

THE ALL BEVERAGES LICENSE



What is it?
How do I get one?
What can I do with it?



Liquor Control Division

WHAT IS AN ALL BEVERAGES LICENSE?

An All-Beverages license allows the holder of the license (the licensee) to sell liquor, beer and table wine at retail for on- or off-premises consumption between 8 a.m. and 2 a.m.

An All-Beverages licensee can request from the Department of Revenue a catering endorsement that allows the licensee to provide and serve liquor, beer and table wine at a special event within 100 miles of the licensed premises.

WHERE DO I START?

In accordance with Montana law, the Department of Revenue issues a limited number of All-Beverages liquor licenses. The number is limited by the population of the city or town in which the licenses operate.

To see if any All-Beverages licenses are available in the town or city you'd like to operate the license, contact the Department of Revenue toll free at (866) 859-2254 or in Helena at (406) 444-6900. If a new license is available, you may begin the application process.

If a new license is not available, you may be able to purchase a pre-existing license. Check with a local real estate agent or the Montana Tavern Association for a listing of licenses for sale.

WHAT ARE THE ASSOCIATED COSTS?

- One-time Liquor Control processing fee: \$200
- Annual license fee for establishments located five miles outside the limits of an incorporated city/town that has a population of less than 2,000: \$400
- Annual license fee for establishments located inside, or within five miles of, the limits of an incorporated city that has a population between 2,000 and 5,000: \$500



- Annual license fee for establishments located inside, or within five miles of, the limits of an incorporated city that has a population between 5,000 and 10,000: \$650
- Annual license fee for establishments located inside, or within five miles of, the limits of an incorporated city that has a population of 10,000 or more: \$800
- Catering endorsement fee (if applicable): \$250

- Fingerprint card fee for each individual with 10% or more interest in the business: price subject to fluctuation

How do I apply?

To apply for a new or existing license, you'll need to provide the Department of Revenue with the following:

1. A completed Alcoholic Beverage/Gambling Operator Combined License application, including:

- A personal history statement,
- A completed liquor authorization to disclose tax information form
- A certified survey affidavit

You can file your combined license application at <https://tap.dor.mt.gov/?Link=CombinedAPP>. You can obtain a complete application package, as well as fingerprint cards for background check, by visiting revenue.mt.gov/home/liquor/forms.aspx or by calling (406)444-6900 or (866)859-2254.

2. Financial records showing the purchase of the license and/or building, including:

- Copies of any loan agreements, contracts, notes and all related security agreements. If you didn't take any loans, then you will need to provide copies of your bank statements.
- Copies of lease, rent, purchase options, financing agreements or other evidence showing possessory interest in the building
- Financial statements, such as balance sheet, income statement or tax return for the business
- Franchise agreement
- Purchase/transfer documents for liquor license,

such as buy/sell agreement, contract for deed, warranty deed and bill of sale

- Copy of business' bank signature card

3. Ownership information, including:

- Copy of partnership agreement documentation (if applicable)
- Copy of Articles of Incorporation and Amendments or Addendums
- Copy of Bylaws and Amendments or Addendums
- Copy of Certificate of Fact (for LLCs and LLPs)
- LLC organizational information
- Copy of stock certificates, corporate minutes and attachments



- Stock ledger or register
- Copy of Certificate of Existence (for instate corporations)
- Copy of authority to conduct business in Montana (for out-of-state corporations)
- Copy of documentation from the Secretary of State verifying that the use of the assumed business name (ABN) has been approved

- Copy of federal employer identification number (FEIN) verification from IRS
- Completed personal history statement form from each individual with 10% or more interest in the business
- Two fingerprint cards from each individual with 10% or more interest in the business
- Fingerprint card fee for each individual with 10% or more interest in the business

4. Management information, including:

- Copy of employment, management and other agreements and contracts. If you are applying as an entity, you'll need to identify who is managing the daily operation of the business and provide a management agreement of their duties or minutes showing their duties.
- Personal history statement form from each manager
- Two fingerprint cards from each manager
- Fingerprint card fee for each manager

5. Miscellaneous information, including:

- An Authorization to Disclose Tax Information form to verify that all involved parties are up-to-date with their tax filings and payments
- A floor plan showing any areas where you intend to serve or store alcohol, including seating areas, external dimensions, entry ways and any patio area.
- A certified survey identifying the exact location, including address and quota area (city or county), of the premises. The survey may be completed by a licensed surveyor.

Mail all documents to:

Department of Justice, Gambling Control Division
 2550 Prospect Ave
 P.O. Box 201424
 Helena, MT 59620

WHAT ARE THE STEPS IN THE APPLICATION PROCESS?

The application process takes between 90 and 120 days and begins when the Gambling Control Division (GCD) receives a complete application package and all supporting documents. The process follows state statutes, as written in Montana Code Annotated.



- Application is reviewed by the Department of Revenue, Liquor Control Division (LCD).
- GCD sends a letter to the applicant requesting any additional documents it might need.
- After GCD receives all documents it requires, LCD then publishes a legal notice in a newspaper circulated in the city, town or county in which the license would be issued. The notice informs readers of the applicant's intent to acquire a license. The notice also tells readers where they can send any objections they might have to LCD approving the license and the deadline for doing so.

