



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2989

Introduced 2/18/2016, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Liquor Control Act of 1934. In provisions concerning the delivery of alcoholic liquor by certain entities, requires the use of scan technology at the time of delivery to verify the identification of a person who is at least 21 years of age. Provides that the failure to use scan technology and obtain the signature of a person who is at least 21 years of age is a Class A misdemeanor. Defines "scan technology". Provides that for the purposes of the Act, the United States Postal Service and any company that uses technology to facilitate the delivery of alcoholic liquor from licensed retail premises to consumers shall be considered a common carrier. Requires common carriers to carry and maintain liquor liability insurance. Provides that a winery shipper license holder may only ship wine it produces from its licensed wine manufacturer premises wherein the wine manufacturer is licensed to engage in the manufacture of the wine. Requires certain entities that transport alcoholic liquor out of the State for delivery into another state to comply with certain reporting provisions and increases the penalty for the failure to comply with those provisions. Provides that any person who both has received an initial cease and desist letter from the State Commission and for compensation ships alcoholic liquor into this State without a license shall be guilty of a Class 4 felony. Prohibits and establishes criminal penalties for the transportation of more than a certain amount of beer, wine, or spirits into the State without a license or for transporting beer, wine, or spirits into the State for sale or resale without a license. Increases other penalties. Makes other changes. Effective immediately.

LRB099 20595 RPS 45155 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 adding Section 1-3.43 and changing Sections 5-1, 6-16, 6-29,
6 6-29.1, 8-12, and 10-1 as follows:

7 (235 ILCS 5/1-3.43 new)

8 Sec. 1-3.43. Scan technology. "Scan technology" means an
9 electronic device that scans an individual's government-issued
10 identification through a barcode or other means to ensure the
11 identification's validity and authenticity.

12 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

15 (a) Manufacturer's license - Class 1. Distiller, Class 2.
16 Rectifier, Class 3. Brewer, Class 4. First Class Wine
17 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
18 First Class Winemaker, Class 7. Second Class Winemaker, Class
19 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
20 10. Class 1 Brewer, Class 11. Class 2 Brewer,

21 (b) Distributor's license,

22 (c) Importing Distributor's license,

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

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

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

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

1 other licensees.

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

6 Class 3. A Brewer may make sales and deliveries of beer to
7 importing distributors and distributors and may make sales as
8 authorized under subsection (e) of Section 6-4 of this Act.

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

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

17 Class 6. A first-class wine-maker's license shall allow the
18 manufacture of up to 50,000 gallons of wine per year, and the
19 storage and sale of such wine to distributors in the State and
20 to persons without the State, as may be permitted by law. A
21 person who, prior to June 1, 2008 (the effective date of Public
22 Act 95-634) ~~this amendatory Act of the 95th General Assembly,~~
23 is a holder of a first-class wine-maker's license and annually
24 produces more than 25,000 gallons of its own wine and who
25 distributes its wine to licensed retailers shall cease this
26 practice on or before July 1, 2008 in compliance with Public

1 ~~Act 95-634 this amendatory Act of the 95th General Assembly.~~

2 Class 7. A second-class wine-maker's license shall allow
3 the manufacture of between 50,000 and 150,000 gallons of wine
4 per year, and the storage and sale of such wine to distributors
5 in this State and to persons without the State, as may be
6 permitted by law. A person who, prior to June 1, 2008 (the
7 effective date of Public Act 95-634) ~~this amendatory Act of the~~
8 ~~95th General Assembly~~, is a holder of a second-class
9 wine-maker's license and annually produces more than 25,000
10 gallons of its own wine and who distributes its wine to
11 licensed retailers shall cease this practice on or before July
12 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~
13 ~~Act of 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 gallons of spirits by distillation
20 for one year after March 1, 2013 (the effective date of Public
21 Act 97-1166) ~~this amendatory Act of the 97th General Assembly~~
22 and up to 35,000 gallons of spirits by distillation per year
23 thereafter and the storage of such spirits. If a craft
24 distiller licensee is not affiliated with any other
25 manufacturer, then the craft distiller licensee may sell such
26 spirits to distributors in this State and up to 2,500 gallons

1 of such spirits to non-licensees to the extent permitted by any
2 exemption approved by the Commission pursuant to Section 6-4 of
3 this Act.

4 Any craft distiller licensed under this Act who on July 28,
5 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~
6 ~~Act of the 96th General Assembly~~ was licensed as a distiller
7 and manufactured no more spirits than permitted by this Section
8 shall not be required to pay the initial licensing fee.

9 Class 10. A class 1 brewer license, which may only be
10 issued to a licensed brewer or licensed non-resident dealer,
11 shall allow the manufacture of up to 930,000 gallons of beer
12 per year provided that the class 1 brewer licensee does not
13 manufacture more than a combined 930,000 gallons of beer per
14 year and is not a member of or affiliated with, directly or
15 indirectly, a manufacturer that produces more than 930,000
16 gallons of beer per year or any other alcoholic liquor. A class
17 1 brewer licensee may make sales and deliveries to importing
18 distributors and distributors and to retail licensees in
19 accordance with the conditions set forth in paragraph (18) of
20 subsection (a) of Section 3-12 of this Act.

21 Class 11. A class 2 brewer license, which may only be
22 issued to a licensed brewer or licensed non-resident dealer,
23 shall allow the manufacture of up to 3,720,000 gallons of beer
24 per year provided that the class 2 brewer licensee does not
25 manufacture more than a combined 3,720,000 gallons of beer per
26 year and is not a member of or affiliated with, directly or

1 indirectly, a manufacturer that produces more than 3,720,000
2 gallons of beer per year or any other alcoholic liquor. A class
3 2 brewer licensee may make sales and deliveries to importing
4 distributors and distributors, but shall not make sales or
5 deliveries to any other licensee. If the State Commission
6 provides prior approval, a class 2 brewer licensee may annually
7 transfer up to 3,720,000 gallons of beer manufactured by that
8 class 2 brewer licensee to the premises of a licensed class 2
9 brewer wholly owned and operated by the same licensee.

10 (a-1) A manufacturer which is licensed in this State to
11 make sales or deliveries of alcoholic liquor to licensed
12 distributors or importing distributors and which enlists
13 agents, representatives, or individuals acting on its behalf
14 who contact licensed retailers on a regular and continual basis
15 in this State must register those agents, representatives, or
16 persons acting on its behalf with the State Commission.

