



Montana Department of

REVENUE

LIQUOR CONTROL DIVISION

Frequently Asked Questions

FREQUENTLY ASKED QUESTIONS BY LIQUOR STORE AGENTS

Q. As a Liquor Store Agent, how many hours a day am I required to be open?

A. You are required to be open a minimum of 6 hours a day. Those hours must be between 8 a.m. and 2 a.m.

Q. As a Liquor Store Agent, what days am I required to be open?

A. You are required to be open Tuesday through Saturday. You must be closed on Sundays, Mondays, and all legal holidays. However; you may be open on Mondays that are not legal holidays, if 51% of the all-beverage licensees in your immediate market area sign a petition agreeing that agency liquor stores located within the immediate market area may be open on Mondays. The petition must be on a form prescribed by the department. The department will verify the validity of the signatures on the petition. If the department determines that the petition contains sufficient and valid signatures, all agency liquor stores within the market area are allowed to transact business on Mondays that are not legal holidays. If a holiday is on a Sunday and you are authorized to be open on Mondays that are not holidays you may be open on Monday; however, the liquor warehouse will observe the holiday on Monday and not be open.

Q. Do I have to place an order every week?

A. No. You can order every other week or according to your needs. We request that if you are not placing an order on a particular week, you notify our office to reduce any confusion.

Q. What is the minimum amount of cases that I can order?

A. To be cost effective, the minimum amount of cases that you may order is four cases. This can be a combination of full cases and re-pack units.

Q. Can I order products in less than full case lots?

A. Yes. The department offers approximately 600 products that can be ordered in less than full case lots. Please refer to the current quarterly price book to confirm which products can be ordered by the bottle. The maximum number of bottles you can order

of these items is dependent on the number of bottles in the case. The following schedule depicts the applicable repack quantity.

<u>Units per case</u>	<u>Max Repack Quantity</u>
3 pack case	1 bottle
6 pack case	2 bottles
12 pack case	3 bottles
24 pack case	6 bottles
48 pack case	12 bottles
50ml	as listed in price book
Holiday Items	as listed on holiday order form

Q. Am I able to view my store information online?

A. Yes. Taxpayer Access Point, (TAP) allows you to view specific information regarding your agency liquor store account online. To begin using TAP you need to register by going to <https://tap.dor.mt.gov/#1> Once you are registered you will be able to view, modify and place your weekly orders. You will also be able to submit your monthly RLD summary reports and view your account status, liquor orders and invoices. TAP is available 24/7 for your convenience.

Q. If I want to sell my store what is the process?

A. If you are considering selling your store you need to contact the Liquor Control Division's Agency Liquor Store Specialist 60 days before the intended effective date of the assignment. The process involves an application process to approve your buyer to ensure they are qualified to become an agent. Upon approval, the actual date of the assignment will be agreed upon and it will be determined which party will be responsible for the store's outstanding payments that are owed to the department.

Q. Can I relocate my store if I want to?

A. Yes. If you are considering relocating your store you will need to notify the Liquor Control Division's Agency Liquor Store Specialist 60 days before the intended date of the relocation for approval. The process involves reviewing a plat plan, floor plan and

shelving layout for the new proposed location. In addition you will need to send a written request stating your reason for request.

Q. Where can an agency liquor store be located?

A. Agency stores located in communities with a population greater than 3,000 may not be located in or adjacent to a grocery store. Agency stores located in communities with a population of less than 3,000 may be located in a grocery store. Stores in communities with more than one agency liquor store must be at least one mile apart.

Q. Can we sample liquor in the store that is given to us by a Montana Liquor Representative?

A. No. You cannot allow any alcoholic beverage container to be open or any alcoholic beverage to be consumed on the premises of the agency. This includes samples from a Montana Liquor Representative. The representative may leave you a sample bottle for you to taste at home.

Q. Can I reduce the price on a product in my store that is not selling very well?

A. You may not sell regular listed products for less than the state's posted price as listed in the current quarterly price book for that month. Special order products must be sold at the price listed in the special order section of the current quarterly price book or the price you were invoiced if the invoice is more recent than the printing of the quarterly price book. If a product (regular list or special order) has been discontinued and is no longer offered by the state liquor warehouse, you may sell it for whatever price you wish.

Q. What can I sell in my store besides liquor?

A. You can sell just about anything you want in your agency liquor store except beer, which includes malt based wine coolers.

Q. Why are some agency liquor stores able to sell beer?

A. Agency liquor stores that had a retail beer license prior to 1994 have a grandfather clause in law that allows them to sell beer and malt based wine coolers.

Q. What is my liquor license number?

A. You do not have a liquor license number and are not a licensee. You operate your store under a contract with the Department of Revenue. The contract is called an Agency Franchise Agreement.

Q. What do I do if I receive product(s) broken in transit or broken by the truck driver during delivery?

A. You will need to fill out an application for credit form using the code 914 to identify that the request is for truck breakage. Make sure to note the damage on the Bill of Lading and have the truck driver sign it. Please send the application for credit form and bill of lading to our office for processing as the truck breakage occurs.

