



Rep. Esther Golar

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09800HB1463ham002

LRB098 07279 RPM 44835 a

1 AMENDMENT TO HOUSE BILL 1463

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1463, AS AMENDED, by  
3 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 evidence, based upon the  
23 occurrence of criminal activity, that any continued operation  
24 of the licensed premises poses an excessive risk to the health,  
25 safety, or welfare of the community, then the local liquor  
26 control commissioner may, upon the issuance of a written order

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

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

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