



MBWDA

MONTANA BEER AND WINE DISTRIBUTORS ASSOCIATION

2016 -2017 MEMBERSHIP DIRECTORY



MONTANA BEER & WINE DISTRIBUTORS ASSOCIATION

LEGAL

Kristi Blazer

Missouri River Law Office
70 Craig Main Street, Suite B
Craig, MT 59648
406-235-4000
email: kblazer@mbwda.com

ADMINISTRATIVE

P.O. Box 124
Helena, MT 59624

Prudence Gildroy
SECRETARY/
LEGAL ASSISTANT
PGildroy@mbwda.com

Sherri McGuire
BOOKKEEPER
SMcGuire@mbwda.com

Debra Pitassy
COMMUNICATIONS
COORDINATOR
DPitassy@mbwda.com

CONTENTS

Officers and Directors.....	6
Quick Reference Phone List.....	8
Members of the Association	9
Useful State Government Numbers.....	30
State Laws.....	37
Administrative Rules.....	67
MBWDA Bylaws.....	79

MONTANA 2016 PRIMARY AND GENERAL ELECTION CALENDAR

January 14	First day for candidates to file for office
March 14	Deadline for candidates to file for office
May 9	Deadline for voter registration, Primary Election
June 7	Primary Nominating Election
June 17	Signatures due for ballot issues
October 11	Deadline for voter registration, General Election
November 8	Federal General Election

CALENDAR OF EVENTS - 2016

Mar. 13-15	NABCA Legal Symposium Westin Alexandria Alexandria, VA
April 10-13	NBWA Legislative Conference Washington, D.C.
May 20-23	NABCA Annual Conference Orlando, FL
May	MBWDA General Membership Meeting Site and Date TBD
August	MBWDA Board of Director's Budget Meeting Site and Date TBD
Sep/Oct	MBWDA Annual Convention Site and Date TBD
Sep/Oct	Center for Alcohol Policy Legal Symposium Site and Date TBD
Sep 25-28	NBWA 79th Annual Convention and Trade Show, Chicago, Illinois.

To obtain more information regarding any of the NBWA events, please call the NBWA Conventions and Meetings Department at 800-300-6417 or e-mail info@nbwa.org.

OFFICERS & DIRECTORS

OFFICERS

PRESIDENT
Dave Irvin

Eagle Beverage - Great Falls
Presidential term expires 2017,
Past Presidential term expires 2019



VICE PRESIDENT
Jeff Carter

Flathead Beverage - Kalispell
Vice Presidential term expires 2017,
Presidential term expires 2019



BOARD OF DIRECTORS

Carter Mollgaard, M&C Beverage (*Past Presidential Term expiring 2017*)

John Decker, Brigg's Distributing (*elected 2015, term expiring 2019*)

Mark Johnston, Sandy Mac's (*elected 2013, term expiring 2017*)

Mike Markovich, Summit Beverage (*elected 2013, term expiring 2017*)

Harry Watkins, Zip Beverage (*elected 2013, term expiring 2017*)

