

**Illinois Department of Revenue
Regulations**

Title 86	Part 660	Section 660.45	License Actions: Revocations, Cancellations and Suspensions
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TITLE 86: REVENUE

**PART 660
TOBACCO PRODUCTS TAX ACT OF 1995**

Section 660.45 License Actions: Revocations, Cancellations and Suspensions

- a) *The Department has the power, after notice and an opportunity for a hearing, to revoke a license issued by the Department if the holder of the license fails to file a return, or to pay the tax, fee, penalty, or interest shown in a filed return, or to pay any final assessment of tax, fee, penalty, or interest, as required by the Act or any other tax or fee Act administered by the Department. [20 ILCS 2505/2505-380(a)]*

- b) *The Department may refuse to issue a license if a person who is named as the owner, a partner, a corporate officer, or, in the case of a limited liability company, a manager or member, of the applicant on the application for the license, is or has been named as the owner, a partner, a corporate officer, or in the case of a limited liability company, a manager or member, on the application for the certificate of registration, permit, or license of a person that is in default for moneys due under the Act or any other tax or fee Act administered by the Department. For purposes of this Section only, in determining whether a person is in default for moneys due, the Department shall include only amounts established as a final liability within the 20 years prior to the date of the Department's notice of refusal to issue the certificate of registration, permit, or license. For purposes of this Section, "person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court. [20 ILCS 2505/2505-380(b)]*

- c) *The Department may, after notice and a hearing, revoke, cancel, or suspend the license of any distributor and, beginning January 1, 2016, any retailer who violates any of the provisions of the Act. The notice shall specify the alleged violation or violations upon which the revocation, cancellation, or suspension proceeding is base. [35 ILCS 143/10-25(a)]*

- d) *Upon a determination that a distributor has violated Section 15(e) of the Tobacco Product Manufacturers' Escrow Enforcement Act of 2003 or any regulation adopted pursuant thereto, the Department may revoke or suspend the license of any distributor in the manner provided by Section 10-25 of the Tobacco Products Tax Act of 1995. [30 ILCS 167/30(a)]*

- e) *The Department may, by application to any circuit court, obtain an injunction restraining any person who engages in business as a distributor of tobacco products without a license (either because his or her license has been revoked, canceled, or suspended or because of a failure to obtain a license in the first instance) from engaging in that*

business until that person, as if that person were a new applicant for a license, complies with all of the conditions, restrictions, and requirements of Section 10-20 of the Act and qualifies for and obtains a license. Refusal or neglect to obey the order of the court may result in punishment for contempt. [35 ILCS 143/10-25(d)]

- f) *Beginning January 1, 2016, failure to comply with the provisions of Section 660.26(c) may be grounds for revocation of a distributor's or retailer's license in accordance with Section 10-25 of the Act or Section 6 of the Cigarette Tax Act. [35 ILCS 143/10-37]*
- g) **Retailers; Violations of Minimum-Age Tobacco Laws Training Programs**
Beginning January 1, 2016:
 - 1) *If the retailer has a training program that facilitates compliance with minimum-age tobacco laws, the Department shall suspend for 3 days the license of that retailer for a fourth or subsequent violation of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, as provided in Section 2(a) of that Act. For the purposes of this Section, any violation of Section 2(a) of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act [720 ILCS 675] occurring at the retailer's licensed location, during a 24-month period, shall be counted as a violation against the retailer.*
 - 2) *If the retailer does not have a training program that facilitates compliance with minimum-age tobacco laws, the Department shall suspend for 3 days the license of that retailer for a second violation of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, as provided in Section 2(a-5) of that Act.*
 - 3) *If the retailer does not have a training program that facilitates compliance with minimum-age tobacco laws, the Department shall suspend for 7 days the license of that retailer for a third violation of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, as provided in Section 2(a-5) of that Act.*
 - 4) *If the retailer does not have a training program that facilitates compliance with minimum-age tobacco laws, the Department shall suspend for 30 days the license of a retailer for a fourth or subsequent violation of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, as provided in Section 2(a-5) of that Act.*
 - 5) *A training program that facilitates compliance with minimum-age tobacco laws must include at least the following elements:*
 - A) *it must explain that only individuals displaying valid identification demonstrating that they are 18 years of age or older shall be eligible to purchase cigarettes or tobacco products; and*
 - B) *it must explain where in the establishment, at the time of purchase, a clerk can check identification for a date of birth.*

- 6) *The training may be conducted electronically. Each retailer that has a training program shall require each employee who completes the training program to sign a form attesting that the employee has received and completed tobacco training. The form shall be kept in the employee's file and may be used to provide proof of training. [35 ILCS 143/10-25(c)]*

(Source: Added at 40 Ill. Reg. 10954, effective July 29, 2016)