17 Registration of agents, representatives, or persons acting
18 on behalf of a manufacturer is fulfilled by submitting a form
19 to the Commission. The form shall be developed by the
20 Commission and shall include the name and address of the
21 applicant, the name and address of the manufacturer he or she
22 represents, the territory or areas assigned to sell to or
23 discuss pricing terms of alcoholic liquor, and any other
24 questions deemed appropriate and necessary. All statements in
25 the forms required to be made by law or by rule shall be deemed
26 material, and any person who knowingly misstates any material

1 fact under oath in an application is guilty of a Class B
2 misdemeanor. Fraud, misrepresentation, false statements,
3 misleading statements, evasions, or suppression of material
4 facts in the securing of a registration are grounds for
5 suspension or revocation of the registration. The State
6 Commission shall post a list of registered agents on the
7 Commission's website.

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

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

1 purchase alcoholic liquor from Illinois licensed non-resident
2 dealers and foreign importers only.

3 (d) A retailer's license shall allow the licensee to sell
4 and offer for sale at retail, only in the premises specified in
5 the license, alcoholic liquor for use or consumption, but not
6 for resale in any form. Nothing in Public Act 95-634 ~~this~~
7 ~~amendatory Act of the 95th General Assembly~~ shall deny, limit,
8 remove, or restrict the ability of a holder of a retailer's
9 license to transfer, deliver, or ship alcoholic liquor to the
10 purchaser for use or consumption subject to any applicable
11 local law or ordinance. Any retail license issued to a
12 manufacturer shall only permit the manufacturer to sell beer at
13 retail on the premises actually occupied by the manufacturer.
14 For the purpose of further describing the type of business
15 conducted at a retail licensed premises, a retailer's licensee
16 may be designated by the State Commission as (i) an on premise
17 consumption retailer, (ii) an off premise sale retailer, or
18 (iii) a combined on premise consumption and off premise sale
19 retailer.

20 Notwithstanding any other provision of this subsection
21 (d), a retail licensee may sell alcoholic liquors to a special
22 event retailer licensee for resale to the extent permitted
23 under subsection (e).

24 (e) A special event retailer's license (not-for-profit)
25 shall permit the licensee to purchase alcoholic liquors from an
26 Illinois licensed distributor (unless the licensee purchases

1 less than \$500 of alcoholic liquors for the special event, in
2 which case the licensee may purchase the alcoholic liquors from
3 a licensed retailer) and shall allow the licensee to sell and
4 offer for sale, at retail, alcoholic liquors for use or
5 consumption, but not for resale in any form and only at the
6 location and on the specific dates designated for the special
7 event in the license. An applicant for a special event retailer
8 license must (i) furnish with the application: (A) a resale
9 number issued under Section 2c of the Retailers' Occupation Tax
10 Act or evidence that the applicant is registered under Section
11 2a of the Retailers' Occupation Tax Act, (B) a current, valid
12 exemption identification number issued under Section 1g of the
13 Retailers' Occupation Tax Act, and a certification to the
14 Commission that the purchase of alcoholic liquors will be a
15 tax-exempt purchase, or (C) a statement that the applicant is
16 not registered under Section 2a of the Retailers' Occupation
17 Tax Act, does not hold a resale number under Section 2c of the
18 Retailers' Occupation Tax Act, and does not hold an exemption
19 number under Section 1g of the Retailers' Occupation Tax Act,
20 in which event the Commission shall set forth on the special
21 event retailer's license a statement to that effect; (ii)
22 submit with the application proof satisfactory to the State
23 Commission that the applicant will provide dram shop liability
24 insurance in the maximum limits; and (iii) show proof
25 satisfactory to the State Commission that the applicant has
26 obtained local authority approval.

1 (f) A railroad license shall permit the licensee to import
2 alcoholic liquors into this State from any point in the United
3 States outside this State and to store such alcoholic liquors
4 in this State; to make wholesale purchases of alcoholic liquors
5 directly from manufacturers, foreign importers, distributors
6 and importing distributors from within or outside this State;
7 and to store such alcoholic liquors in this State; provided
8 that the above powers may be exercised only in connection with
9 the importation, purchase or storage of alcoholic liquors to be
10 sold or dispensed on a club, buffet, lounge or dining car
11 operated on an electric, gas or steam railway in this State;
12 and provided further, that railroad licensees exercising the
13 above powers shall be subject to all provisions of Article VIII
14 of this Act as applied to importing distributors. A railroad
15 license shall also permit the licensee to sell or dispense
16 alcoholic liquors on any club, buffet, lounge or dining car
17 operated on an electric, gas or steam railway regularly
18 operated by a common carrier in this State, but shall not
19 permit the sale for resale of any alcoholic liquors to any
20 licensee within this State. A license shall be obtained for
21 each car in which such sales are made.

22 (g) A boat license shall allow the sale of alcoholic liquor
23 in individual drinks, on any passenger boat regularly operated
24 as a common carrier on navigable waters in this State or on any
25 riverboat operated under the Riverboat Gambling Act, which boat
26 or riverboat maintains a public dining room or restaurant

1 thereon.

2 (h) A non-beverage user's license shall allow the licensee
3 to purchase alcoholic liquor from a licensed manufacturer or
4 importing distributor, without the imposition of any tax upon
5 the business of such licensed manufacturer or importing
6 distributor as to such alcoholic liquor to be used by such
7 licensee solely for the non-beverage purposes set forth in
8 subsection (a) of Section 8-1 of this Act, and such licenses
9 shall be divided and classified and shall permit the purchase,
10 possession and use of limited and stated quantities of
11 alcoholic liquor as follows:

- 12 Class 1, not to exceed 500 gallons
- 13 Class 2, not to exceed 1,000 gallons
- 14 Class 3, not to exceed 5,000 gallons
- 15 Class 4, not to exceed 10,000 gallons
- 16 Class 5, not to exceed 50,000 gallons

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

1 second-class wine-maker's wine that is made at the second-class
2 wine-maker's licensed premises per year for use or consumption
3 but not for resale in any form. A wine-maker's premises license
4 shall allow a licensee that concurrently holds a first-class
5 wine-maker's license or a second-class wine-maker's license to
6 sell and offer for sale at retail at the premises specified in
7 the wine-maker's premises license, for use or consumption but
8 not for resale in any form, any beer, wine, and spirits
9 purchased from a licensed distributor. Upon approval from the
10 State Commission, a wine-maker's premises license shall allow
11 the licensee to sell and offer for sale at (i) the wine-maker's
12 licensed premises and (ii) at up to 2 additional locations for
13 use and consumption and not for resale. Each location shall
14 require additional licensing per location as specified in
15 Section 5-3 of this Act. A wine-maker's premises licensee shall
16 secure liquor liability insurance coverage in an amount at
17 least equal to the maximum liability amounts set forth in
18 subsection (a) of Section 6-21 of this Act.

