

What is an alteration?

An alteration is a structural change that may or may not increase the square footage of an existing premises. Cosmetic changes such as painting, carpeting, or other interior decorating are not considered an alteration.

Some examples of a structural change are:

- Tearing down a wall.
- Installing a drive through window.
- Expanding into a new space.
- Adding or removing a patio or deck.

Things to consider before starting an alteration:

- Premises must meet suitability based on the license type.
- Alterations must be completed within one year of starting the alteration process or a new application must be submitted to the Department.
- Building, health, fire and Department of Justice (DOJ) inspection approvals:
 - Check local ordinances before starting the alteration.
 - Conditional use permit or other permits may be needed.
 - Existing building deficiencies may require attention.
- Staying open or not:
 - A licensed retail business may stay open during an alteration but must meet suitability based on your license type when operating.
 - A licensed retail business closed for an alteration will need to report nonuse to the Department prior to being closed longer than 90 days and may not be on nonuse longer than one year.
 - A licensed on-premise retail business with a catering endorsement may not cater events while on nonuse.

Notifying the Department when planning an alteration:

Prior to Starting (Applies to all license types)

Alterations that increase the square footage of the existing approved premises must be received and approved by the Department prior to starting the alteration, the licensee must:

- Provide a copy of the proposed floorplan and alteration request form to the Department prior to starting the alteration.
- Meet the requirements in section [16-3-311, MCA](#). (Retail licensees only)
- Notify the Department if the completed alteration differs from the approved alteration request due to modifications required by other state or governmental officials.

Within 7 Days of Starting (Only applies to licensed retail establishments)

Alterations that do not increase the square footage of an existing approved premises. The licensee must:

- Provide a copy of the proposed floorplan and alteration request form to the Department within 7 days of starting the alteration.
- Meet the requirements in section [16-3-311, MCA](#).
- Notify the Department if the completed alteration differs from the approved alteration request due to modifications required by other state or governmental officials.

When an alteration is considered complete and approved:

It is important not to use the new area until the alteration has been completed and approved. Alterations are considered complete and approved when:

- Building, health and fire officials have notified the licensing specialist with their approval.
- DOJ has inspected the premises and notified the licensing specialist that the premises matches the submitted floorplan and meets suitability.
- The licensing specialist sends an alteration approval letter.

SECTIONS [16-3-311, MCA](#), [16-4-402, MCA](#), and [ARM 42.12.106](#), [42.12.145](#), [42.12.146](#), [42.12.147](#), [42.12.148](#), [42.12.149](#), and [42.13.106](#).

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