



ADMINISTRATIVE RULES OF MONTANA



2.59.2065 COMMON ENTERPRISE

- (1) A common enterprise occurs when two or more persons combine to acquire, operate, or control a business enterprise or property interest.
- (2) Credit to a common enterprise includes:
 - (a) loans or extensions of credit to two or more persons when the loans or extensions of credit are used for a common purpose; the expected source of repayment for each loan or extension of credit is the same for two or more of the persons, and those persons lack another source of income from which the loans or extensions of credit, together with the person's other liabilities, may be fully repaid; and
 - (b) loans or extensions of credit made to persons who are related directly or indirectly through common control, including where one person is directly or indirectly controlled by another person; and if substantial financial interdependence exists between or among the persons. Substantial financial interdependence is deemed to exist when 50% or more of one person's gross receipts or gross expenditures, on an annual basis, are derived from transactions with the other person.

Authorizing statute(s): 32-2-925, MCA

Implementing statute(s): 32-2-925, MCA

History: NEW, 2022 MAR p. 230, Eff. 2/12/22.