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

1 the importation, purchase or storage of alcoholic liquors to be
2 sold or dispensed on an airplane; and provided further, that
3 airplane licensees exercising the above powers shall be subject
4 to all provisions of Article VIII of this Act as applied to
5 importing distributors. An airplane licensee shall also permit
6 the sale or dispensing of alcoholic liquors on any passenger
7 airplane regularly operated by a common carrier in this State,
8 but shall not permit the sale for resale of any alcoholic
9 liquors to any licensee within this State. A single airplane
10 license shall be required of an airline company if liquor
11 service is provided on board aircraft in this State. The annual
12 fee for such license shall be as determined in Section 5-3.

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

1 provisions apply to manufacturers.

2 (1) (i) A broker's license shall be required of all persons
3 who solicit orders for, offer to sell or offer to supply
4 alcoholic liquor to retailers in the State of Illinois, or who
5 offer to retailers to ship or cause to be shipped or to make
6 contact with distillers, rectifiers, brewers or manufacturers
7 or any other party within or without the State of Illinois in
8 order that alcoholic liquors be shipped to a distributor,
9 importing distributor or foreign importer, whether such
10 solicitation or offer is consummated within or without the
11 State of Illinois.

12 No holder of a retailer's license issued by the Illinois
13 Liquor Control Commission shall purchase or receive any
14 alcoholic liquor, the order for which was solicited or offered
15 for sale to such retailer by a broker unless the broker is the
16 holder of a valid broker's license.

17 The broker shall, upon the acceptance by a retailer of the
18 broker's solicitation of an order or offer to sell or supply or
19 deliver or have delivered alcoholic liquors, promptly forward
20 to the Illinois Liquor Control Commission a notification of
21 said transaction in such form as the Commission may by
22 regulations prescribe.

23 (ii) A broker's license shall be required of a person
24 within this State, other than a retail licensee, who, for a fee
25 or commission, promotes, solicits, or accepts orders for
26 alcoholic liquor, for use or consumption and not for resale, to

1 be shipped from this State and delivered to residents outside
2 of this State by an express company, common carrier, or
3 contract carrier. This Section does not apply to any person who
4 promotes, solicits, or accepts orders for wine as specifically
5 authorized in Section 6-29 of this Act.

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

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

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

19 (m) A non-resident dealer's license shall permit such
20 licensee to ship into and warehouse alcoholic liquor into this
21 State from any point outside of this State, and to sell such
22 alcoholic liquor to Illinois licensed foreign importers and
23 importing distributors and to no one else in this State;
24 provided that (i) said non-resident dealer shall register with
25 the Illinois Liquor Control Commission each and every brand of
26 alcoholic liquor which it proposes to sell to Illinois

1 licensees during the license period, (ii) it shall comply with
2 all of the provisions of Section 6-9 hereof with respect to
3 registration of such Illinois licensees as may be granted the
4 right to sell such brands at wholesale, and (iii) the
5 non-resident dealer shall comply with the provisions of
6 Sections 6-5 and 6-6 of this Act to the same extent that these
7 provisions apply to manufacturers.

8 (n) A brew pub license shall allow the licensee to only (i)
9 manufacture up to 155,000 gallons of beer per year only on the
10 premises specified in the license, (ii) make sales of the beer
11 manufactured on the premises or, with the approval of the
12 Commission, beer manufactured on another brew pub licensed
13 premises that is wholly owned and operated by the same licensee
14 to importing distributors, distributors, and to non-licensees
15 for use and consumption, (iii) store the beer upon the
16 premises, (iv) sell and offer for sale at retail from the
17 licensed premises for off-premises consumption no more than
18 155,000 gallons per year so long as such sales are only made
19 in-person, (v) sell and offer for sale at retail for use and
20 consumption on the premises specified in the license any form
21 of alcoholic liquor purchased from a licensed distributor or
22 importing distributor, and (vi) with the prior approval of the
23 Commission, annually transfer no more than 155,000 gallons of
24 beer manufactured on the premises to a licensed brew pub wholly
25 owned and operated by the same licensee.

26 A brew pub licensee shall not under any circumstance sell

1 or offer for sale beer manufactured by the brew pub licensee to
2 retail licensees.

3 A person who holds a class 2 brewer license may
4 simultaneously hold a brew pub license if the class 2 brewer
5 (i) does not, under any circumstance, sell or offer for sale
6 beer manufactured by the class 2 brewer to retail licensees;
7 (ii) does not hold more than 3 brew pub licenses in this State;
8 (iii) does not manufacture more than a combined 3,720,000
9 gallons of beer per year, including the beer manufactured at
10 the brew pub; and (iv) is not a member of or affiliated with,
11 directly or indirectly, a manufacturer that produces more than
12 3,720,000 gallons of beer per year or any other alcoholic
13 liquor.

14 Notwithstanding any other provision of this Act, a licensed
15 brewer, class 2 brewer, or non-resident dealer who before July
16 1, 2015 manufactured less than ~~than~~ 3,720,000 gallons of beer
17 per year and held a brew pub license on or before July 1, 2015
18 may (i) continue to qualify for and hold that brew pub license
19 for the licensed premises and (ii) manufacture more than
20 3,720,000 gallons of beer per year and continue to qualify for
21 and hold that brew pub license if that brewer, class 2 brewer,
22 or non-resident dealer does not simultaneously hold a class 1
23 brewer license and is not a member of or affiliated with,
24 directly or indirectly, a manufacturer that produces more than
25 3,720,000 gallons of beer per year or that produces any other
26 alcoholic liquor.

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

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

14 (q) A special use permit license shall allow an Illinois
15 licensed retailer to transfer a portion of its alcoholic liquor
16 inventory from its retail licensed premises to the premises
17 specified in the license hereby created, and to sell or offer
18 for sale at retail, only in the premises specified in the
19 license hereby created, the transferred alcoholic liquor for
20 use or consumption, but not for resale in any form. A special
21 use permit license may be granted for the following time
22 periods: one day or less; 2 or more days to a maximum of 15 days
23 per location in any 12 month period. An applicant for the
24 special use permit license must also submit with the
25 application proof satisfactory to the State Commission that the
26 applicant will provide dram shop liability insurance to the

1 maximum limits and have local authority approval.

