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Illinois Liquor Control Commission
COVID-19 Related Action
Guidance on Thirty (30) Day Credit Law Reporting – Retailer Delinquencies
Suspension of Delinquency List
June 2, 2020

Delinquency List

By law, every Thursday at approximately 3 pm, wine and spirits distributors report or cause to report to the Illinois Liquor Control Commission a written list of names and addresses of retail licensees who have not paid the distributor the full invoiced amount of a wine and spirits purchase thirty (30) days after delivery to the retailer. Before the close of business on Thursday, the Illinois Liquor Control Commission (“State Commission”) is required to post a list of delinquent retailers as reported by the distributors. This is the Delinquency List. The Delinquency List applies to retailers who purchase and sell wine and spirits for both on and off of the licensed premises. If a retailer is reported delinquent, no distributor (not just the creditor distributor) may sell wine and spirits to the delinquent retailer while they remain on the Delinquency List.

Public Act

As of June 2, 2020, state law has suspended pending retailer delinquencies for **30 days after the date on which the region in which the retail licensee is located enters Phase 4 of the Governor's Restore Illinois Plan (different State regions may enter Phase 4 at different times).**

Guidelines

1. The suspension of the Delinquency List applies to all licensed retailers.
2. During the suspension period, distributors are not prohibited from selling wine and spirits products to retailers that are named on the current Delinquency List.
3. The Illinois Liquor Control Commission will suspend posting the Delinquency List during the suspension period.
4. Distributors that are still selling on credit shall continue to report delinquencies as they previously reported.
5. At the conclusion of the Delinquency List suspension period (30-days after the beginning of Phase 4), the Illinois Liquor Control Commission will post the Delinquency List and distributors will be prohibited from selling and delivering wine and spirits to retailers who continue to be named on the Delinquency List (even for debts owed to distributors prior to or during the suspension period).

6. If a distributor chooses to extend credit to a retailer, the distributor shall be required to extend credit to all similarly situated retailers. Distributor criteria for extending credit to a delinquent retailer shall not be based on the volume of business transactions between distributor and retailer.
7. **All previously reported bona fide disputes filed pursuant to Illinois Liquor Control Commission “Guidance on Thirty (30) Day Credit Law Reporting – Retailer Delinquencies - Bona Fide Dispute Process” are voided.** All retailers, previously filing bona fide disputes, will be reported delinquent at the termination of the Delinquency List suspension period. If a retailer is named on a published Delinquency List at the conclusion of the suspension period and has a **good faith bona fide dispute of the amount that is owed**, the retailer may file (or refile) a “bona fide dispute” with the Commission **at that time.**
8. The State Commission strongly encourages retailer and distributor to settle disputed matters before the end of the Delinquency List suspension period. Should the delinquency be settled, the distributor shall notify the Commission of the cured delinquency and the retailer will be removed from the Delinquency List.
9. The State Commission determination of a future delinquency is solely for the enforcement of the thirty-day credit law. The State Commission determination of delinquency shall have no impact on the rights of a distributor or retailer in any collection action.

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