

THE OFF-PREMISES BEER & WINE LICENSE



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



Liquor Control Division

WHAT IS AN OFF-PREMISES BEER & WINE LICENSE?

An Off-Premises Beer and Wine license allows the holder of the license (the licensee) to sell beer and table wine at retail for off-premises consumption between the hours of 8 a.m. and 2 a.m.

The premises proposed for licensing may operate as a stand-alone, as a bona fide grocery store or as a licensed pharmacy.

WHERE DO I START?

Contact eStop Business Licensing, a simple, convenient and centralized point of contact for businesses that sell a variety of products (such as groceries, cigarettes, gasoline, beer and wine) and require special licenses, including the Off-Premises Beer and Wine License.

Visit the eStop Business License website at svc.mt.gov/dor/estopportal, or call toll free at (866) 859-2254 or in Helena at (406) 444-6900.

You can also mail correspondence to Montana Department of Revenue, eLicensing, P.O. Box 8003, Helena, MT 59604 or fax us at (406) 444-0722.

WHAT ARE THE ASSOCIATED COSTS?

- One-time Liquor Control processing fee: \$100
- Annual Off-Premises Beer license fee: \$200
- Annual Off-Premises Wine license fee: \$200
- Fingerprint card fee for each individual with 10% or more interest in the business: price subject to fluctuation

HOW DO I APPLY?

When applying for a new or existing license, you'll need to submit the following information to the Department of Revenue's eStop Business Licensing:

1. A completed eStop Master Application Package, including:



- An Off-Premises Beer and Wine license application
- Personal history statement
- Fingerprint cards
- Copy of grocery inventory or pharmaceutical license, if applicable, or statement of stand-alone

You can e-file the master application by visiting revenue.mt.gov/home/businesses/estop_licensing. You can download the master application and necessary forms, including the grocery inventory and personal history statement, by visiting revenue.mt.gov/home/liquor/forms. To have the fingerprint cards, the master ap-

plication or any forms mailed to you, call (406) 444-6900 or (866) 859-2254.

2. Forms and financial information supporting the purchase of the license and/or building, including:

- Copy of the bank account agreement documents showing the applicants name and tax I.D. number
- Copy of the lease, rent or purchase agreement or other evidence of ownership for the premises (e.g., buy/sell agreement, contract for deed, warranty deed, bill of sale, current property tax bill)

3. Ownership information (if applicable), including:

- Copy of Certificate of Fact (LLCs and LLPs) or Certificate of Existence (for Montana corporations)
- Copy of documentation from the Secretary of State verifying that the use of the Assumed Business Name (ABN) has been approved
- Personal History Statement form for each individual with 10% or more interest in the business
- Two fingerprint cards for each individual with 10% or more interest in the business, allowing the Montana Department of Justice to conduct a background check of each individual
- Fingerprint card fee for each individual with 10% or more interest in the business

4. Management or managing company information, including:

- A management agreement clearly showing the name, address, telephone number and social security number or FEIN of the manager. You must

file this agreement with the department for its approval within 30 days of the hiring date.

- Physical location of the business
- Amount of compensation
- Specific duties (licensee must retain ultimate control of the licensed premises)
- Date and signatures of both the manager and employer
- Personal history statement form for each manager
- Two fingerprint cards per manager, allowing the Department of Justice to conduct a background check of each manager
- Fingerprint card fee per manager



5. Miscellaneous information, including:

- Tax authorization form or Good Standing Verification to verify that you and all involved parties are up to date with tax filing and payments
- Floor plan showing any areas where you intend to display or store beer and wine, including external dimensions, entryways and other customer service areas in which you have possessory interest

WHAT'S INVOLVED IN THE APPLICATION PROCESS?

The application process takes between 45 and 60 days after you submit the application package and all supporting documents. If the application isn't complete, you will receive a letter requesting any necessary additional documents. Liquor Control also notifies local law enforcement, local health departments and other officials that we have received your application, and they will have 30 days to advise the department if your information and the premises meet all laws and ordinances. The Department of Justice will also have 30 days to notify the department of the result of the background check. If the check shows that you and the premises meet all laws and ordinances, you will be approved for the license.

WHAT ARE THE RULES OF AN OFF-PREMISES BEER AND WINE 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.

- You may sell beer and wine between the hours of 8 a.m. and 2 a.m. Alcoholic beverages may not be opened, served or consumed on the licensed premises or adjacent customer service areas, including in the seating area of a deli.
- You must purchase beer and wine from a beer wholesaler, table wine distributor, brewery or winery only.
- You may sell kegs in their original packaging for off-premises consumption with keg tags.



- You may store beer and wine on the licensed premises.
- You may give away free beer and wine samples if they are in their original, unopened packaging and are consumed away from the premises and adjacent customer services areas.
- You cannot sell beer or wine through a drive-up or walk-up window.

- You cannot offer wine tastings at off-premises locations.
- You cannot fill or refill growlers, but you may sell growlers that a brewery fills and sells to you in the original package.
- You cannot use beer or wine products purchased for one licensed premises to sell at another licensed premises.
- It is unlawful for any brewer, beer importer or wholesaler to lease, furnish, give or pay for any furniture, fixtures, equipment or any other property used in a licensed establishment's dispensation of beer or wine. However, you may purchase beer and wine dispensers from manufacturers.
- A bona fide grocery store must, at all times, have available a \$3,000 total retail inventory of food and household items and at least three different types of each of the following: meats, vegetables, fruits, bakery items, dairy products and household supplies.
- Employees may be offered a percentage of gross sales from all sources as an incentive.
- You may not sell alcohol to any person who is actually, apparently or obviously intoxicated.
- A licensed establishment may refuse a sale for any reason as long as it is not violating someone's civil rights.
- You cannot temporarily move a liquor license to another location.

- Any owner, manager or employee who sells alcohol must receive alcohol server training from a state-approved training provider 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.



- A liquor license holder may not accept money from a distributor to advertise. A distributor is prohibited from investing, either directly or indirectly, in the business of a retailer.
- A liquor license holder must allow law enforcement access to their licensed premises at all times.
- You may hire a manager or management company to operate your licensed establishment while you are on vacation. You must submit a management agreement to the department within 30 days of hiring the person responsible for the business in your absence.

- You must pay a license renewal fee each year on the license's annual renewal date. eStop Business Licensing will mail you a notice. All license renewal fees are due whether the license is on non-use status or active.
- Additional fees for this type of license may be charged by local city and county agencies.

WHAT IF I REMODEL OR BUILD A NEW SPACE?

If you decide to alter the approved floor plan of your licensed premises, the Department of Revenue must approve the plan before construction begins in order for the licensed premises to remain open. You may request to have your license placed on a non-use status while under construction. You will need to send a written request to the department explaining the alterations, as well as a copy of the existing floor plan and a copy of the proposed floor plan showing the alterations. Once completed, you cannot operate in the space until it's passed fire, building and health inspections.

WHAT IF I WANT TO CLOSE FOR THE SEASON OR TO CLEAN?

An establishment may operate its license on a seasonal basis if it sends the department a request to do so and if we determine that the establishment is a dude ranch, resort, park hotel, tourist facility or similar business. The seasonal non-use of the license is only effective from the date of the department's letter of authorization through the end of the specified period.



An establishment may close for seasonal cleaning as long as the establishment is not closed for more than 90 days. An establishment with a seasonal license or with a license placed on non-use status may not have a wholesaler, distributor, winery or brewery take inventory back. The establishment may continue to store its inventory on the licensed premises.



Department of Revenue

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