2 (r) A winery shipper's license shall allow a person with a
3 first-class or second-class wine manufacturer's license, a
4 first-class or second-class wine-maker's license, or a limited
5 wine manufacturer's license or who is licensed to make wine
6 under the laws of another state to ship wine made by that
7 licensee directly to a resident of this State who is 21 years
8 of age or older for that resident's personal use and not for
9 resale. A winery shipper license holder may only ship wine it
10 produces from its licensed wine manufacturer premises wherein
11 the wine manufacturer is licensed to engage in the manufacture
12 of the wine. Prior to receiving a winery shipper's license, an
13 applicant for the license must provide the Commission with a
14 true copy of its current license in any state in which it is
15 licensed as a manufacturer of wine. An applicant for a winery
16 shipper's license must also complete an application form that
17 provides any other information the Commission deems necessary.
18 The application form shall include an acknowledgement
19 consenting to the jurisdiction of the Commission, the Illinois
20 Department of Revenue, and the courts of this State concerning
21 the enforcement of this Act and any related laws, rules, and
22 regulations, including authorizing the Department of Revenue
23 and the Commission to conduct audits for the purpose of
24 ensuring compliance with Public Act 95-634 ~~this amendatory Act.~~

25 A winery shipper licensee must pay to the Department of
26 Revenue the State liquor gallonage tax under Section 8-1 for

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

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

24 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
25 Section 3-12, the State Commission may receive, respond to, and
26 investigate any complaint and impose any of the remedies

1 specified in paragraph (1) of subsection (a) of Section 3-12.
2 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
3 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

4 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

5 Sec. 6-16. Prohibited sales and possession.

6 (a) (i) No licensee nor any officer, associate, member,
7 representative, agent, or employee of such licensee shall sell,
8 give, or deliver alcoholic liquor to any person under the age
9 of 21 years or to any intoxicated person, except as provided in
10 Section 6-16.1. (ii) No express company, common carrier, or
11 contract carrier nor any representative, agent, or employee on
12 behalf of an express company, common carrier, or contract
13 carrier that carries or transports alcoholic liquor for
14 delivery within this State shall knowingly give or knowingly
15 deliver to a residential address any shipping container clearly
16 labeled as containing alcoholic liquor and labeled as requiring
17 signature of an adult of at least 21 years of age to any person
18 in this State under the age of 21 years. An express company,
19 common carrier, or contract carrier that carries or transports
20 such alcoholic liquor for delivery within this State shall use
21 scan technology at the time of the delivery to verify the
22 identification of an adult who is at least 21 years of age,
23 obtain a signature at the time of delivery acknowledging
24 receipt of the alcoholic liquor by an adult who is at least 21
25 years of age, and carry and maintain liquor liability insurance

1 coverage in an amount at least equal to the maximum liability
2 amounts set forth in subsection (a) of Section 6-21 of this
3 Act. At no time while delivering alcoholic beverages within
4 this State may any representative, agent, or employee of an
5 express company, common carrier, or contract carrier that
6 carries or transports alcoholic liquor for delivery within this
7 State deliver the alcoholic liquor to a residential address
8 without the acknowledgment of the consignee and without first
9 using scan technology at the time of the delivery to verify the
10 identification of an adult who is at least 21 years of age and
11 obtaining a signature at the time of the delivery by an adult
12 who is at least 21 years of age. A signature of a person on file
13 with the express company, common carrier, or contract carrier
14 does not constitute acknowledgement of the consignee. Any
15 express company, common carrier, or contract carrier that
16 transports alcoholic liquor for delivery within this State that
17 violates this item (ii) of this subsection (a) by delivering
18 alcoholic liquor without the acknowledgement of the consignee
19 and without first using scan technology at the time of the
20 delivery to verify the identification of an adult who is at
21 least 21 years of age and obtaining a signature at the time of
22 the delivery by an adult who is at least 21 years of age is
23 guilty of a Class A misdemeanor ~~business offense~~ for which the
24 express company, common carrier, or contract carrier that
25 transports alcoholic liquor within this State shall be held
26 vicariously liable for the actions of its representatives,

1 agents, and employees, and the sentence shall include, but
2 shall not be limited to, a fine of not less than \$5,000 for a
3 first offense and not less than \$10,000 for a second or
4 subsequent offense. ~~shall be fined not more than \$1,001 for a~~
5 ~~first offense, not more than \$5,000 for a second offense, and~~
6 ~~not more than \$10,000 for a third or subsequent offense. An~~
7 ~~express company, common carrier, or contract carrier shall be~~
8 ~~held vicariously liable for the actions of its representatives,~~
9 ~~agents, or employees.~~ For purposes of this Act, in addition to
10 other methods authorized by law, an express company, common
11 carrier, or contract carrier shall be considered served with
12 process when a representative, agent, or employee alleged to
13 have violated this Act is personally served. Each shipment of
14 alcoholic liquor delivered in violation of this item (ii) of
15 this subsection (a) constitutes a separate offense. (iii) No
16 person, after purchasing or otherwise obtaining alcoholic
17 liquor, shall sell, give, or deliver such alcoholic liquor to
18 another person under the age of 21 years, except in the
19 performance of a religious ceremony or service. Except as
20 otherwise provided in item (ii), any express company, common
21 carrier, or contract carrier that transports alcoholic liquor
22 within this State that violates the provisions of item (i),
23 (ii), or (iii) of this paragraph of this subsection (a) is
24 guilty of a Class A misdemeanor and the sentence shall include,
25 but shall not be limited to, a fine of not less than \$500. Any
26 person who violates the provisions of item (iii) of this

1 paragraph of this subsection (a) is guilty of a Class A
2 misdemeanor and the sentence shall include, but shall not be
3 limited to a fine of not less than \$500 for a first offense and
4 not less than \$2,000 for a second or subsequent offense. Any
5 person who knowingly violates the provisions of item (iii) of
6 this paragraph of this subsection (a) is guilty of a Class 4
7 felony if a death occurs as the result of the violation.

8 If a licensee or officer, associate, member,
9 representative, agent, or employee of the licensee, or a
10 representative, agent, or employee of an express company,
11 common carrier, or contract carrier that carries or transports
12 alcoholic liquor for delivery within this State, is prosecuted
13 under this paragraph of this subsection (a) for selling,
14 giving, or delivering alcoholic liquor to a person under the
15 age of 21 years, the person under 21 years of age who attempted
16 to buy or receive the alcoholic liquor may be prosecuted
17 pursuant to Section 6-20 of this Act, unless the person under
18 21 years of age was acting under the authority of a law
19 enforcement agency, the Illinois Liquor Control Commission, or
20 a local liquor control commissioner pursuant to a plan or
21 action to investigate, patrol, or conduct any similar
22 enforcement action.

