



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 665

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 665 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 5-1 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

14 (b) Distributor's license,

15 (c) Importing Distributor's license,

16 (d) Retailer's license,

- 1 (e) Special Event Retailer's license (not-for-profit),
- 2 (f) Railroad license,
- 3 (g) Boat license,
- 4 (h) Non-Beverage User's license,
- 5 (i) Wine-maker's premises license,
- 6 (j) Airplane license,
- 7 (k) Foreign importer's license,
- 8 (l) Broker's license,
- 9 (m) Non-resident dealer's license,
- 10 (n) Brew Pub license,
- 11 (o) Auction liquor license,
- 12 (p) Caterer retailer license,
- 13 (q) Special use permit license,
- 14 (r) Winery shipper's license.

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

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

23 Class 1. A Distiller may make sales and deliveries of  
24 alcoholic liquor to distillers, rectifiers, importing  
25 distributors, distributors and non-beverage users and to no  
26 other licensees.

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

5           Class 3. A Brewer may make sales and deliveries of beer to  
6 importing distributors, distributors, and to non-licensees,  
7 and to retailers provided the brewer obtains an importing  
8 distributor's license or distributor's license in accordance  
9 with the provisions of this Act.

10           Class 4. A first class wine-manufacturer may make sales and  
11 deliveries of up to 50,000 gallons of wine to manufacturers,  
12 importing distributors and distributors, and to no other  
13 licensees.

14           Class 5. A second class Wine manufacturer may make sales  
15 and deliveries of more than 50,000 gallons of wine to  
16 manufacturers, importing distributors and distributors and to  
17 no other licensees.

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

1 1, 2008 in compliance with this amendatory Act of the 95th  
2 General Assembly.

3 Class 7. A second-class wine-maker's license shall allow  
4 the manufacture of between 50,000 and 150,000 gallons of wine  
5 per year, and the storage and sale of such wine to distributors  
6 in this State and to persons without the State, as may be  
7 permitted by law. A person who, prior to the effective date of  
8 this amendatory Act of the 95th General Assembly, is a holder  
9 of a second-class wine-maker's license and annually produces  
10 more than 25,000 gallons of its own wine and who distributes  
11 its wine to licensed retailers shall cease this practice on or  
12 before July 1, 2008 in compliance with this amendatory Act of  
13 the 95th General Assembly.

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

18 Class 9. A craft distiller license shall allow the  
19 manufacture of up to 30,000 ~~5,000~~ gallons of spirits by  
20 distillation per year and the storage of such spirits. If a  
21 craft distiller licensee is not affiliated with any other  
22 manufacturer, then the craft distiller licensee may sell such  
23 spirits to distributors in this State and non-licensees to the  
24 extent permitted by any exemption approved by the Commission  
25 pursuant to Section 6-4 of this Act.

26 Any craft distiller licensed under this Act who on the

1 effective date of this amendatory Act of the 96th General  
2 Assembly was licensed as a distiller and manufactured no more  
3 spirits than permitted by this Section shall not be required to  
4 pay the initial licensing fee.

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

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

26 (b) A distributor's license shall allow the wholesale

1 purchase and storage of alcoholic liquors and sale of alcoholic  
2 liquors to licensees in this State and to persons without the  
3 State, as may be permitted by law.

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

21 (d) A retailer's license shall allow the licensee to sell  
22 and offer for sale at retail, only in the premises specified in  
23 the license, alcoholic liquor for use or consumption, but not  
24 for resale in any form. Nothing in this amendatory Act of the  
25 95th General Assembly shall deny, limit, remove, or restrict  
26 the ability of a holder of a retailer's license to transfer,

1 deliver, or ship alcoholic liquor to the purchaser for use or  
2 consumption subject to any applicable local law or ordinance.  
3 Any retail license issued to a manufacturer shall only permit  
4 the manufacturer to sell beer at retail on the premises  
5 actually occupied by the manufacturer. For the purpose of  
6 further describing the type of business conducted at a retail  
7 licensed premises, a retailer's licensee may be designated by  
8 the State Commission as (i) an on premise consumption retailer,  
9 (ii) an off premise sale retailer, or (iii) a combined on  
10 premise consumption and off premise sale retailer.

11 Notwithstanding any other provision of this subsection  
12 (d), a retail licensee may sell alcoholic liquors to a special  
13 event retailer licensee for resale to the extent permitted  
14 under subsection (e).

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

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

18 (f) A railroad license shall permit the licensee to import  
19 alcoholic liquors into this State from any point in the United  
20 States outside this State and to store such alcoholic liquors  
21 in this State; to make wholesale purchases of alcoholic liquors  
22 directly from manufacturers, foreign importers, distributors  
23 and importing distributors from within or outside this State;  
24 and to store such alcoholic liquors in this State; provided  
25 that the above powers may be exercised only in connection with  
26 the importation, purchase or storage of alcoholic liquors to be



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

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

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

1 possession and use of limited and stated quantities of  
2 alcoholic liquor as follows:

- 3 Class 1, not to exceed ..... 500 gallons
- 4 Class 2, not to exceed ..... 1,000 gallons
- 5 Class 3, not to exceed ..... 5,000 gallons
- 6 Class 4, not to exceed ..... 10,000 gallons
- 7 Class 5, not to exceed ..... 50,000 gallons

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

1 State Commission, a wine-maker's premises license shall allow  
2 the licensee to sell and offer for sale at (i) the wine-maker's  
3 licensed premises and (ii) at up to 2 additional locations for  
4 use and consumption and not for resale. Each location shall  
5 require additional licensing per location as specified in  
6 Section 5-3 of this Act. A wine-maker's premises licensee shall  
7 secure liquor liability insurance coverage in an amount at  
8 least equal to the maximum liability amounts set forth in  
9 subsection (a) of Section 6-21 of this Act.

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

1 license shall be required of an airline company if liquor  
2 service is provided on board aircraft in this State. The annual  
3 fee for such license shall be as determined in Section 5-3.

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

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

1 solicitation or offer is consummated within or without the  
2 State of Illinois.

3 No holder of a retailer's license issued by the Illinois  
4 Liquor Control Commission shall purchase or receive any  
5 alcoholic liquor, the order for which was solicited or offered  
6 for sale to such retailer by a broker unless the broker is the  
7 holder of a valid broker's license.

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

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

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

1           This subsection (l) shall not apply to distributors,  
2 employees of distributors, or employees of a manufacturer who  
3 has registered the trademark, brand or name of the alcoholic  
4 liquor pursuant to Section 6-9 of this Act, and who regularly  
5 sells such alcoholic liquor in the State of Illinois only to  
6 its registrants thereunder.

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

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

25          (n) A brew pub license shall allow the licensee to  
26 manufacture beer only on the premises specified in the license,

1 to make sales of the beer manufactured on the premises to  
2 importing distributors, distributors, and to non-licensees for  
3 use and consumption, to store the beer upon the premises, and  
4 to sell and offer for sale at retail from the licensed  
5 premises, provided that a brew pub licensee shall not sell for  
6 off-premises consumption more than 50,000 gallons per year.

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

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

20 (q) A special use permit license shall allow an Illinois  
21 licensed retailer to transfer a portion of its alcoholic liquor  
22 inventory from its retail licensed premises to the premises  
23 specified in the license hereby created, and to sell or offer  
24 for sale at retail, only in the premises specified in the  
25 license hereby created, the transferred alcoholic liquor for  
26 use or consumption, but not for resale in any form. A special

1 use permit license may be granted for the following time  
2 periods: one day or less; 2 or more days to a maximum of 15 days  
3 per location in any 12 month period. An applicant for the  
4 special use permit license must also submit with the  
5 application proof satisfactory to the State Commission that the  
6 applicant will provide dram shop liability insurance to the  
7 maximum limits and have local authority approval.

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



1 ensuring compliance with this amendatory Act.

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

21 A winery shipper licensee must collect, maintain, and  
22 submit to the Commission on a semi-annual basis the total  
23 number of cases per resident of wine shipped to residents of  
24 this State. A winery shipper licensed under this subsection (r)  
25 must comply with the requirements of Section 6-29 of this  
26 amendatory Act.

1 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;  
2 95-769, eff. 7-29-08; 96-1367, eff. 7-28-10.)

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