



ADMINISTRATIVE RULES OF MONTANA



42.12.133 CONCESSION AGREEMENTS

- (1) Concession agreements, authorized to the licensees specified under 16-4-213(7) and 16-4-418, MCA, are written agreements, which may be in the form of a standalone contract or a department-approved, standard agreement, that formalize how a licensee will extend its licensed premises into a concessionaire's business for the purpose of selling and serving the licensee's alcoholic beverages to the concessionaire's customers provided the suitability requirements in ARM 42.12.145 are met.
- (2) All new, proposed concession agreements must be submitted to the department for review and approval prior to their execution or effective date, and must be accompanied by the following:
 - (a) a completed concession agreement request form provided by the department, the application fee provided in 16-4-418, MCA, and the processing fee described in ARM 42.12.111;
 - (b) a copy of the proposed floor plan;
 - (c) any additional documentation the department deems reasonably necessary to approve the concession arrangement; and
 - (d) a completed alteration request form if the addition of the concessionaire's area will change the licensee's current floor plan that is on file with the department.
 - (e) The alteration request requirement in (d) does not apply to a new, proposed concession agreement when it is included in a license application submitted by an applicant pursuant to 16-4-402, MCA, and ARM 42.12.101.
- (3) The department, upon receipt of the proposed concession agreement and any supporting documentation, will advise the licensee and concessionaire of its approval or denial of the agreement unless further documentation or an audit review is necessary.
- (4) Upon approval of the proposed concession agreement, the license will reflect language that the licensee is also serving alcoholic beverages in the concessionaire's establishment. The concessionaire shall display in a prominent place, a copy of the license and a placard, issued by the department, stating the consequences for violations of the alcoholic beverage code by persons under 21 years of age.
- (5) Except as provided in (6), any proposed modification of an existing concession agreement must be submitted for review and approval by the department. The licensee and concessionaire may continue to operate under the approved, existing concession pending approval by the department.
- (6) A licensee and concessionaire may change the compensation arrangement under a concession agreement, without department approval, if it meets the requirements of 16-4-418(6)(a),

MCA. The licensee and concessionaire must submit a copy of the new compensation terms on the concession agreement request form within 30 days of the change.

- (7) All concession agreements must be renewed on or before June 30 of each year by paying the renewal fee provided in 16-4-418, MCA. Failure to pay the renewal fee may result in the denial of renewal of the concession agreement.
- (8) Failure of a licensee to submit a completed annual license renewal form to the department and pay the license's renewal fee may result in the denial of renewal of the concession agreement.

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

Implementing statute(s): 16-3-305, 16-3-311, 16-4-401, 16-4-402, 16-4-418, MCA

History: NEW, 2003 MAR p. 21, Eff. 1/17/03; AMD, 2004 MAR p. 1972, Eff. 8/20/04; AMD, 2012 MAR p. 1846, Eff. 9/21/12; AMD, 2017 MAR p. 493, Eff. 4/29/17; AMD, 2020 MAR p. 1177, Eff. 6/27/20; AMD, 2022 MAR p. 1932, Eff. 9/26/22.