EXECUTIVE OFFICER AND COUNSEL

Kristi Blazer, Missouri River Law Office - Craig





MBWDA
MONTANA BEER AND WINE DISTRIBUTORS ASSOCIATION

2016 -2017 MEMBERSHIP DIRECTORY

MEMBERS

DISTRIBUTOR [pg #]	PHONE NO.
Blue Rock Distributing Company - Glasgow [pg 15].....	406-433-3734
Blue Rock Distributing Company - Miles City [pg 25].....	406-433-3409
Blue Rock Distributing Company – Sidney [pg 27].....	406-433-3734
Briggs Distributing Company, Inc. [pg 9]	406-294-2337
Cardinal Distributing Company [pg 10].....	406-586-0241
Eagle Beverage [pg 16].....	406-453-5457
Flathead Beverage Co. [pg 22].....	406-755-4203
Fun Beverage, Inc. [pg 23]	406-752-1455
George’s Distributing [pg 19].....	406-442-3980
Glasgow Distributors, Inc. [pg 15].....	406-228-8277
Glendive Coca-Cola Bottling [pg 16]	406-377-2653
Gusto Distributing Company - Great Falls [pg 17].....	406-727-2618
Gusto Distributing Company – Havre (Also see GF, 17) [pg 18]...	406-727-2618
Gusto Distributing Company – Helena [pg 20].....	406-457-2675
Havre Distributors, Inc. [pg 18].....	406-265-6212
Intermountain Distributing Company – Billings [pg 9].....	406-245-7744
Intermountain Distributing Company – Lewistown [pg 24]	406-538-3150
M & C Beverage, Inc. [pg 25]	406-234-0340
Mountain Country Coors – Bozeman [pg 11].....	406-587-9216
Mountain Country Coors – Helena [pg 21]	406-442-7249
Nemont Beverage [pg 15].....	406-228-2454
Sandy Mac’s Distributing, LLP [pg 22].....	406-442-1570
Summit Beverage – Butte [pg 12].....	406-782-9158
Summit Beverage – Missoula [pg 26].....	406-541-3900
Thompson Distributing, Inc. [pg 13].....	406-494-7598
Winegardner’s Wines, Inc. [pg 12]	406-582-8739
Zip Beverage - Butte [pg 14].....	406-723-6528
Zip Beverage - Missoula [pg 27].....	406-728-9543

MEMBERS OF THE ASSOCIATION

BILLINGS

BRIGGS DISTRIBUTING COMPANY, INC.

3545 Hesper Road, Billings, MT 59102
 P.O. Box 80727, Billings, MT 59108-0727
 Phone: (406) 294-BEER (2337)
 Fax: (406) 252-2301
 Email: jdecker@briggsdistributing.com

President: John Decker; Beer Sales Manager: Pete Borowick; Wine Sales Manager: John Salyer; NA Sales Manager: Adam Decker; Operations Manager: Mike Ehlang; Office Manager: Jennifer Mauser-Kallem; HR Administrator: Jim Kaiser.

BEER: Alaskan, Barton Beers, Bayern, Big Hole, Big Sky, Bitterroot, Boston Beer Company, Boulder Brewing, Chimay, Constellation Brands, Deschutes, Diageo Guinness, Fosters, The Front Brewing Company, Great Northern Brewing Co., Heineken (FEMSA), High Falls, Lagunitas Brewing, Left Coast Brewing, Leinenkugel's, Madison River, Mark Anthony Brands, MillerCoors, Molson, New Belgium, New Planet Brewing, Not Your Father's Root Beer, Pabst Brewing Company, Paulaner, Pyramid, SB Northwest, Seagrams, Sierra Nevada, Singha, Smirnoff, Star Brand Imports, United Independent Brewers, Upslope Brewing Company, Warsteiner.

WINE: Alexander Valley, Andretti, Banfi, Bogle, Bridgeview, Bronco Wine Co., Centerra, Charles Krug, Chateau Ste. Michelle, Diageo, Dreyfus Ashby, Dry Creek, Duck Pond, Fess Parker, Fosters Wine Estate, Freixenet, HTD Imports, Henry Estates, Icon Estates, J Lohr, Jordan, Kendall Jackson, Merry Cellars, Milbrandt, Moet Hennessy, Oak Knoll, Perno Ricard, Remy USA, Ridge, Rodney Strong, San Francisco Wine Exchange, Ten Spoon, Thomas Halby, Three Horse Ranch, Vine One, Vineyard Brands, White Rocket, Wilson Daniels, Wine Group, W. J. Deutch, Zonin.

OTHER BEV: A & W, Body Armor Nutrition, LLC, Core Water, Everfresh, Henry Weinhard's, High Brew Coffee, Marleys Beverage, Muscle Milk, Perrier, Red Bull, San Pellegrino, Snapple, Talking Rain, Unique Beverage, Vita Coco, Voss, Xyience.

