

THE ALL-BEVERAGES LICENSE



What is it?
How do I get one?
What can I do with it?



Montana Department of
REVENUE

Liquor Control Division

WHAT IS AN ALL-BEVERAGES LICENSE?

An all-beverages license allows the licensee to sell liquor, beer and table wine at retail price for on or off-premises consumption between 8 a.m. and 2 a.m.

An all-beverages licensee can request a catering endorsement that allows the licensee to provide and serve liquor, beer and table wine at special events within 100 miles of the licensed premises.

A person can have interest in up to three all-beverages licenses. All-beverages licenses are located within five miles of an incorporated city or town.

WHERE DO I START?

The Department of Revenue issues a limited number (quota) of all-beverages liquor licenses which is determined by the population of the city or town in which the license operates. To see All-beverages licenses that are available, contact the Department of Revenue toll free at (866) 859-2254 or in Helena at (406) 444-6900 or visit <http://revenue.mt.gov/home/liquor/resources#Useful%20Links> to view the quota sheet.

If a license is available, you can begin the application process. If a license is not available, you may be able to purchase an existing license. Check with a local real estate agent or the Montana Tavern Association for a listing of licenses for sale.

You can file your application electronically at <https://revenue.mt.gov/apply-electronically>.

WHAT ARE THE ASSOCIATED COSTS?

- One-time all-beverages license processing fee: \$400.
- Annual all-beverage license for an incorporated city/town with a population of less than 2,000: \$400.

- Annual all-beverage license for an incorporated city that has a population between 2,000 and 5,000: \$500.
- Annual all-beverages license for an incorporated city that has a population between 5,000 and 10,000: \$650.
- Annual all-beverages license for an incorporated city that has a population of 10,000 or more: \$800.
- Annual catering endorsement fee (if applicable): \$250.
- Fingerprint card fee for each individual with 10% or more interest in the business. Price subject to change.



WHAT DO I NEED TO APPLY?

When applying for an all-beverages license, you need to provide the following:

- A completed alcoholic beverage/gambling operator combined license application.
- A completed liquor authorization to disclose tax information form.

- A certified survey affidavit from the local county or city surveyor identifying the exact location, including the address and quota area (city or county), of the premises.
- A floor plan that includes the business name, physical address, areas where you intend to serve or store alcoholic beverages, seating areas, drink preparation area, external dimensions, entry ways and any patio area. Do not send in the original blueprints, only a copy of the floor plan.

Financial records showing the purchase of the license and/or building, including:

- Signed copies of all loan agreements, contracts, notes and all related security agreements, guarantees and trust indentures.

Note: You must file the non-institutional loan (NIL) form with the application if any lenders or other sources of financing are not state or federally regulated financial institutions, including gifting statements.

- Authorization for examination and release of information for each NIL.
- Personal criminal history statement form for each NIL.
- Two fingerprint cards and fees for each NIL.
- Copies of lease, rent, purchase options, financing agreements or other evidence showing possessory interest in the building.
- Financial statements, such as a balance sheet, income statement or tax return for the business.
- Franchise agreement.

- Copy of business's bank signature card.
- Purchase/transfer documents for the liquor license, such as a buy/sell agreement, contract for deed, warranty deed and bill of sale.



Ownership information (if applicable), including:

- Copy of partnership agreement documentation.
- Copy of Articles of Incorporation and amendments or addenda.
- Copy of Bylaws and amendments or addenda.
- Copy of Certificate of Fact (for LLCs and LLPs).
- LLC organizational information.
- Copy of stock certificates, corporate minutes and attachments.
- Stock ledger or register.
- Certificate of Existence (for in-state corporations).

- Copy of authority to conduct business in Montana (for out-of-state corporations).
- Copy of documentation from the Secretary of State verifying that the assumed business name (ABN) has been approved.
- Copy of federal employer identification number (FEIN) verification from IRS.
- A personal criminal history statement form for each individual with 10% or more interest in the business.
- Two fingerprint cards and fees for each individual with 10% or more interest in the business.



Management information, including:

- Personal criminal history statement form for each location manager.
- Two fingerprint cards and fees for each location manager.

WHAT ARE THE STEPS IN THE APPLICATION PROCESS?