Q. How often should I send in a credit request for defective merchandise?

A. Please send in requests for credit for defective merchandise by the 15th of each month. Do not accumulate defective merchandise for any longer period of time. If you are requesting credit on a product you purchased more than 6 months ago, the credit request will be denied.

Q. Can I request credit for a product I ordered during the month that it was on sale but was unable to receive it because the warehouse was out of stock?

A. Yes. Continue to re-order the out of stock sale item. Once you receive it, please complete a Credit Form for Out of Stock Sale Items. Send this form to our office and a credit will be issued to you for the difference between the sale price and the regular price.

Q. Is the price I am charged based on my pick date or my invoice date?

A. The price you are charged is based on the price of the product on your pick date.

Q. If I receive a product on my truck delivery I do not want, can I just leave it on the truck and send it back to the warehouse with the truck driver?

A. No. You will have to receive it into your store and contact the agency liquor store specialist. Paperwork will be prepared authorizing the product to be picked up by the truck driver on your next delivery and brought back to the warehouse. Once it is received back at the warehouse, a credit will be issued to you. If you elect to keep the product and

Q. Can I purchase liquor from another agency liquor store?

A. Yes. You may purchase liquor from another agency liquor store in limited quantities (50 cases per year). This is beneficial for stores that want to try new products without having to purchase a full case. An agent purchasing product from another agency store shall pay the posted price.

Q. Can I have a drive-up window in my liquor store?

A. No. Selling alcohol through a drive up window is not allowed.

Q. Can I send (mail, UPS, Fed Ex) liquor or wine to a customer?

A. No. You cannot send liquor or wine to a customer that resides in the state of Montana. Montana law does not allow for it. The legality of sending liquor or wine to a customer out of the state of Montana lies with the laws of the receiving state.

Q. As an agent, am I required to take the responsible alcohol server class?

A. No. Only licensees and their employees are required by law to be trained. Liquor store agents are not required to be trained in alcohol sales and service. However, the department strongly encourages you and your employees be trained as well.

Q. How often are the commission rates, sales volume discounts and weighted average discounts reviewed?

A. Commission rate reviews occur every three years. Sales volume discounts are reviewed yearly. Weighted average discount are fixed and may not be changed unless the law is changed.

Q. May I sell alcohol to an intoxicated person?

A. No. It is unlawful to directly or indirectly sell, give or otherwise supply or allow to be sold, given or supplied an alcoholic beverage to any person under the age of 21 or any person apparently, or obviously intoxicated.

Q. Can I store liquor at another location off the premises of the agency store?

A. No. All liquor must be kept on the approved premises of the agency store.

Q. Can I let a bar or an individual take a bottle of liquor and pay for it later?

A. No. Credit may not be extended to a customer for the purchase of liquor. This applies to all customers including all-beverage licensees. All purchases must be paid for on a cash basis upon delivery. The methods of payment are cash, check or credit card.

Q. How old does somebody have to be to work in an agency liquor store?

A. An agent may not permit a person under the age of 18 to perform any of the duties of an agent. While a minor is not allowed to participate in the transaction of sales, a minor may stock shelves and perform other similar duties.

Q. Can I accept returns of liquor from a customer?

A. No. The return of liquor products is unlawful other than those considered to be “ordinary and usual commercial reasons” as defined in the federal code. In short, you can only accept a return if you accidentally sold the wrong product to a customer, if the customer accidentally purchased the wrong product, or if the product is believed to be defective. If a bar terminates business, you may accept the product. Products may not be returned due to the product being slow moving, overstocked or a seasonal product. You may not accept a return from a customer that has purchased too much.

Q. When is my payment for liquor purchases due to the Department?

A. You must make payment for liquor purchased from the state liquor warehouse within 60 days of the invoice date. This means your payment must be received by the department on or before the due date. The department has the right to stop delivery of purchases from the state liquor warehouse for any failure to timely make payments.

Q. Can I make partial payments for liquor purchases to the Department?

A. Yes. You may make partial payments for your liquor purchases but the total amount of the invoice must be paid in full within 60 days of the invoice date.

Q. Can I pay for an invoice as soon as I receive it?

A. Yes. You can make payment for liquor purchases before it is due. To do so, please contact the Liquor Control Division accountant for arrangements to send your payment coupon immediately.

Q. Can I pay for my liquor purchases with a credit card?

A. Yes. You can pay for your liquor purchases with your credit card by registering on “Tax Access Point” (TAP). Fees will apply. You may also pay for your liquor purchases on TAP using your banking information at no charge. TAP is a safe and secure way of managing your liquor account. You may register online to use TAP at the following address: <https://tap.dor.mt.gov/#1>

Q. Do I need to report my sales to licensees to the department?

A. Yes. An agent must report by the 5th working day following the end of the previous month, the total dollar amount and case lot discounts of full-case sales and individual bottle sales to each all-beverage licensee on a form provided or approved by the Department of Revenue.

Q. How much liquor can a consumer purchase for off premise consumption from a Montana micro distillery?

A. A micro distillery can sell up to 1.75 liters a day to an individual; and is required to sell at least at the minimum price as determined by the department.
