



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### SB0088

Introduced 1/27/2011, by Sen. Donne E. Trotter

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/1-3.09	from Ch. 43, par. 95.09
235 ILCS 5/1-3.15	from Ch. 43, par. 95.15
235 ILCS 5/1-3.16	from Ch. 43, par. 95.16
235 ILCS 5/1-3.33	
235 ILCS 5/1-3.38 new	
235 ILCS 5/5-1	from Ch. 43, par. 115

Amends the Liquor Control Act of 1934. Makes changes to the definitions of "brewer", "distributor", "importing distributor", and "brew pub". Defines "barrel" as 31 U.S. gallons. Provides that a licensed brewer may make sales and deliveries of beer to importing distributors, distributors, and to non-licensees. Further provides that a licensed brewer may sell to retailers provided that the licensed brewer (i) manufactures 60,000 barrels or less of beer per year and (ii) obtains an importing distributor's license or distributor's license in accordance with the provisions of the Act. Provides that a brew pub licensee may sell his or her own manufactured beer to retailers provided that he or she obtains an importing distributor's license or distributor's license. Provides that a brew pub licensee shall not allow the sale for off-premises consumption or to retailers in the aggregate of more than 50,000 gallons of manufactured beer per year. Makes other changes. Effective immediately.

LRB097 05761 ASK 45825 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 1-3.09, 1-3.15, 1-3.16, 1-3.33, and 5-1 and by  
6 adding Section 1-3.38 as follows:

7 (235 ILCS 5/1-3.09) (from Ch. 43, par. 95.09)

8 Sec. 1-3.09. "Brewer" means a person who is engaged in the  
9 manufacture of beer, whether within or outside of this State.  
10 (Source: P.A. 82-783.)

11 (235 ILCS 5/1-3.15) (from Ch. 43, par. 95.15)

12 Sec. 1-3.15. "Distributor" means any person, other than a  
13 manufacturer or non-resident dealer licensed under this Act  
14 unless the manufacturer or non-resident dealer is a brewer or  
15 brew pub that obtains a distributor's license in accordance  
16 with the provisions of this Act, who is engaged in this State  
17 in purchasing, storing, possessing or warehousing any  
18 alcoholic liquors for resale or reselling at wholesale, whether  
19 within or outside of ~~without~~ this State.  
20 (Source: P.A. 83-1254.)

21 (235 ILCS 5/1-3.16) (from Ch. 43, par. 95.16)

1           Sec. 1-3.16. "Importing distributor" means any person  
2 other than a non-resident dealer licensed under this Act,  
3 unless the non-resident dealer is a brewer or brew pub that  
4 obtains an importing distributor's license in accordance with  
5 the provisions of this Act, who imports into this State, from  
6 any point in the United States outside this State, whether for  
7 himself or for another, any alcoholic liquors for sale or  
8 resale, or for use in the manufacture, preparation or  
9 compounding of products other than alcoholic liquors, or who  
10 imports into this State, from any point in the United States  
11 outside this State, for consumption in any one calendar year,  
12 more than one gallon of such liquors.

13         (Source: P.A. 83-1254.)

14           (235 ILCS 5/1-3.33)

15           Sec. 1-3.33. "Brew Pub" means a person who manufactures  
16 beer only at a designated premises, whether within or outside  
17 of this State, to make sales to importing distributors,  
18 distributors, and to non-licensees for use and consumption  
19 only, who stores beer at the designated premises, ~~and~~ who is  
20 allowed to sell beer and other alcoholic liquors at retail from  
21 the licensed premises, and who is allowed to sell its own  
22 manufactured beer to retailers provided that the brew pub also  
23 obtains an importing distributor's license or distributor's  
24 license in accordance with the provisions of this Act. A  
25 ~~provided that a~~ brew pub licensee shall not authorize the sales

1 ~~sell~~ for off-premises consumption or to retailers in the  
2 aggregate of more than 50,000 gallons of manufactured beer per  
3 year.

4 (Source: P.A. 90-432, eff. 1-1-98.)

5 (235 ILCS 5/1-3.38 new)

6 Sec. 1-3.38. "Barrel" means 31 U.S. gallons.

7 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

17 (d) Retailer's license,

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

19 (f) Railroad license,

20 (g) Boat license,

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

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

23 (j) Airplane license,

24 (k) Foreign importer's license,

- 1 (l) Broker's license,  
2 (m) Non-resident dealer's license,  
3 (n) Brew Pub license,  
4 (o) Auction liquor license,  
5 (p) Caterer retailer license,  
6 (q) Special use permit license,  
7 (r) Winery shipper's license.