INTERMOUNTAIN DISTRIBUTING COMPANY

1010 Intermountain Street
 P.O. Box 1772, Billings, MT 59103
 Phone: (406) 245-7744
 Fax: (406) 245-4143

President: Tim Brocopp (tbrocopp@intermountaindistributing.com); General Manager: Steve Buettner (sbuettner@intermountaindistributing.com); Beer Sales Manager: Bruce Jensen (bjensen@intermountaindistributing.com);

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INTERMOUNTAIN DISTRIBUTING COMPANY - CONTINUED

Wine Sales Managers: Jeff Schaaf (jschaaf@intermountaindistributing.com) & Shane Lee (slee@intermountaindistributing.com): Office Manager: Nanette Kuhl (nkuhl@intermountaindistributing.com): Operations Manager: Ken Cushing (kcushing@intermountaindistributing.com)

BEER/CIDER: AB-InBev, Anchor, Angry Hanks, Black Tooth, Bozeman Brewing, Bridgeport, Ciderboys, Craft Brands Alliance, Elysian, Fish/Spire Mountain, Fort Collins Brewing, Four Loko, Full Sail, Grand Teton, Harvest Moon, Heineken, Iron Horse, Jack Daniels Malt, JK Scrumpy Cider, Merchant du Vin, Pabst (Rainier, Colt 45), Radeberger Gruppe, Rogue, Sapporo, Shiner, Snake River, Stone, Total Beverage Solutions, Uberbrew, Vermont Cider, Yellowstone Valley.

WINE: Antigal, APS, ASV, Artisan, Banfi, Boisset, Bronco, Brown Forman, Cabernet Corporation, Caymus, Chateau Diana, Cline, Constellation, Coppola, Daily's, DC Flynt, DFV, Don Sebastiani, E&J Gallo, Ferrari-Carano, Fetzer, Grayson, Great American Wineries, Hand Picked, HB Wine Merchants, Heck Estates, Hess, Hope Family, Juan Gil, Jorge Ordonez, Joseph Phelps, Kobrand, L' Ecole 41, Leonetti, Loosen Bros., Marietta, Martin Ray, Martini & Rossi, Merry Edwards, Michael & David, Mionetto, Mission Mountain, Nicolas, Nine North, Oak Ridge, O'Mara's, Ozeki, Palm Bay, Pasternak, Penner-Ash, Pernod Ricard, Precept, Quintessential, Rainier Wine, Rare Wine Co., R. Stuart, Rutherford Wine, Schug, Segura Viudas, Shaw Ross, Sleight of Hand, Southwest Wines, Steele, Takara, Talbott, Terlato, Terroir Selections, Trincherro, Veuve Clicquot, Vine Street, Vino del Sol, Vintage Point, Vintage Wine Estates, Wagner Family, Willamette Valley, Wine Group, Winebow, Winery Exchange.

OTHER BEV: Barritt's, Calypso, Dust Cutter, Nesquik, XingTea

BOZEMAN

CARDINAL DISTRIBUTING COMPANY

269 Jackrabbit Lane, Bozeman, MT 59718

Phone: (406) 586-0241

Fax: (406) 587-1156

Website: www.cardinaldistributing.com

President: Joe Brandt; jbrandt@cardinaldistributing.com, Operations Manager: Wayne Driscoll; wdriscoll@cardinaldistributing.com, Office Manager: Josh Lewis; jlewis@cardinaldistributing.com, A-B Sales Manager: Rusty Marshall; rmarshall@cardinaldistributing.com, Miller/Pabst/Micro/Import Sales Manager: Keith Dunn; kdunn@cardinaldistributing.com, Wine Sales Manager: Kelly Kulbeck; kkulbeck@cardinaldistributing.com, Warehouse Manager: Travis Gill.