23 For the purpose of preventing the violation of this
24 Section, any licensee, or his agent or employee, or a
25 representative, agent, or employee of an express company,
26 common carrier, or contract carrier that carries or transports

1 alcoholic liquor for delivery within this State, shall refuse
2 to sell, deliver, or serve alcoholic beverages to any person
3 who is unable to produce adequate written evidence of identity
4 and of the fact that he or she is over the age of 21 years, if
5 requested by the licensee, agent, employee, or representative.

6 Adequate written evidence of age and identity of the person
7 is a document issued by a federal, state, county, or municipal
8 government, or subdivision or agency thereof, including, but
9 not limited to, a motor vehicle operator's license, a
10 registration certificate issued under the Federal Selective
11 Service Act, or an identification card issued to a member of
12 the Armed Forces. Proof that the defendant-licensee, or his
13 employee or agent, or the representative, agent, or employee of
14 the express company, common carrier, or contract carrier that
15 carries or transports alcoholic liquor for delivery within this
16 State demanded, was shown and reasonably relied upon such
17 written evidence in any transaction forbidden by this Section
18 is an affirmative defense in any criminal prosecution therefor
19 or to any proceedings for the suspension or revocation of any
20 license based thereon. It shall not, however, be an affirmative
21 defense if the agent or employee accepted the written evidence
22 knowing it to be false or fraudulent. If a false or fraudulent
23 Illinois driver's license or Illinois identification card is
24 presented by a person less than 21 years of age to a licensee
25 or the licensee's agent or employee for the purpose of
26 ordering, purchasing, attempting to purchase, or otherwise

1 obtaining or attempting to obtain the serving of any alcoholic
2 beverage, the law enforcement officer or agency investigating
3 the incident shall, upon the conviction of the person who
4 presented the fraudulent license or identification, make a
5 report of the matter to the Secretary of State on a form
6 provided by the Secretary of State.

7 However, no agent or employee of the licensee or employee
8 of an express company, common carrier, or contract carrier that
9 carries or transports alcoholic liquor for delivery within this
10 State shall be disciplined or discharged for selling or
11 furnishing liquor to a person under 21 years of age if the
12 agent or employee demanded and was shown, before furnishing
13 liquor to a person under 21 years of age, adequate written
14 evidence of age and identity of the person issued by a federal,
15 state, county or municipal government, or subdivision or agency
16 thereof, including but not limited to a motor vehicle
17 operator's license, a registration certificate issued under
18 the Federal Selective Service Act, or an identification card
19 issued to a member of the Armed Forces. This paragraph,
20 however, shall not apply if the agent or employee accepted the
21 written evidence knowing it to be false or fraudulent.

22 Any person who sells, gives, or furnishes to any person
23 under the age of 21 years any false or fraudulent written,
24 printed, or photostatic evidence of the age and identity of
25 such person or who sells, gives or furnishes to any person
26 under the age of 21 years evidence of age and identification of

1 any other person is guilty of a Class A misdemeanor and the
2 person's sentence shall include, but shall not be limited to, a
3 fine of not less than \$500.

4 Any person under the age of 21 years who presents or offers
5 to any licensee, his agent or employee, any written, printed or
6 photostatic evidence of age and identity that is false,
7 fraudulent, or not actually his or her own for the purpose of
8 ordering, purchasing, attempting to purchase or otherwise
9 procuring or attempting to procure, the serving of any
10 alcoholic beverage, who falsely states in writing that he or
11 she is at least 21 years of age when receiving alcoholic liquor
12 from a representative, agent, or employee of an express
13 company, common carrier, or contract carrier, or who has in his
14 or her possession any false or fraudulent written, printed, or
15 photostatic evidence of age and identity, is guilty of a Class
16 A misdemeanor and the person's sentence shall include, but
17 shall not be limited to, the following: a fine of not less than
18 \$500 and at least 25 hours of community service. If possible,
19 any community service shall be performed for an alcohol abuse
20 prevention program.

21 Any person under the age of 21 years who has any alcoholic
22 beverage in his or her possession on any street or highway or
23 in any public place or in any place open to the public is
24 guilty of a Class A misdemeanor. This Section does not apply to
25 possession by a person under the age of 21 years making a
26 delivery of an alcoholic beverage in pursuance of the order of

1 his or her parent or in pursuance of his or her employment.

2 (a-1) It is unlawful for any parent or guardian to
3 knowingly permit his or her residence, any other private
4 property under his or her control, or any vehicle, conveyance,
5 or watercraft under his or her control to be used by an invitee
6 of the parent's child or the guardian's ward, if the invitee is
7 under the age of 21, in a manner that constitutes a violation
8 of this Section. A parent or guardian is deemed to have
9 knowingly permitted his or her residence, any other private
10 property under his or her control, or any vehicle, conveyance,
11 or watercraft under his or her control to be used in violation
12 of this Section if he or she knowingly authorizes or permits
13 consumption of alcoholic liquor by underage invitees. Any
14 person who violates this subsection (a-1) is guilty of a Class
15 A misdemeanor and the person's sentence shall include, but
16 shall not be limited to, a fine of not less than \$500. Where a
17 violation of this subsection (a-1) directly or indirectly
18 results in great bodily harm or death to any person, the person
19 violating this subsection shall be guilty of a Class 4 felony.
20 Nothing in this subsection (a-1) shall be construed to prohibit
21 the giving of alcoholic liquor to a person under the age of 21
22 years in the performance of a religious ceremony or service in
23 observation of a religious holiday.

24 For the purposes of this subsection (a-1) where the
25 residence or other property has an owner and a tenant or
26 lessee, the trier of fact may infer that the residence or other

1 property is occupied only by the tenant or lessee.

2 (b) Except as otherwise provided in this Section whoever
3 violates this Section shall, in addition to other penalties
4 provided for in this Act, be guilty of a Class A misdemeanor.

5 (c) Any person shall be guilty of a Class A misdemeanor
6 where he or she knowingly authorizes or permits a residence
7 which he or she occupies to be used by an invitee under 21
8 years of age and:

9 (1) the person occupying the residence knows that any
10 such person under the age of 21 is in possession of or is
11 consuming any alcoholic beverage; and

12 (2) the possession or consumption of the alcohol by the
13 person under 21 is not otherwise permitted by this Act.

