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**Illinois Liquor Control Commission**  
**COVID-19 Related Action**  
**Guidance on Thirty (30) Day Credit Law Reporting – Retailer Delinquencies**  
**Resumption of Delinquency List**  
**June 26, 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.

As of June 2, 2020, state law suspended pending retailer delinquencies until **30 days after the beginning of Phase 4 of the Governor's Restore Illinois Plan.**

On June 26, 2020, the Governor ordered that the entire State progress into Phase 4 of the Plan. Therefore, on July 27, 2020, the State Commission will post an updated Delinquency List and will continue to post updated lists every subsequent Thursday as required by the Liquor Control Act.

Retailers that had been listed on the most recently posted Delinquency List who have not cured the delinquency will again be reported delinquent on July 27, 2020.

Retailers who became delinquent during the Delinquency List suspension period (over the last month) who haven’t cured their debt will also be reported delinquent on July 27, 2020.

Retailers who are currently delinquent but who satisfy their delinquency debt before July 27, 2020, should not reappear on the Delinquency List on July 27, 2020.

Retailers who appear on the Delinquency List on or after July 27, 2020 may pay the delinquency debt at any time and be removed from the Delinquency List within 24 hours of clearing the debt.

On or after July 27, 2020, pursuant to 235 ILCS 5/6-5 of the Illinois Liquor Control Act, 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).

### **Bona Fide Disputes**

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 **have been 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 on or after July 27, 2020 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.

The State Commission strongly encourages the retailer to pay the existing wine and spirits delinquency debt before July 27, 2020. If this is not possible, the retailer will be able to pay an existing delinquency debt at a later date. Should the delinquency debt be paid, the distributor shall notify the Commission of the cured delinquency and the retailer will be removed from the Delinquency List.

The State Commission determination of a delinquency is solely for the enforcement of the thirty-day credit law. State Commission determination of delinquency shall have no impact on the rights of a distributor or retailer in any collection action.

*Chima Enyia*

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