BEER: Anheuser-Busch, Alaska Distributors, Anchor Brewing,

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CARDINAL DISTRIBUTING COMPANY - CONTINUED

BEER (Continued from previous): Ballast Point, Belukus Marketing, Big Hole Brewing, Big Sky Brewing, Boston Beer Company, Bridger Brewing, Crown Imports, Draught Works Brewery, Elysian Brewing, Epic Brewing, Eurobrew, Four Loko, Full Sail Brewing, Heineken, Lewis & Clark Brewing, Madison River Brewing, Manneken-Brussel Imports, Mark Anthony Brands, Merchant Du Vin, Miller Brewing, Missoula Brewing, Outlaw Brewing, Pabst Brewing, Red Lodge Brewing, Sapporo, Snake River Brewing, Stone Brewing, Uberbrew, United Brands, United States Beverage.

WINE: 585 Wine Partners, Accolade Wines, Anderson's Conn Valley, Banfi, Barnard-Griffin, Big Easy Blends, Bookwalter Winery, C&P Wines, Cabernet Corporation, Canopy Management, Carriage House, Chatom Vineyards, Chatter Creek, Chloe Wines, Clever Imports, Cline, Coastal Beverages, Constellation, Cooper Mountain Vineyards, Crew Wine Company, Daily's, D'aquino, Delicato Vintners, Don Sebastiani, Duck Pond, Eugene Winery, F. Korbel & Sons, Fairest Cape Beverage, Ferrari Carano, Fidelitas, Firesteed, Flasq Wines, Fly Line, Foley Family Wines, Folio, Four Graces, Fritz Winery, Global Vineyards, Hahn Family Wines, Halby Marketing Inc, Hdt Importers, Hess Winery, Joseph Phelps, Kendall Jackson, Kenefick Ranch, Kiona Vineyards, Kobrand, Latah Creek Wine Cellars, Levendi, Long Shadows Vintners, Marchetti Imports, Mary Hill Winery, McManis Family Vineyards, Mer Soleil, Mercer Estates, Michael David Vineyards, Mission Mountain, Moet Hennessy, Natalie's Estate Winery, North Berkeley Imports, O'Neill Vintners, Oyster Bay Wine, Palm Bay, Pasternak Wine Imports, Pepper Bridge Winery, Pernod Ricard USA, Plumpjack, Prestige, Quilceda Creek, Quintessential, Rainier Wine, Ramsay Wines, Regency Wine Group, Rombauer Vineyards, Saintsbury, San Francisco Wine Exchange, Selby Winery, Siduri Wines, Silver Lake Winery, Small Vineyards, Terlato, Territorial Vineyards, The Wine Group, Thomas George Estates, Trapper Peak Winery, Treasury Wine Estates, Trentadue Winery, Trincherro, V2 Wine Group, Valdez Family Wines, Vias, Vin De Garde Wines, Vin Du Lac Winery, Vintage Point, White Oaks Vineyards, Winebow, Zonin, & Other Wines. If you would like an up-to-date listing of all wine suppliers, please go to cardinaldistributing.com.

NON-ALCOHOLIC BEVERAGES: Body Armor, Calypso Brands, Dust Cutter, Hansen Soda, Henry's Root Beer, Liquid Management, Nantucket Nectars, Nestle Waters, Orca Beverage Soda Works, Sandwich Isles Trading Co, Snapple, Talking Rain, Taste Nirvana, Team Realtree, Unique Beverage Company, Viva Beverages, Xing Beverage, Xyience.

MOUNTAIN COUNTRY COORS

1715 N. Rouse
P.O. Box 10580, Bozeman, MT 59719-0580
Phone: (406) 587-9216
Fax: (406) 586-7479
Principal: Carl Lehrkind IV

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MOUNTAIN COUNTRY COORS- CONTINUED

BEER: Bitterroot, Blackfoot, Bridgeport Brewery, Coors, Montucky, Shiner.

WINE: Seagram's Wine Coolers.

OTHER BEV: Campbells-V8, Canada Dry, Coke, Dasani, Dr. Pepper, Energy D Nos Full Throttle, Fuze, Glaceau Vita Water, Hi-C, Honest Beverage, Minute Maid, