

# All-Beverages License



**What is an all-beverages license?**

**How do I get one?**

**What can I do with it?**

# What is an all-beverages license?

An all-beverages license allows the licensee to sell liquor, beer and table wine at retail 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 catered events within 100 miles of the licensed premises. See [ARM 42.12.128](#) for specific requirements.

A person can have an ownership interest in up to three (non resort) all-beverages licenses.



## Where do I start?

The Department of Revenue (DOR) Alcoholic Beverage Control Division (ABCD) issues a limited number of all-beverages licenses (quota), which is determined by the population of the city or town in which the license operates (quota area). To see all-beverages licenses that are available, contact the DOR ABCD at (406) 444-6900 or visit [MTRevenue.gov/liquor-tobacco/useful-information/](https://mtrevenue.gov/liquor-tobacco/useful-information/) to view the quota sheet.

Licenses are available in one of three ways:

- First-Come First-Serve
- Competitive Bid
- Purchasing from an existing licensee

If a new license is available on a first-come first-serve basis, you can begin the application process. You can file your application electronically at <https://tap.dor.mt.gov>.

If the license is subject to the competitive bid process, check the DOR ABCD website for availability at [MTRevenue.gov/liquor-tobacco/liquor-licenses/liquor-license-competitive-bidding-process/](https://mtrevenue.gov/liquor-tobacco/liquor-licenses/liquor-license-competitive-bidding-process/). You can also sign up to receive notifications of future competitive bids and keep an eye on the website.

If there are no licenses available, you may be able to purchase an existing license; contact a local real estate agent, the Montana Tavern Association, etc.

## What are the associated costs?

- One-time all-beverages license processing fee: \$400.
- Annual all-beverages license for an incorporated city/town that has a population of less than 2,000: \$400.
- Annual all-beverages 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 percent or more ownership interest in the business. Price subject to change.



## What do I need to apply?

### When applying for an all-beverages license, you must provide the following general information:

- A completed alcoholic beverage/gambling operator combined license application. You have the option to apply with a premises or without a premises (online applications only).
- Temporary Operating Authority form for gambling and/or alcohol requesting to operate before approval (online applications only and some restrictions apply). The form is available at [MTRevenue.gov](https://mtrrevenue.gov).
- A completed ABCD authorization to disclose tax information form for each individual with ownership over 10 percent and each entity for the purchaser of the license and the seller of the license, if applicable. The form is available at [MTRevenue.gov](https://mtrrevenue.gov).
- A certified survey affidavit of the premises may be required from a local county or city surveyor identifying the exact location, including the address and quota area (city or county) if the department determines the proposed premises are in close proximity to a quota area boundary line.
- A floor plan that includes the business name, physical address, areas where you intend to serve and store alcoholic beverages, seating areas, drink preparation area, external dimensions, entryways and any patio or deck area. Do not send in the original blueprints, only an 8 ½ -by-11-inch copy of the floor plan.

**When applying for an all-beverages license, you must provide the following financial information showing the “intent to purchase” the alcoholic beverage license and/or building:**

*NOTE:* You cannot exchange funds for the alcoholic beverage license beyond earnest money of up to 5 percent of the license price without ABCD approval.

- Copies of any loan agreements, contracts, notes and all related security agreements, guarantees, and trust indentures.
- If you used funds other than from a loan you must provide the last six months of bank statements from the bank account you are using to pay for the alcoholic beverage license, building, and/or start-up operating funds for the business.
- Other sources of funding. 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. The form is available at [MTRevenue.gov](https://mtrevenue.gov).
  - Authorization for examination and release of information for each NIL.
  - Personal criminal history statement form for each NIL. The form is found at [MTRevenue.gov](https://mtrevenue.gov).
  - 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. If it is a new business, projected balance sheet and income statements are acceptable.
- Franchise agreement, if applicable.
- Copy of business's bank signature card.
- Purchase/transfer documents for the alcoholic beverage license, such as a buy/sell agreement, contract for deed, warranty deed and bill of sale, if applicable.



**When applying for an all-beverages license, you must provide the following ownership information (based on entity type applying), 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.
- Completed personal history statement form for each individual with 10 percent or more ownership interest in the business. The form is available at [MTRevenue.gov](https://mtrevenue.gov).
- Two fingerprint cards and fees for each individual with 10 percent or more ownership interest in the business.



## **When applying for an all-beverages license, you need to provide the following management information, including:**

- Location Manager Form. The form is available at [MTRevenue.gov](https://MTRevenue.gov).
- Personal criminal history statement form for each location manager. The form is available at [MTRevenue.gov](https://MTRevenue.gov).
- Two fingerprint cards and fees for each location manager.

## **What are the steps in the application process?**

- The application process takes an average of 90 days and begins when the Department of Justice (DOJ), Gambling Control Division (GCD) receives a complete application package and all supporting documents.
- Application is reviewed by the DOR ABCD.
- GCD sends a letter to the applicant requesting any additional documents needed.
- After GCD receives all required documents, ABCD 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.
- ABCD notifies local agencies with jurisdiction over the area (law enforcement, building department, fire department, health department, etc.) of the application in process. They have 14 days to advise the department if the applicant and the premises meet all laws and ordinances.

- If one or more people file an objection, DOR Office of Dispute Resolution 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, ABCD promptly issues a final decision.
- Prior to final approval of any new location, it is the responsibility of the applicant to contact local building, health and fire code officials to schedule inspections. DOR will not approve an application until:
  - Local officials have given notice that the licensed premises meet their requirements.
  - DOJ has conducted a background check of the applicant(s) and verified the location meets suitability requirements.
- After the protest period deadline and the completion of the audit and investigation, ABCD and GCD conduct a final review of the application. If necessary, any additional documents will be requested.

## **What are the rules for an all-beverages license?**

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

## An all-beverages licensee 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. The Non-use form is available at [MTRevenue.gov](https://mtrevenue.gov) under forms.
- Serve alcoholic beverages on your patio, deck, or lawn if:
  - It was designated on the floor plan you submitted with your application.
  - It is immediately accessible from the interior premises.
  - Building, health and fire approval has been obtained.
  - 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 licensee cannot:

- Lock its doors while there are still customers inside unless the licensee has an approved access control system (ACS). The licensee must notify ABCD and local law before implementing an ACS. The form is available at [MTRevenue.gov](https://mtrevenue.gov).
- 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.
- Move product between locations if you own more than one license.
- Sell or serve alcoholic beverages through a drive-up window or vending machines.
- Own any interest in a manufacture license, agency liquor store or a wholesale distributor license.

## **An all-beverages licensee issued through competitive bid cannot:**

- Offer gambling under Title 23, chapter 5, part 3, 5, or 6.
- Stop using the license within the first five years.
- Transfer the license within the first year after receiving the license unless the transfer is due to a death of an owner.
- Propose a location for the license within the first year of operation that had the same license type within the previous 12 months.

## **An all-beverages license issued through competitive bid must:**

- Use the license within one year of being notified as the successful bidder or the bid amount and license are subject to forfeiture.



## An all-beverages licensee must:

- Give law enforcement access to their licensed premises at all times.
- Ensure that all employees serving open-container alcoholic beverages are 18 years or older.
- Notify the department when there is a change in manager within 30 days of hire for the location.
- Notify the department regarding most changes to the existing license before the change occurs. Contact your ABCD Licensing Specialist for more information.
- Ensure all employees who serve or sell alcoholic beverages and their immediate supervisors:
  - Obtain state-approved training (Responsible Alcohol Sales and Service Training [RASS]) within 60 days of hire.
  - Complete renewal training every three years.

You can find a list of approved training providers at [www.AlcoholServerTraining.mt.gov](http://www.AlcoholServerTraining.mt.gov).

## Miscellaneous:

- Additional fees for this type of license may be charged by local city and county agencies.
- All license renewal fees are due whether the license is on non-use status or active.
- Allowing bar tabs is the choice of the licensee.
- Concession Agreements
  - You may allow another party to 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 prior to operating a concession agreement.

- Alterations

- If you decide to remodel your establishment, you need to send ABCD an alteration request form along with a copy of the existing floor plan and a proposed floor plan showing the alterations before starting the alteration. The form is available at [MTRevenue.gov](https://mtrevenue.gov).
- 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, fire and DOJ premises inspections.

- Seasonal Status

- 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 must 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

Alcoholic Beverage Control Division

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Updated 2/2021

LEU-14

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