



ADMINISTRATIVE RULES OF MONTANA



42.2.103 CONTENT OF PETITION

- (1) A petition for declaratory ruling must be typewritten or printed.
- (2) The petition must include:
 - (a) the name and address of petitioner;
 - (b) detailed statement of the facts upon which petitioner requests the department to base its declaratory ruling;
 - (c) sufficient facts to show that petitioner will be affected by the requested ruling;
 - (d) the statute, rule or order for which petitioner seeks a declaratory ruling;
 - (e) the questions presented;
 - (f) propositions of law asserted by petitioner;
 - (g) the specific relief requested; and
 - (h) the name and address of any person known by petitioner to be interested in the requested declaratory ruling.
- (3) The following sample form should be used.

BEFORE THE DEPARTMENT OF REVENUE

OF THE STATE OF MONTANA

In the matter of (summary) Example:	) PETITION FOR
the application of John Doe, a liquor	) DECLARATORY RULING
license owner, for a declaratory ruling	)
on the applicability of 16-4-413 , MCA,	)
to his new location	)

1. Petitioner's name and address is (provide name and address of petitioner) .

2. (Provide summary of facts) . (Example: Petitioner previously applied for the transfer of ownership and location of a Montana beer/wine license for on-premises consumption, pursuant to the floor plan submitted with the application. Petitioner's application to transfer was granted by the department's hearing examiner on July 17, 1997, but was denied by the Director of the department on December 19, 1997.

Petitioner intends to apply to the department for transfer of license to a new premises to be located in an addition to the same building.

The new license application will apply only to the proposed new premises defined by the submitted floor plan. The new premises would have its own entrance/exit door to the outside, and would also have its own restrooms. The connecting door to the old premises is able to be locked blocking it off from the new premises.

Petitioner contends that the proposed new premises constitutes a different premises than the old premises for which the previous license transfer application was denied. Section 16-4-413 , MCA. Before taking any further action, the Petitioner must know whether the department considers that the new premises constitutes a different premises than the premises previously denied.)

3. The statute, regulation, or order to which Petitioner requests a declaratory ruling is (list statute, regulation or order) which provides (list the pertinent provisions of the statute, regulation, or order identified above) .

4. The question presented for declaratory ruling by the department is (explain the questions being presented to the department) (Example: Petitioner seeks a declaration that the proposed new premises constitutes a different premises than that which was previously denied, thus negating the five-year moratorium of section 16-4-413 , MCA.)

5. Petitioner contends that (provide reasons) . (Example: The proposed new premises constitutes premises that are different from that which were previously applied for and denied, and thus the five-year moratorium under 16-4-413 , MCA, is inapplicable to such proposed new application and the department may consider such proposed new application and issue a license for the proposed new premises.)

6. Petitioner requests a declaratory ruling that (provide the ruling that is sought by the petitioner) . (Example: The proposed new premises constitutes a different premises from that which was denied a transfer application, and thus the five-year moratorium outlined in 16-4-413 , MCA, is inapplicable to such proposed new application and the department may consider such proposed new application and issue a license for the proposed new premises.)

7. (Option 1:) Petitioner knows of no other party similarly affected or otherwise interested.

(Option 2:) Petitioner knows of the following parties who are similarly affected or otherwise interested: (list the parties that are similarly affected) .

Dated this ____ day of _____, ____.

(Name of Petitioner)

- (4) The department reserves the right to ask additional questions if the petitioner's intent is not clearly stated.
- (5) The petition should be mailed directly to the director of the Department of Revenue, P.O. Box 5805, Helena, Montana 59604-5805.

Authorizing statute(s): 15-1-201, MCA

Implementing statute(s): 2-4-501, MCA

History: NEW, 2000 MAR p. 1340, Eff. 5/26/00.