- The application process takes 90 days and begins when the Department of Justice, Gambling Control Division (GCD) receives a complete application package and all supporting documents.
- Application is reviewed by the Department of Revenue, Liquor Control Division (LCD).
- GCD sends a letter to the applicant requesting any additional documents needed.
- After GCD receives all required documents, LCD publishes a legal notice in a newspaper circulated in the city, town or county in which the license would be issued. The notice informs readers of the applicant's intent to acquire a license and where they can send any objections to the license issuance.
- LCD notifies local agencies with jurisdiction over the area (e.g., law enforcement, fire department, health department, etc.) of any deficiencies in the application.
- After the objection deadline and the completion of an audit review, LCD and GCD conduct a final review of the application. If necessary, any additional documents will be requested.
- If one or more people filed an objection, LCD schedules a hearing with the applicant and the person(s) who filed the objection. The application process is paused until the hearing examiner makes a ruling on the application.
- Once the hearing examiner makes a ruling, LCD promptly issues a final decision.

WHAT ARE THE RULES FOR A ALL-BEVERAGES LICENSE?

- All licensees, their agents, and employees must conduct the licensed premises in compliance with all:
 - o alcohol-related provisions of the laws of Montana and the United States.
 - o county and city or town ordinances.
 - o Indian alcohol beverage laws applicable within the areas of Indian country.
 - o rules of the department.

An all-beverages license can:

- allow customers to consume alcoholic beverages in a “smoking hut” if the hut is part of the approved premises on file with the department. You need to be aware of any local laws regarding open alcohol containers.
- close for up to 90 consecutive days without department approval.
- serve alcoholic beverages on your patio, deck, or lawn if:
 - o it was designated on the floor plan you submitted with your application.
 - o it is immediately accessible from the interior premises.
 - o building, health and fire approval has been obtained.
 - o it has a perimeter barrier.

A perimeter barrier is a barricade enclosing the perimeter of the patio/deck. The barrier must be constructed in a manner that impedes foot traffic and clearly defines the boundary of the exterior portion of the premises. The barrier must be a solid structure that is at least three feet high and have a single six-foot entrance permitting public access from an unlicensed area to the patio/deck. The barrier may be constructed of materials such as lattice or wrought iron that do not form a solid structure, have a portion of it be water and have additional entrances permitting public access to the patio/deck.

An all-beverages license cannot:

- lock its doors while there are still customers inside.
- allow anyone (licensee, employee, customer) to consume or sell any alcoholic beverages on the licensed premises between 2 a.m. and 8 a.m.
- allow customers to bring their own alcoholic beverages onto the licensed premises.



- allow customers on the licensed premises between the hours of 2 a.m. and 8 a.m. If the establishment operates in conjunction with a hotel, restaurant, bus depot, railway terminal, grocery store, pharmacy or other lawful business that doesn't sell alcoholic beverages, the other business can remain open.
- allow any alcoholic products that you did not purchase from a beer wholesaler, table wine distributor, brewery, winery or agency liquor store on the licensed premises.
- split product between locations if you own more than one license.
- sell or serve alcoholic beverages through a drive-up window.

An all-beverages license must:

- ensure that all employees serving open-container alcoholic beverages are be 18 years or older.
- ensure all employees who serve or sell alcoholic beverages and their immediate supervisors:
 - o obtain state-approved training within 60 days of hire.
 - o complete renewal training every three years.

You can find a list of approved training providers at www.AlcoholServerTraining.mt.gov.

- notify the department when there is a change in manager for the location.

Miscellaneous:

- Allowing bar tabs is the choice of the licensee.
- You may decide to let someone operate a restaurant out of a portion of your building and sell alcoholic beverages in the restaurant. This type of arrangement is called a concession agreement, which is a mutually beneficial agreement between a retail licensee and a non-licensed entity. You must submit the agreement to the department for review and approval with the one-time processing fee of \$100.



- If you decide to add a poker room to your licensed premises, you need to follow the rules for altering your premises and ensure that you or your employees directly handle all the sales and service of alcoholic beverages in the poker room. You also need to contact the Department of Justice for operating guidelines of a poker room.

- If you decide to remodel your establishment, you need to send the department an alteration request form along with a copy of the existing floor plan and a proposed floor plan showing the alterations.

Once the department reviews and approves the request, you can begin the alteration without it affecting your license. You can request to have your license placed on a non-use status while under construction. You cannot use altered areas until the department has approved them and they have passed building, health and fire inspections.

- If a licensed establishment—such as a dude ranch, resort, park hotel or tourist facility—would like to begin operating its license on a seasonal basis, it needs to send a written request to the department that includes the type of business, justification for operating seasonally and the general dates of operation.

If approved, the license closure is only effective from the date of the department's letter of authorization through the end of the specified period. A licensee must notify the department before changing general dates of operation.



Department of Revenue

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