the purpose of  
23 ordering, purchasing, attempting to purchase, or otherwise  
24 obtaining or attempting to obtain the serving of any alcoholic  
25 beverage, the law enforcement officer or agency investigating  
26 the incident shall, upon the conviction of the person who

1 presented the fraudulent license or identification, make a  
2 report of the matter to the Secretary of State on a form  
3 provided by the Secretary of State.

4 However, no agent or employee of the licensee or employee  
5 of an express company, common carrier, or contract carrier that  
6 carries or transports alcoholic liquor for delivery within this  
7 State shall be disciplined or discharged for selling or  
8 furnishing liquor to a person under 21 years of age if the  
9 agent or employee demanded and was shown, before furnishing  
10 liquor to a person under 21 years of age, adequate written  
11 evidence of age and identity of the person issued by a federal,  
12 state, county or municipal government, or subdivision or agency  
13 thereof, including but not limited to a motor vehicle  
14 operator's license, a registration certificate issued under  
15 the Federal Selective Service Act, or an identification card  
16 issued to a member of the Armed Forces. This paragraph,  
17 however, shall not apply if the agent or employee accepted the  
18 written evidence knowing it to be false or fraudulent.

19 Any person who sells, gives, or furnishes to any person  
20 under the age of 21 years any false or fraudulent written,  
21 printed, or photostatic evidence of the age and identity of  
22 such person or who sells, gives or furnishes to any person  
23 under the age of 21 years evidence of age and identification of  
24 any other person is guilty of a Class A misdemeanor and the  
25 person's sentence shall include, but shall not be limited to, a  
26 fine of not less than \$500.

1 Any person under the age of 21 years who presents or offers  
2 to any licensee, his agent or employee, any written, printed or  
3 photostatic evidence of age and identity that is false,  
4 fraudulent, or not actually his or her own for the purpose of  
5 ordering, purchasing, attempting to purchase or otherwise  
6 procuring or attempting to procure, the serving of any  
7 alcoholic beverage, who falsely states in writing that he or  
8 she is at least 21 years of age when receiving alcoholic liquor  
9 from a representative, agent, or employee of an express  
10 company, common carrier, or contract carrier, or who has in his  
11 or her possession any false or fraudulent written, printed, or  
12 photostatic evidence of age and identity, is guilty of a Class  
13 A misdemeanor and the person's sentence shall include, but  
14 shall not be limited to, the following: a fine of not less than  
15 \$500 and at least 25 hours of community service. If possible,  
16 any community service shall be performed for an alcohol abuse  
17 prevention program.

18 Any person under the age of 21 years who has any alcoholic  
19 beverage in his or her possession on any street or highway or  
20 in any public place or in any place open to the public is  
21 guilty of a Class A misdemeanor. This Section does not apply to  
22 possession by a person under the age of 21 years making a  
23 delivery of an alcoholic beverage in pursuance of the order of  
24 his or her parent or in pursuance of his or her employment.

25 (a-1) It is unlawful for any parent or guardian to permit  
26 his or her residence to be used by an invitee of the parent's

1 child or the guardian's ward, if the invitee is under the age  
2 of 21, in a manner that constitutes a violation of this  
3 Section. A parent or guardian is deemed to have permitted his  
4 or her residence to be used in violation of this Section if he  
5 or she knowingly authorizes, enables, or permits such use to  
6 occur by failing to control access to either the residence or  
7 the alcoholic liquor maintained in the residence. Any person  
8 who violates this subsection (a-1) is guilty of a Class A  
9 misdemeanor and the person's sentence shall include, but shall  
10 not be limited to, a fine of not less than \$500. Nothing in  
11 this subsection (a-1) shall be construed to prohibit the giving  
12 of alcoholic liquor to a person under the age of 21 years in  
13 the performance of a religious ceremony or service.

14 (b) Except as otherwise provided in this Section whoever  
15 violates this Section shall, in addition to other penalties  
16 provided for in this Act, be guilty of a Class A misdemeanor.

17 (c) Any person shall be guilty of a Class A misdemeanor and  
18 shall have his or her driving privileges suspended by the  
19 Secretary of State for a period of 6 months for the first  
20 offense, for a period of one year for a second offense, and  
21 revoked permanently for a third or subsequent offense where he  
22 or she knowingly permits a gathering at a residence which he or  
23 she occupies of two or more persons where any one or more of  
24 the persons is under 21 years of age and the following factors  
25 also apply:

26 (1) the person occupying the residence knows that any



1 such person under the age of 21 is in possession of or is  
2 consuming any alcoholic beverage; and

3 (2) the possession or consumption of the alcohol by the  
4 person under 21 is not otherwise permitted by this Act; and

5 (3) the person occupying the residence knows that the  
6 person under the age of 21 leaves the residence in an  
7 intoxicated condition.

8 For the purposes of this subsection (c) where the residence  
9 has an owner and a tenant or lessee, there is a rebuttable  
10 presumption that the residence is occupied only by the tenant  
11 or lessee.

12 (d) Any person who rents a hotel or motel room from the  
13 proprietor or agent thereof for the purpose of or with the  
14 knowledge that such room shall be used for the consumption of  
15 alcoholic liquor by persons under the age of 21 years shall be  
16 guilty of a Class A misdemeanor.

17 (e) Except as otherwise provided in this Act, any person  
18 who has alcoholic liquor in his or her possession on public  
19 school district property on school days or at events on public  
20 school district property when children are present is guilty of  
21 a petty offense, unless the alcoholic liquor (i) is in the  
22 original container with the seal unbroken and is in the  
23 possession of a person who is not otherwise legally prohibited  
24 from possessing the alcoholic liquor or (ii) is in the  
25 possession of a person in or for the performance of a religious  
26 service or ceremony authorized by the school board.

1       (f) The clerk of the court shall forward to the Secretary  
2 of State any conviction entered under subsection (c) within 5  
3 days after the conviction in a form and manner as prescribed by  
4 the Secretary of State.

5       (Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02; 92-507,  
6 eff. 1-1-02; 92-651, eff. 7-11-02; 92-687, eff. 1-1-03.)

7       Section 99. Effective date. This Act takes effect January  
8 1, 2008."