- LCD notifies local agencies with jurisdiction over the area (e.g. law enforcement, fire department, health department, etc.) of any deficiencies in the application.
- After the protest deadline and the completion of the audit review, LCD and GCD conduct a final review of the application. If necessary, LCD and GCD request from the applicant any additional documents that the audit review might have identified as needed.
- If one or more people filed a protest, LCD schedules a hearing with the applicant and protestor(s). The application process is discontinued until the hearing examiner makes a ruling on the application.
- Once the hearing examiner makes a ruling and/or LCD has received all additional documents it has requested from the applicant, LCD promptly issues a final decision.

WHAT ARE THE RULES OF AN ALL BEVERAGES LICENSE?

State rule, as written in Administrative Rules of Montana (42.13.101):

All licensees, their agents, and employees must conduct the licensed premises in compliance with the rules of other state and local agencies and abide by all: provisions of the laws of Montana and the United States related to alcoholic beverages; county and city or town ordinances related to alcoholic beverages; Indian liquor laws applicable within the areas of Indian country, as defined by 18 USC 1151, provided a tribe having jurisdiction over such area of Indian country adopted an ordinance, certified by the Secretary of the Interior, and published in the Federal Register; and rules of the department relating to alcoholic beverages.

Sales and service

- All employees serving open-container alcoholic beverages must be 18 years or older.
- All employees who serve or sell alcohol, including their immediate supervisors and the licensee, must obtain training from a state-approved program within 60 days of hire and every three years thereafter. You can find a list of approved training providers online at revenue.mt.gov/home/liquor/liquor_education.
- No sales or service of any alcoholic beverage can take place through a drive-up or walk-up window.



- Though you may provide free alcoholic beverages, you are still required to follow all laws and rules relating to consumption of alcohol on your licensed premises.
- You may serve alcohol on your patio or deck if it was specifically designated on the floor plan you submitted with your application, if it has a perimeter barrier and if it is immediately adjacent to the indoor portion of the licensed premises. A perimeter barrier must enclose the licensed

premises in a way that clearly marks for patrons and employees where consumption of alcohol is allowed. A perimeter barrier needs to be a fence or wall at least three feet high or an alternative, department-approved barrier. A perimeter barrier may include entrances from the parking lot, sidewalk or other areas outside the licensed premises, regardless of whether those areas are land or water.

- You may serve alcohol on your premises lawn if the lawn was designated on the floor plan you submitted with your application, if it is immediately adjacent to the indoor portion of the licensed premises and if it is enclosed within a perimeter barrier.

Concessions

You may decide to let someone operate a restaurant out of a portion of your building and sell alcohol in the restaurant. This type of arrangement is called a concession agreement, which is a mutually beneficial agreement between a retail licensee and a non-licensed entity. The agreement must be submitted to the department for review and approval.

Consumption

- Patrons may consume alcohol in a “smoking hut” if the hut is part of the approved premises on file with the department. You need to be aware of local laws regarding open containers, which can change from one county or city to another.
- No one, including the licensee or employees, may consume or sell any alcohol on the licensed premises between 2 a.m. and 8 a.m.
- Only licensees and their employees are permitted to be on the licensed premises between the

hours of 2 a.m. and 8 a.m. If the establishment operates in conjunction with a hotel, restaurant, bus depot, railway terminal, grocery store, pharmacy or other lawful business that doesn't sell alcoholic beverages, the other business can remain open.



Alcohol on the licensed premises

- Patrons cannot bring their own alcoholic beverages onto the licensed premises.
- The only alcoholic products you can have on your licensed premises are those you have purchased from a beer wholesaler, table wine distributor, brewery, winery or agency liquor store.
- If you have more than one licensed premises, you may not split product between locations.

Alterations

If you decide to remodel or otherwise alter your establishment, to keep your premises licensed you will need to send to the department a written request explaining the alterations and include a copy of the existing floor plan and a proposed floor plan showing the alterations. Once the department reviews and approves the request, you may begin the alteration without it affecting your license. You cannot use altered areas until they have been approved by the department and have passed building, health and fire inspections.

If you decide to add a poker room to your licensed premises, you will need to follow the rules for altering your premises and ensure that you or your employees directly handle all the sales and service of alcohol in the poker room. You will also need to contact the Department of Justice for operating guidelines of a poker room.

Seasonal business

If a licensed establishment—such as a dude ranch, resort, park hotel, tourist facility or similar seasonal business—would like to begin operating its license on a seasonal basis, it will need to send a written request for doing so to the department. If approved, the license closure is only effective from the date of the department's letter of authorization through the end of the specified period.

Miscellaneous

- Allowing bar tabs is the prerogative of the licensee.
- You may store pre-mixed drinks, such as margaritas and daiquiris, in containers in your cooler for up to 24 hours.
- A licensed establishment may not close its doors early to start cleaning up if there are still customers inside the premises.





Department of Revenue

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Photo credits:

Lisa Bunchofpants (bar and window)

Sam Howzit (tiki bar)

Let Ideas Compete (whiskey bar)

Colonel Warden (Oktoberfest bar)