14 For the purposes of this subsection (c) where the residence
15 has an owner and a tenant or lessee, the trier of fact may
16 infer that the residence is occupied only by the tenant or
17 lessee. The sentence of any person who violates this subsection
18 (c) shall include, but shall not be limited to, a fine of not
19 less than \$500. Where a violation of this subsection (c)
20 directly or indirectly results in great bodily harm or death to
21 any person, the person violating this subsection (c) shall be
22 guilty of a Class 4 felony. Nothing in this subsection (c)
23 shall be construed to prohibit the giving of alcoholic liquor
24 to a person under the age of 21 years in the performance of a
25 religious ceremony or service in observation of a religious
26 holiday.

1 A person shall not be in violation of this subsection (c)
2 if (A) he or she requests assistance from the police department
3 or other law enforcement agency to either (i) remove any person
4 who refuses to abide by the person's performance of the duties
5 imposed by this subsection (c) or (ii) terminate the activity
6 because the person has been unable to prevent a person under
7 the age of 21 years from consuming alcohol despite having taken
8 all reasonable steps to do so and (B) this assistance is
9 requested before any other person makes a formal complaint to
10 the police department or other law enforcement agency about the
11 activity.

12 (d) Any person who rents a hotel or motel room from the
13 proprietor or agent thereof for the purpose of or with the
14 knowledge that such room shall be used for the consumption of
15 alcoholic liquor by persons under the age of 21 years shall be
16 guilty of a Class A misdemeanor.

17 (e) Except as otherwise provided in this Act, any person
18 who has alcoholic liquor in his or her possession on public
19 school district property on school days or at events on public
20 school district property when children are present is guilty of
21 a petty offense, unless the alcoholic liquor (i) is in the
22 original container with the seal unbroken and is in the
23 possession of a person who is not otherwise legally prohibited
24 from possessing the alcoholic liquor or (ii) is in the
25 possession of a person in or for the performance of a religious
26 service or ceremony authorized by the school board.

1 (f) For the purposes of this Act, the United States Postal
2 Service and any company that uses technology to facilitate the
3 delivery of alcoholic liquor from licensed retail premises to
4 consumers shall be considered a common carrier and subject to
5 all requirements of this Act.

6 (Source: P.A. 97-1049, eff. 1-1-13; 98-1017, eff. 1-1-15.)

7 (235 ILCS 5/6-29) (from Ch. 43, par. 144e)

8 Sec. 6-29. Winery shipper's license.

9 (a) The General Assembly declares that the following is the
10 intent of this Section:

11 (1) To authorize direct shipment of wine by an
12 out-of-state maker of wine on the same basis permitted an
13 in-state maker of wine pursuant to the authority of the
14 State under the provisions of Section 2 of the Twenty-First
15 Amendment to the United States Constitution and in
16 conformance with the United States Supreme Court decision
17 decided on May 16, 2005 in *Granholm v. Heald*.

18 (2) To reaffirm that the General Assembly's findings
19 and declarations that selling alcoholic liquor through
20 various direct marketing means such as catalogs,
21 newspapers, mailings, and the Internet directly to
22 consumers of this State poses a serious threat to the
23 State's efforts to further temperance and prevent youth
24 from accessing alcoholic liquor and the expansion of youth
25 access to additional types of alcoholic liquors.

1 (3) To maintain the State's broad powers granted by
2 Section 2 of the Twenty-First Amendment to the United
3 States Constitution to control the importation or sale of
4 alcoholic liquor and its right to structure its alcoholic
5 liquor distribution system.

6 (4) To ensure that the General Assembly, by authorizing
7 limited direct shipment of wine to meet the directives of
8 the United States Supreme Court, does not intend to impair
9 or modify the State's distribution of wine through
10 distributors or importing distributors, but only to permit
11 limited shipment of wine for personal use.

12 (5) To provide that, in the event that a court of
13 competent jurisdiction declares or finds that this
14 Section, which is enacted to conform Illinois law to the
15 United States Supreme Court decision, is invalid or
16 unconstitutional, the Illinois General Assembly at its
17 earliest general session shall conduct hearings and study
18 methods to conform to any directive or order of the court
19 consistent with the temperance and revenue collection
20 purposes of this Act.

21 (b) Notwithstanding any other provision of law, a wine
22 shipper licensee may ship, for personal use and not for resale,
23 not more than 12 cases of wine per year to any resident of this
24 State who is 21 years of age or older.

25 (b-3) Notwithstanding any other provision of law, sale and
26 shipment by a winery shipper licensee pursuant to this Section

1 shall be deemed to constitute a sale in this State.

2 (b-5) The shipping container of any wine shipped under this
3 Section shall state the winery shipper's license number and the
4 quantity and volume of wine and shall be clearly labeled with
5 the following words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON
6 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE
7 AND IDENTITY MUST BE SHOWN BEFORE DELIVERY.". This warning must
8 be prominently displayed on the packaging. A licensee shall
9 require the transporter or common carrier that delivers the
10 wine to obtain the signature and use scan technology to verify
11 the identification of a person 21 years of age or older at the
12 delivery address at the time of delivery. At the expense of the
13 licensee, the licensee shall receive a delivery confirmation
14 from the express company, common carrier, or contract carrier
15 indicating the location of the delivery, time of delivery, and
16 the name and signature of the individual 21 years of age or
17 older who accepts delivery. The Commission shall design and
18 create a label or approve a label that must be affixed to the
19 shipping container by the licensee.

20 (c) No broker within this State shall solicit consumers to
21 engage in direct wine shipments under this Section.

22 (d) It is not the intent of this Section to impair the
23 distribution of wine through distributors or importing
24 distributors, but only to permit shipments of wine for personal
25 use.

26 (Source: P.A. 95-634, eff. 6-1-08.)

1 (235 ILCS 5/6-29.1)

2 Sec. 6-29.1. Direct shipments of alcoholic liquor.

3 (a) The General Assembly makes the following findings:

4 (1) The General Assembly of Illinois, having reviewed
5 this Act in light of the United States Supreme Court's 2005
6 decision in *Granholm v. Heald*, has determined to conform
7 that law to the constitutional principles enunciated by the
8 Court in a manner that best preserves the temperance,
9 revenue, and orderly distribution values of this Act.

10 (2) Minimizing automobile accidents and fatalities,
11 domestic violence, health problems, loss of productivity,
12 unemployment, and other social problems associated with
13 dependency and improvident use of alcoholic beverages
14 remains the policy of Illinois.

15 (3) To the maximum extent constitutionally feasible,
16 Illinois desires to collect sufficient revenue from excise
17 and use taxes on alcoholic beverages for the purpose of
18 responding to such social problems.

19 (4) Combined with family education and individual
20 discipline, retail validation of age, and assessment of the
21 capacity of the consumer remains the best pre-sale social
22 protection against the problems associated with the abuse
23 of alcoholic liquor.