8 No person, firm, partnership, corporation, or other legal  
9 business entity that is engaged in the manufacturing of wine  
10 may concurrently obtain and hold a wine-maker's license and a  
11 wine manufacturer's license.

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

16 Class 1. A Distiller may make sales and deliveries of  
17 alcoholic liquor to distillers, rectifiers, importing  
18 distributors, distributors and non-beverage users and to no  
19 other licensees.

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

24 Class 3. A Brewer may make sales and deliveries of beer to  
25 importing distributors, distributors, and to non-licensees. A  
26 brewer may also make sales and deliveries of beer, and to

1 retailers provided the brewer (i) manufactures 60,000 barrels  
2 or less of beer per year and (ii) obtains an importing  
3 distributor's license or distributor's license in accordance  
4 with the provisions of this Act.

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

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

13 Class 6. A first-class wine-maker's license shall allow the  
14 manufacture of up to 50,000 gallons of wine per year, and the  
15 storage and sale of such wine to distributors in the State and  
16 to persons without the State, as may be permitted by law. A  
17 person who, prior to the effective date of this amendatory Act  
18 of the 95th General Assembly, is a holder of a first-class  
19 wine-maker's license and annually produces more than 25,000  
20 gallons of its own wine and who distributes its wine to  
21 licensed retailers shall cease this practice on or before July  
22 1, 2008 in compliance with this amendatory Act of the 95th  
23 General Assembly.

24 Class 7. A second-class wine-maker's license shall allow  
25 the manufacture of between 50,000 and 150,000 gallons of wine  
26 per year, and the storage and sale of such wine to distributors

1 in this State and to persons without the State, as may be  
2 permitted by law. A person who, prior to the effective date of  
3 this amendatory Act of the 95th General Assembly, is a holder  
4 of a second-class wine-maker's license and annually produces  
5 more than 25,000 gallons of its own wine and who distributes  
6 its wine to licensed retailers shall cease this practice on or  
7 before July 1, 2008 in compliance with this amendatory Act of  
8 the 95th General Assembly.

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

13 Class 9. A craft distiller license shall allow the  
14 manufacture of up to 5,000 gallons of spirits by distillation  
15 per year and the storage of such spirits. If a craft distiller  
16 licensee is not affiliated with any other manufacturer, then  
17 the craft distiller licensee may sell such spirits to  
18 distributors in this State and non-licensees to the extent  
19 permitted by any exemption approved by the Commission pursuant  
20 to Section 6-4 of this Act.

21 Any craft distiller licensed under this Act who on the  
22 effective date of this amendatory Act of the 96th General  
23 Assembly was licensed as a distiller and manufactured no more  
24 spirits than permitted by this Section shall not be required to  
25 pay the initial licensing fee.

26 (a-1) A manufacturer which is licensed in this State to

1 make sales or deliveries of alcoholic liquor and which enlists  
2 agents, representatives, or individuals acting on its behalf  
3 who contact licensed retailers on a regular and continual basis  
4 in this State must register those agents, representatives, or  
5 persons acting on its behalf with the State Commission.

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

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

25 (c) An importing distributor's license may be issued to and  
26 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. Nothing in this amendatory Act of the  
20 95th General Assembly shall deny, limit, remove, or restrict  
21 the ability of a holder of a retailer's license to transfer,  
22 deliver, or ship alcoholic liquor to the purchaser for use or  
23 consumption subject to any applicable local law or ordinance.  
24 Any retail license issued to a manufacturer shall only permit  
25 the manufacturer to sell beer at retail on the premises  
26 actually occupied by the manufacturer. For the purpose of

1 further describing the type of business conducted at a retail  
2 licensed premises, a retailer's licensee may be designated by  
3 the State Commission as (i) an on premise consumption retailer,  
4 (ii) an off premise sale retailer, or (iii) a combined on  
5 premise consumption and off premise sale retailer.

6 Notwithstanding any other provision of this subsection  
7 (d), a retail licensee may sell alcoholic liquors to a special  
8 event retailer licensee for resale to the extent permitted  
9 under subsection (e).

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

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

13 (f) A railroad license shall permit the licensee to import  
14 alcoholic liquors into this State from any point in the United  
15 States outside this State and to store such alcoholic liquors  
16 in this State; to make wholesale purchases of alcoholic liquors  
17 directly from manufacturers, foreign importers, distributors  
18 and importing distributors from within or outside this State;  
19 and to store such alcoholic liquors in this State; provided  
20 that the above powers may be exercised only in connection with  
21 the importation, purchase or storage of alcoholic liquors to be  
22 sold or dispensed on a club, buffet, lounge or dining car  
23 operated on an electric, gas or steam railway in this State;  
24 and provided further, that railroad licensees exercising the  
25 above powers shall be subject to all provisions of Article VIII  
26 of this Act as applied to importing distributors. A railroad

1 license shall also permit the licensee to sell or dispense  
 2 alcoholic liquors on any club, buffet, lounge or dining car  
 3 operated on an electric, gas or steam railway regularly  
 4 operated by a common carrier in this State, but shall not  
 5 permit the sale for resale of any alcoholic liquors to any  
 6 licensee within this State. A license shall be obtained for  
 7 each car in which such sales are made.

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

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

- 24 Class 1, not to exceed ..... 500 gallons
- 25 Class 2, not to exceed ..... 1,000 gallons
- 26 Class 3, not to exceed ..... 5,000 gallons

1 Class 4, not to exceed ..... 10,000 gallons

2 Class 5, not to exceed ..... 50,000 gallons

3 (i) A wine-maker's premises license shall allow a licensee  
4 that concurrently holds a first-class wine-maker's license to  
5 sell and offer for sale at retail in the premises specified in  
6 such license not more than 50,000 gallons of the first-class  
7 wine-maker's wine that is made at the first-class wine-maker's  
8 licensed premises per year for use or consumption, but not for  
9 resale in any form. A wine-maker's premises license shall allow  
10 a licensee who concurrently holds a second-class wine-maker's  
11 license to sell and offer for sale at retail in the premises  
12 specified in such license up to 100,000 gallons of the  
13 second-class wine-maker's wine that is made at the second-class  
14 wine-maker's licensed premises per year for use or consumption  
15 but not for resale in any form. A wine-maker's premises license  
16 shall allow a licensee that concurrently holds a first-class  
17 wine-maker's license or a second-class wine-maker's license to  
18 sell and offer for sale at retail at the premises specified in  
19 the wine-maker's premises license, for use or consumption but  
20 not for resale in any form, any beer, wine, and spirits  
21 purchased from a licensed distributor. Upon approval from the  
22 State Commission, a wine-maker's premises license shall allow  
23 the licensee to sell and offer for sale at (i) the wine-maker's  
24 licensed premises and (ii) at up to 2 additional locations for  
25 use and consumption and not for resale. Each location shall  
26 require additional licensing per location as specified in

1 Section 5-3 of this Act. A wine-maker's premises licensee shall  
2 secure liquor liability insurance coverage in an amount at  
3 least equal to the maximum liability amounts set forth in  
4 subsection (a) of Section 6-21 of this Act.

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

25 (k) A foreign importer's license shall permit such licensee  
26 to purchase alcoholic liquor from Illinois licensed

1 non-resident dealers only, and to import alcoholic liquor other  
2 than in bulk from any point outside the United States and to  
3 sell such alcoholic liquor to Illinois licensed importing  
4 distributors and to no one else in Illinois; provided that (i)  
5 the foreign importer registers with the State Commission every  
6 brand of alcoholic liquor that it proposes to sell to Illinois  
7 licensees during the license period, (ii) the foreign importer  
8 complies with all of the provisions of Section 6-9 of this Act  
9 with respect to registration of such Illinois licensees as may  
10 be granted the right to sell such brands at wholesale, and  
11 (iii) the foreign importer complies with the provisions of  
12 Sections 6-5 and 6-6 of this Act to the same extent that these  
13 provisions apply to manufacturers.

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

24 No holder of a retailer's license issued by the Illinois  
25 Liquor Control Commission shall purchase or receive any  
26 alcoholic liquor, the order for which was solicited or offered

1 for sale to such retailer by a broker unless the broker is the  
2 holder of a valid broker's license.

3 The broker shall, upon the acceptance by a retailer of the  
4 broker's solicitation of an order or offer to sell or supply or  
5 deliver or have delivered alcoholic liquors, promptly forward  
6 to the Illinois Liquor Control Commission a notification of  
7 said transaction in such form as the Commission may by  
8 regulations prescribe.

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

18 A broker's license under this subsection (1) shall not  
19 entitle the holder to buy or sell any alcoholic liquors for his  
20 own account or to take or deliver title to such alcoholic  
21 liquors.

