



ADMINISTRATIVE RULES OF MONTANA



42.12.101 APPLICATION FOR LICENSE

- (1) All applications for licenses to sell, manufacture, or distribute alcoholic beverages shall be made to the department upon forms supplied by the department or through the department's licensing portal. An abbreviated application may be used for license modifications as specified in ARM 42.12.118. In all other cases, the application process specified below shall be followed.
- (2) Applications for licenses shall be in the names of all persons who will have an ownership interest in the business to be operated under the license, as required in 16-4-401, MCA.
- (3) In addition to the license application, as applicable, the applicant shall submit:
 - (a) any processing fees required by ARM 42.12.111 and the license fee required by 16-4-420 or 16-4-501, MCA;
 - (b) a copy of the proposed agreement to transfer an ownership interest;
 - (c) proof that the applicant has possessory interest in the premises;
 - (d) any source of funding documents including, but not limited to, loan documents, gifting statements, and finance institution statements;
 - (e) the premises floor plan, which for all license types includes accurate dimensions of the premises, the licensee or applicant's name, alcoholic beverage license number, physical address, and submission date, plus:
 - (i) for a retail license, illustrates all service areas, stationary drink preparation areas, self-pour devices, storage areas, patios/decks, doors, hallways, stairways, perimeter barriers, drive-through windows, and permanent floor-to-ceiling walls required between the premises and another business;
 - (ii) for a distributor license, illustrates one or more permanent floor-to-ceiling walls required between the premises and another licensed alcoholic beverage business;
 - (iii) for a winery, brewery, or distillery license, identifies all manufacturing areas, storage areas, and as applicable: sample room, drink preparation areas, patios/decks, doors, hallways, stairways, perimeter barriers, drive-through windows, and permanent floor-to-ceiling walls required between the premises and another licensed alcoholic beverage business, except as otherwise provided in 16-3-311(8) and (9), MCA; or
 - (iv) for a colocated license, the respective manufacturing and retail areas are clearly marked with the floor plan criteria provided in (i) and (iii), as applicable, for both licenses.
 - (f) bank account authorization and signature documents;

- (g) proof of assumed business name;
 - (h) a tax certificate issued by the department under ARM 42.2.402 for the applicant and any individual of the applicant who must meet the requirements of 16-4-401(2)(a), MCA;
 - (i) two complete sets of fingerprints and a personal history statement for each person identified in 16-4-414, MCA, and ARM 42.12.212;
 - (j) for any entity applicant:
 - (i) formation documents such as articles of organization, articles of incorporation, or registration/certificate of partnership. Foreign (non-Montana) entities are also required to provide proof of registration or certificate of authority issued by the Montana Secretary of State;
 - (ii) stock certificates or other unit ownership certificates that evidence underlying ownership of the entity, as applicable;
 - (iii) stock ledger or entity ownership register;
 - (iv) bylaws, operating agreement(s), partnership agreement(s), as applicable; and
 - (v) organizational meeting minutes, initial resolutions of shareholders, members, partners, as applicable; and
 - (k) any other documents the department deems reasonably necessary to reach a final decision.
- (4) At any time during the application process, an applicant must notify the department of any changes in the information and documents submitted under (3) and promptly provide the department with any corrected or updated information or documents. The department will toll the processing time of the applicant's license application in accordance with 16-4-402, MCA, until the corrected or updated documents are received.
- (5) An applicant who does not have a premises ready to operate may apply for an available license pursuant to 16-4-417, MCA. The applicant must electronically apply for the license through the department's licensing portal and submit any applicable information under (3) for the department to review the application. A license issued without an approved premises will be automatically placed on nonuse status by the department.
- (6) The department shall determine whether a complete application has been submitted. If a complete application has been submitted, the department shall arrange an investigation of the application and, if applicable, publish the notice of application for a license required by 16-4-207, MCA.
- (7) Failure of a licensee to fulfill the requirements of 16-4-417, MCA, shall subject the license to revocation.
- (8) The department may waive an application requirement set forth in this rule in its sole discretion.
- (9) The disqualification of any applicant to hold the license disqualifies all.
- (10) The department may issue a license in its sole discretion. A licensee remains bound by all requirements in statute and rule that apply at the time an application for license or an application for renewal is approved.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-311, 16-4-105, 16-4-201, 16-4-204, 16-4-207, 16-4-210, 16-4-401, 16-4-402, 16-4-414, 16-4-417, 16-4-420, 16-4-501, 16-4-502, MCA

History: NEW, Eff. 11/3/75; AMD, 1985 MAR p. 167, Eff. 2/15/85; AMD, 1992 MAR p. 1244, Eff. 6/12/92; AMD, 1998 MAR p. 2088, Eff. 7/31/98; AMD, 2000 MAR p. 1762, Eff. 7/14/00; AMD, 2003 MAR p. 2305, Eff. 10/17/03; AMD, 2012 MAR p. 1846, Eff. 9/21/12; AMD, 2014 MAR p. 1277, Eff. 6/13/14; AMD, 2014 MAR p. 2980, Eff. 12/12/14; AMD, 2020 MAR p. 1177, Eff. 6/27/20; AMD, 2024 MAR p. 2303, Eff. 9/21/24; AMD, 2026 MAR, Notice No. 2025-304, Eff. 1/24/26.