



Rep. Esther Golar

Filed: 5/15/2012

09700SB1531ham004

LRB097 06443 HLH 69311 a

1 AMENDMENT TO SENATE BILL 1531

2 AMENDMENT NO. _____. Amend Senate Bill 1531, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Liquor Control Act of 1934 is amended by
6 changing Section 7-5 as follows:

7 (235 ILCS 5/7-5) (from Ch. 43, par. 149)

8 Sec. 7-5. The local liquor control commissioner may revoke
9 or suspend any license issued by him if he determines that the
10 licensee has violated any of the provisions of this Act or of
11 any valid ordinance or resolution enacted by the particular
12 city council, president, or board of trustees or county board
13 (as the case may be) or any applicable rule or regulations
14 established by the local liquor control commissioner or the
15 State commission which is not inconsistent with law. Upon
16 notification by the Illinois Department of Revenue, the State

1 Commission, in accordance with Section 3-12, may refuse the
2 issuance or renewal of a license, fine a licensee, or suspend
3 or revoke any license issued by the State Commission if the
4 licensee or license applicant has violated the provisions of
5 Section 3 of the Retailers' Occupation Tax Act. In addition to
6 the suspension, the local liquor control commissioner in any
7 county or municipality may levy a fine on the licensee for such
8 violations. The fine imposed shall not exceed \$1000 for a first
9 violation within a 12-month period, \$1,500 for a second
10 violation within a 12-month period, and \$2,500 for a third or
11 subsequent violation within a 12-month period. Each day on
12 which a violation continues shall constitute a separate
13 violation. Not more than \$15,000 in fines under this Section
14 may be imposed against any licensee during the period of his
15 license. Proceeds from such fines shall be paid into the
16 general corporate fund of the county or municipal treasury, as
17 the case may be.

18 However, no such license shall be so revoked or suspended
19 and no licensee shall be fined except after a public hearing by
20 the local liquor control commissioner with a 3 day written
21 notice to the licensee affording the licensee an opportunity to
22 appear and defend. All such hearings shall be open to the
23 public and the local liquor control commissioner shall reduce
24 all evidence to writing and shall maintain an official record
25 of the proceedings. If the local liquor control commissioner
26 has reason to believe that any continued operation of a

1 particular licensed premises will immediately threaten the
2 welfare of the community he may, upon the issuance of a written
3 order stating the reason for such conclusion and without notice
4 or hearing order the licensed premises closed for not more than
5 7 days, giving the licensee an opportunity to be heard during
6 that period, except that if such licensee shall also be engaged
7 in the conduct of another business or businesses on the
8 licensed premises such order shall not be applicable to such
9 other business or businesses.

10 The local liquor control commissioner shall within 5 days
11 after such hearing, if he determines after such hearing that
12 the license should be revoked or suspended or that the licensee
13 should be fined, state the reason or reasons for such
14 determination in a written order, and either the amount of the
15 fine, the period of suspension, or that the license has been
16 revoked, and shall serve a copy of such order within the 5 days
17 upon the licensee.

18 If the premises for which the license was issued are
19 located outside of a city, village or incorporated town having
20 a population of 500,000 or more inhabitants, the licensee after
21 the receipt of such order of suspension or revocation shall
22 have the privilege within a period of 20 days after the receipt
23 of such order of suspension or revocation of appealing the
24 order to the State commission for a decision sustaining,
25 reversing or modifying the order of the local liquor control
26 commissioner. If the State commission affirms the local

1 commissioner's order to suspend or revoke the license at the
2 first hearing, the appellant shall cease to engage in the
3 business for which the license was issued, until the local
4 commissioner's order is terminated by its own provisions or
5 reversed upon rehearing or by the courts.

6 If the premises for which the license was issued are
7 located within a city, village or incorporated town having a
8 population of 500,000 or more inhabitants, the licensee shall
9 have the privilege, within a period of 20 days after the
10 receipt of such order of fine, suspension or revocation, of
11 appealing the order to the local license appeal commission and
12 upon the filing of such an appeal by the licensee the license
13 appeal commission shall determine the appeal upon certified
14 record of proceedings of the local liquor commissioner in
15 accordance with the provisions of Section 7-9. Within 30 days
16 after such appeal was heard the license appeal commission shall
17 render a decision sustaining or reversing the order of the
18 local liquor control commissioner.

19 If the premises for which a license was issued are located
20 within a city, village, or incorporated town having a
21 population of 1,000,000 or more inhabitants and the local
22 liquor control commissioner has reason to believe that any
23 continued operation of the licensed premises poses an excessive
24 risk to the health, safety, or welfare of the community, then
25 the local liquor control commissioner may, upon the issuance of
26 a written order stating the reason for that conclusion and

1 without notice or hearing, order the licensed premises closed
2 for not more than 30 days, giving the licensee an opportunity
3 to be heard during that period, provided that, if the licensee
4 is also engaged in the conduct of another business on the
5 licensed premises, the order shall not apply to the other
6 business.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".