22 This subsection (1) shall not apply to distributors,  
23 employees of distributors, or employees of a manufacturer who  
24 has registered the trademark, brand or name of the alcoholic  
25 liquor pursuant to Section 6-9 of this Act, and who regularly  
26 sells such alcoholic liquor in the State of Illinois only to



1 its registrants thereunder.

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

5 (m) A non-resident dealer's license shall permit such  
6 licensee to ship into and warehouse alcoholic liquor into this  
7 State from any point outside of this State, and to sell such  
8 alcoholic liquor to Illinois licensed foreign importers and  
9 importing distributors and to no one else in this State unless  
10 such licensee concurrently holds another license permitting  
11 such other sales; provided that (i) said non-resident dealer  
12 shall register with the Illinois Liquor Control Commission each  
13 and every brand of alcoholic liquor which it proposes to sell  
14 to Illinois licensees during the license period, (ii) it shall  
15 comply with all of the provisions of Section 6-9 hereof with  
16 respect to registration of such Illinois licensees as may be  
17 granted the right to sell such brands at wholesale, and (iii)  
18 the non-resident dealer shall comply with the provisions of  
19 Sections 6-5 and 6-6 of this Act to the same extent that these  
20 provisions apply to manufacturers.

21 (n) A brew pub license shall allow the licensee to  
22 manufacture beer only on the premises specified in the license,  
23 to make sales of the beer manufactured on the premises to  
24 importing distributors, distributors, and to non-licensees for  
25 use and consumption, to store the beer upon the premises, ~~and~~  
26 to sell and offer for sale such manufactured beer and other

1 alcoholic liquors at retail from the licensed premises, and to  
2 sell his or her own manufactured beer to retailers provided  
3 that the brew pub also obtains an importing distributor's  
4 license or distributor's license in accordance with the  
5 provisions of this Act. A ~~a~~ brew pub licensee shall not allow  
6 the sale ~~not sell~~ for off-premises consumption or to retailers  
7 in the aggregate of more than 50,000 gallons of manufactured  
8 beer per year.

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

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

22 (q) A special use permit license shall allow an Illinois  
23 licensed retailer to transfer a portion of its alcoholic liquor  
24 inventory from its retail licensed premises to the premises  
25 specified in the license hereby created, and to sell or offer  
26 for sale at retail, only in the premises specified in the

1 license hereby created, the transferred alcoholic liquor for  
2 use or consumption, but not for resale in any form. A special  
3 use permit license may be granted for the following time  
4 periods: one day or less; 2 or more days to a maximum of 15 days  
5 per location in any 12 month period. An applicant for the  
6 special use permit license must also submit with the  
7 application proof satisfactory to the State Commission that the  
8 applicant will provide dram shop liability insurance to the  
9 maximum limits and have local authority approval.

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

1 regulations, including authorizing the Department of Revenue  
2 and the Commission to conduct audits for the purpose of  
3 ensuring compliance with this amendatory Act.

4 A winery shipper licensee must pay to the Department of  
5 Revenue the State liquor gallonage tax under Section 8-1 for  
6 all wine that is sold by the licensee and shipped to a person  
7 in this State. For the purposes of Section 8-1, a winery  
8 shipper licensee shall be taxed in the same manner as a  
9 manufacturer of wine. A licensee who is not otherwise required  
10 to register under the Retailers' Occupation Tax Act must  
11 register under the Use Tax Act to collect and remit use tax to  
12 the Department of Revenue for all gallons of wine that are sold  
13 by the licensee and shipped to persons in this State. If a  
14 licensee fails to remit the tax imposed under this Act in  
15 accordance with the provisions of Article VIII of this Act, the  
16 winery shipper's license shall be revoked in accordance with  
17 the provisions of Article VII of this Act. If a licensee fails  
18 to properly register and remit tax under the Use Tax Act or the  
19 Retailers' Occupation Tax Act for all wine that is sold by the  
20 winery shipper and shipped to persons in this State, the winery  
21 shipper's license shall be revoked in accordance with the  
22 provisions of Article VII of this Act.

23 A winery shipper licensee must collect, maintain, and  
24 submit to the Commission on a semi-annual basis the total  
25 number of cases per resident of wine shipped to residents of  
26 this State. A winery shipper licensed under this subsection (r)

1 must comply with the requirements of Section 6-29 of this  
2 amendatory Act.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;  
4 95-769, eff. 7-29-08; 96-1367, eff. 7-28-10.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.