



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5288

Introduced 2/8/2012, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

235 ILCS 5/7-1

from Ch. 43, par. 145

Amends the Liquor Control Act of 1934. Provides that an applicant for a license (instead of retail license) from the State Commission shall submit an application stating specified information. Provides that an applicant who has ever had a previous liquor license within or without the State that was suspended or revoked (instead of any previous liquor license suspended or revoked) must submit that information and the reasons for the suspension or revocation to the Commission. Adds a requirement that an applicant for licensure must submit whether the applicant, its subsidiary, affiliate, or any officer, member, or partner currently holds any license issued by the State Commission. Makes other changes. Effective immediately.

LRB097 18863 AJO 64101 b

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 7-1 as follows:

6 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

7 Sec. 7-1. An applicant for a ~~retail~~ license from the State
8 Commission shall submit to the State Commission an application
9 in writing under oath stating:

- 10 (1) The applicant's name and mailing address;
- 11 (2) The name and address of the applicant's business;
- 12 (3) If applicable, the date of the filing of the
13 "assumed name" of the business with the County Clerk;
- 14 (4) In case of a copartnership, the date of the
15 formation of the partnership; in the case of an Illinois
16 corporation, the date of its incorporation; or in the case
17 of a foreign corporation, the State where it was
18 incorporated and the date of its becoming qualified under
19 the Business Corporation Act of 1983 to transact business
20 in the State of Illinois;
- 21 (5) If applicable, the ~~The~~ number, the date of issuance
22 and the date of expiration of the applicant's current local
23 retail liquor license;

1 (6) If applicable, the ~~The~~ name of the city, village,
2 or county that issued the local retail liquor license;

3 (7) The name and address of the landlord if the
4 premises are leased;

5 (8) The date of the applicant's first request for a
6 State liquor license and whether it was granted, denied or
7 withdrawn;

8 (9) The address of the applicant when the first
9 application for a State liquor license was made;

10 (10) The applicant's current State liquor license
11 number;

12 (11) The date the applicant began liquor sales at his
13 place of business;

14 (12) The address of the applicant's warehouse if he
15 warehouses liquor;

16 (13) The applicant's Retailer's Occupation Tax (ROT)
17 Registration Number;

18 (14) The applicant's document locator number on his
19 Federal Special Tax Stamp;

20 (15) If applicable, whether ~~whether~~ the applicant is
21 delinquent in the payment of the Retailer's Occupational
22 Tax (Sales Tax), and if so, the reasons therefor;

23 (16) Whether the applicant is delinquent under the cash
24 beer law, and if so, the reasons therefor;

25 (17) In the case of a retailer, whether he is
26 delinquent under the 30 day credit law, and if so, the

1 reasons therefor;

2 (18) In the case of a distributor, whether he is
3 delinquent under the 15 day credit law, and if so, the
4 reasons therefor;

5 (19) Whether the applicant has made an application for
6 a liquor license which has been denied, and if so, the
7 reasons therefor;

8 (20) Whether the applicant has ever had any previous
9 liquor license within or without the State suspended or
10 revoked, and if so, the reasons therefor;

11 (21) Whether the applicant has ever been convicted of a
12 gambling offense or felony, and if so, the particulars
13 thereof;

14 (22) Whether the applicant possesses a current Federal
15 Wagering Stamp, and if so, the reasons therefor;

16 (23) Whether the applicant, or any other person,
17 directly in his place of business is a public official, and
18 if so, the particulars thereof;

19 (24) The applicant's name, sex, date of birth, social
20 security number, position and percentage of ownership in
21 the business; and the name, sex, date of birth, social
22 security number, position and percentage of ownership in
23 the business of every sole owner, partner, corporate
24 officer, director, manager and any person who owns 5% or
25 more of the shares of the applicant business entity or
26 parent corporations of the applicant business entity; ~~and~~

1 (25) That he has not received or borrowed money or
2 anything else of value, and that he will not receive or
3 borrow money or anything else of value (other than
4 merchandising credit in the ordinary course of business for
5 a period not to exceed 90 days as herein expressly
6 permitted under Section 6-5 hereof), directly or
7 indirectly, from any manufacturer, importing distributor
8 or distributor or from any representative of any such
9 manufacturer, importing distributor or distributor, nor be
10 a party in any way, directly or indirectly, to any
11 violation by a manufacturer, distributor or importing
12 distributor of Section 6-6 of this Act; and -

13 (26) Whether the applicant, its subsidiary, affiliate,
14 or any officer, associate, member, or partner currently
15 holds any license issued by the State Commission under
16 Section 5-1 of this Act.

17 In addition to any other requirement of this Section, an
18 applicant for a special use permit license and a special event
19 retailer's license shall also submit (A) proof satisfactory to
20 the Commission that the applicant has a resale number issued
21 under Section 2c of the Retailer's Occupation Tax Act or that
22 the applicant is registered under Section 2a of the Retailer's
23 Occupation Tax Act, (B) proof satisfactory to the Commission
24 that the applicant has a current, valid exemption
25 identification number issued under Section 1g of the Retailers'
26 Occupation Tax Act and a certification to the Commission that

1 the purchase of alcoholic liquors will be a tax-exempt
2 purchase, or (C) a statement that the applicant is not
3 registered under Section 2a of the Retailers' Occupation Tax
4 Act, does not hold a resale number under Section 2c of the
5 Retailers' Occupation Tax Act, and does not hold an exemption
6 number under Section 1g of the Retailers' Occupation Tax Act.
7 The applicant shall also submit proof of adequate dram shop
8 insurance for the special event prior to being issued a
9 license.

10 In addition to the foregoing information, such application
11 shall contain such other and further information as the State
12 Commission and the local commission may, by rule or regulation
13 not inconsistent with law, prescribe.

14 If the applicant reports a felony conviction as required
15 under paragraph (21) of this Section, such conviction may be
16 considered by the Commission in determining qualifications for
17 licensing, but shall not operate as a bar to licensing.

18 If said application is made in behalf of a partnership,
19 firm, association, club or corporation, then the same shall be
20 signed by one member of such partnership or the president or
21 secretary of such corporation or an authorized agent of said
22 partnership or corporation.

23 All other applications shall be on forms prescribed by the
24 State Commission, and which may exclude any of the above
25 requirements which the State Commission rules to be
26 inapplicable.

1 (Source: P.A. 90-596, eff. 6-24-98; 91-357, eff. 7-29-99.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.