24 (5) Therefore, the paramount purpose of this
25 amendatory Act is to continue to carefully limit direct

1 shipment sales of wine produced by makers of wine and to
2 continue to prohibit such direct shipment sales for spirits
3 and beer.

4 For these reasons, the Commission shall establish a system
5 to notify the out-of-state trade of this prohibition and to
6 detect violations. The Commission shall request the Attorney
7 General to extradite any offender.

8 (b) Pursuant to the Twenty-First Amendment of the United
9 States Constitution allowing states to regulate the
10 distribution and sale of alcoholic liquor and pursuant to the
11 federal Webb-Kenyon Act declaring that alcoholic liquor
12 shipped in interstate commerce must comply with state laws, the
13 General Assembly hereby finds and declares that selling
14 alcoholic liquor from a point outside this State through
15 various direct marketing means, such as catalogs, newspapers,
16 mailers, and the Internet, directly to residents of this State
17 poses a serious threat to the State's efforts to prevent youths
18 from accessing alcoholic liquor; to State revenue collections;
19 and to the economy of this State.

20 Any person manufacturing, distributing, or selling
21 alcoholic liquor who knowingly ships or transports or causes
22 the shipping or transportation of any alcoholic liquor from a
23 point outside this State to a person in this State who does not
24 hold a manufacturer's, distributor's, importing distributor's,
25 or non-resident dealer's license issued by the Liquor Control
26 Commission, other than a shipment of sacramental wine to a bona

1 fide religious organization, a shipment authorized by Section
2 6-29, subparagraph (17) of Section 3-12, or any other shipment
3 authorized by this Act, is in violation of this Act.

4 The Commission, upon determining, after investigation,
5 that a person has violated this Section, shall give notice to
6 the person by certified mail to cease and desist all shipments
7 of alcoholic liquor into this State and to withdraw from this
8 State within 5 working days after receipt of the notice all
9 shipments of alcoholic liquor then in transit. A person who
10 violates the cease and desist notice is subject to the
11 applicable penalties in subsection (a) of Section 10-1 of this
12 Act.

13 ~~Whenever the Commission has reason to believe that a person~~
14 ~~has failed to comply with the Commission notice under this~~
15 ~~Section, it shall notify the Department of Revenue and file a~~
16 ~~complaint with the State's Attorney of the county where the~~
17 ~~alcoholic liquor was delivered or with appropriate law~~
18 ~~enforcement officials.~~

19 ~~Failure to comply with the notice issued by the Commission~~
20 ~~under this Section constitutes a business offense for which the~~
21 ~~person shall be fined not more than \$1,000 for a first offense,~~
22 ~~not more than \$5,000 for a second offense, and not more than~~
23 ~~\$10,000 for a third or subsequent offense. Each shipment of~~
24 ~~alcoholic liquor delivered in violation of the cease and desist~~
25 ~~notice shall constitute a separate offense.~~

26 (Source: P.A. 95-634, eff. 6-1-08.)

1 (235 ILCS 5/8-12) (from Ch. 43, par. 164 3/4)

2 Sec. 8-12. It shall be the duty of every railroad company,
3 express company, common or contract carrier, and of every
4 person, firm or corporation that shall bring, carry, or
5 transport alcoholic liquors into the State of Illinois for
6 delivery in said State or which are delivered in said State or
7 that shall bring, carry, or transport alcoholic liquors out of
8 the State of Illinois for delivery into another state, to
9 prepare and file with the Department of Revenue for each month,
10 not later than the fifteenth day of the month following that
11 for which it is made, a report stating therein the name of the
12 company, carrier, person, firm or corporation making the
13 report, the period of time covered by said report, the name and
14 business address of each consignor of such alcoholic liquors,
15 the name and business address of each consignee of such
16 alcoholic liquors, the kind and quantity of alcoholic liquors
17 delivered to each consignee, and the date or dates of delivery.
18 Such report shall be made upon forms prescribed and made
19 available by the Department and shall contain such other
20 information as may reasonably be required by the Department.
21 The Department may establish procedures for electronic
22 transmissions of such information directly to the Department.
23 Such reports or information received by the Department shall be
24 made available by the Department to the Commission upon the
25 Commission's request.

1 In addition to any other reporting requirement imposed
2 under this Section, reports shall be filed for shipments to end
3 consumers in this State. In furtherance of this requirement, it
4 shall be the duty of every railroad company, express company,
5 common or contract carrier, person, firm, or corporation that
6 brings, carries, or transports alcoholic liquor into Illinois
7 for delivery in Illinois or that brings, carries, or transports
8 alcoholic liquors out of Illinois for delivery into another
9 state to prepare and file with the Department for each month,
10 not later than the fifteenth day of the month following the
11 month during which the delivery is made, a report containing
12 the name of the company, carrier, person, firm, or corporation
13 making the report, the period of time covered by the report,
14 the name and business address of each consignor of the
15 alcoholic liquor, the name and the address of each consignee,
16 and the date of delivery. Such reports shall be made upon forms
17 prescribed and made by the Department and shall contain any
18 other information that the Department may reasonably require.
19 Such reports or information received by the Department shall be
20 made available by the Department to the State Commission upon
21 the State Commission's request.

22 Every railroad company, express company, common or
23 contract carrier, person, firm, or corporation filing or
24 required to file a report under this Section shall deliver and
25 make available to the Department, upon the Department's
26 request, the records supporting the report, within 30 days of

1 the request. The books, records, supporting papers and
2 documents containing information and data relating to such
3 reports shall be kept and preserved for a period of three
4 years, unless their destruction sooner is authorized, in
5 writing, by the Director, and shall be open and available to
6 inspection by the Director of Revenue or the Commission or any
7 duly authorized officer, agent or employee of the Department or
8 the Commission, at all times during business hours of the day.

9 Any person who violates any of the provisions of this
10 Section ~~section~~ or any of the rules and regulations of the
11 Department for the administration and enforcement of the
12 provisions of this Section ~~section~~ is guilty of a Class A ~~Class~~
13 ~~€~~ misdemeanor. In case of a continuing violation each day's
14 continuance thereof shall be a separate and distinct offense.

15 (Source: P.A. 92-380, eff. 1-1-02.)

16 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

17 Sec. 10-1. Violations; penalties. Whereas a substantial
18 threat to the sound and careful control, regulation, and
19 taxation of the manufacture, sale, and distribution of
20 alcoholic liquors exists by virtue of individuals who
21 manufacture, import, distribute, or sell alcoholic liquors
22 within the State without having first obtained a valid license
23 to do so, and whereas such threat is especially serious along
24 the borders of this State, and whereas such threat requires
25 immediate correction by this Act, by active investigation and

1 prosecution by law enforcement officials and prosecutors, and
2 by prompt and strict enforcement through the courts of this
3 State to punish violators and to deter such conduct in the
4 future:

5 (a) Any person who manufactures, imports for distribution
6 or use, transports from outside this State into this State, or
7 distributes or sells 12 or more cases of wine, 5 or more cases
8 of distilled spirits, or 31 or more gallons of beer ~~alcoholic~~
9 ~~liquor~~ at any place within the State without having first
10 obtained a valid license to do so under the provisions of this
11 Act ~~shall be guilty of a business offense and fined not more~~
12 ~~than \$1,000 for the first such offense and shall be guilty of a~~
13 Class 4 felony for each ~~subsequent~~ offense.

14 Any person who manufactures, imports for distribution or
15 use, transports from outside this State into this State for
16 sale or resale in this State, or distributes or sells less than
17 12 cases of wine, less than 5 cases of distilled spirits, or
18 less than 31 gallons of beer at any place within the State
19 without having first obtained a valid license to do so under
20 the provisions of this Act shall be guilty of a business
21 offense and fined not more than \$1,000 for the first offense
22 and shall be guilty of a Class 4 felony for each subsequent
23 offense.

24 Any person who both has been issued an initial cease and
25 desist notice from the State Commission and for compensation
26 ships alcoholic liquor into this State without a license

1 authorized by Section 5-1 issued by the State Commission or in
2 violation of that license is guilty of a Class 4 felony for
3 each offense.

4 (b) (1) Any retailer, licensed in this State, who knowingly
5 causes to furnish, give, sell, or otherwise being within the
6 State, any alcoholic liquor destined to be used, distributed,
7 consumed or sold in another state, unless such alcoholic liquor
8 was received in this State by a duly licensed distributor, or
9 importing distributors shall have his license suspended for 7
10 days for the first offense and for the second offense, shall
11 have his license revoked by the Commission.

12 (2) In the event the Commission receives a certified copy
13 of a final order from a foreign jurisdiction that an Illinois
14 retail licensee has been found to have violated that foreign
15 jurisdiction's laws, rules, or regulations concerning the
16 importation of alcoholic liquor into that foreign
17 jurisdiction, the violation may be grounds for the Commission
18 to revoke, suspend, or refuse to issue or renew a license, to
19 impose a fine, or to take any additional action provided by
20 this Act with respect to the Illinois retail license or
21 licensee. Any such action on the part of the Commission shall
22 be in accordance with this Act and implementing rules.

23 For the purposes of paragraph (2): (i) "foreign
24 jurisdiction" means a state, territory, or possession of the
25 United States, the District of Columbia, or the Commonwealth of
26 Puerto Rico, and (ii) "final order" means an order or judgment

1 of a court or administrative body that determines the rights of
2 the parties respecting the subject matter of the proceeding,
3 that remains in full force and effect, and from which no appeal
4 can be taken.

5 (c) Any person who shall make any false statement or
6 otherwise violates any of the provisions of this Act in
7 obtaining any license hereunder, or who having obtained a
8 license hereunder shall violate any of the provisions of this
9 Act with respect to the manufacture, possession, distribution
10 or sale of alcoholic liquor, or with respect to the maintenance
11 of the licensed premises, or shall violate any other provision
12 of this Act, shall for a first offense be guilty of a petty
13 offense and fined not more than \$500, and for a second or
14 subsequent offense shall be guilty of a Class B misdemeanor.

15 (c-5) Any owner of an establishment that serves alcohol on
16 its premises, if more than 50% of the establishment's gross
17 receipts within the prior 3 months is from the sale of alcohol,
18 who knowingly fails to prohibit concealed firearms on its
19 premises or who knowingly makes a false statement or record to
20 avoid the prohibition of concealed firearms on its premises
21 under the Firearm Concealed Carry Act shall be guilty of a
22 business offense with a fine up to \$5,000.

23 (d) Each day any person engages in business as a
24 manufacturer, foreign importer, importing distributor,
25 distributor or retailer in violation of the provisions of this
26 Act shall constitute a separate offense.

1 (e) Any person, under the age of 21 years who, for the
2 purpose of buying, accepting or receiving alcoholic liquor from
3 a licensee, represents that he is 21 years of age or over shall
4 be guilty of a Class A misdemeanor.

5 (f) In addition to the penalties herein provided, any
6 person licensed as a wine-maker in either class who
7 manufactures more wine than authorized by his license shall be
8 guilty of a business offense and shall be fined \$1 for each
9 gallon so manufactured.

10 (g) A person shall be exempt from prosecution for a
11 violation of this Act if he is a peace officer in the
12 enforcement of the criminal laws and such activity is approved
13 in writing by one of the following:

14 (1) In all counties, the respective State's Attorney;

15 (2) The Director of State Police under Section 2605-10,
16 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
17 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
18 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
19 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
20 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
21 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
22 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
23 Department of State Police Law (20 ILCS 2605/2605-10,
24 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
25 2605/2605-110, 2605/2605-115, 2605/2605-120,
26 2605/2605-130, 2605/2605-140, 2605/2605-190,

1 2605/2605-200, 2605/2605-205, 2605/2605-210,
2 2605/2605-215, 2605/2605-250, 2605/2605-275,
3 2605/2605-300, 2605/2605-305, 2605/2605-315,
4 2605/2605-325, 2605/2605-335, 2605/2605-340,
5 2605/2605-350, 2605/2605-355, 2605/2605-360,
6 2605/2605-365, 2605/2605-375, 2605/2605-390,
7 2605/2605-400, 2605/2605-405, 2605/2605-420,
8 2605/2605-430, 2605/2605-435, 2605/2605-500,
9 2605/2605-525, or 2605/2605-550); or

10 (3) In cities over 1,000,000, the Superintendent of
11 Police.

12 (Source: P.A. 98-63, eff. 7-9-13.)

13 Section 97. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 999. Effective date. This Act takes effect upon
16 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 235 ILCS 5/1-3.43 new

4 235 ILCS 5/5-1 from Ch. 43, par. 115

5 235 ILCS 5/6-16 from Ch. 43, par. 131

6 235 ILCS 5/6-29 from Ch. 43, par. 144e

7 235 ILCS 5/6-29.1

8 235 ILCS 5/8-12 from Ch. 43, par. 164 3/4

9 235 ILCS 5/10-1 from Ch. 43, par. 183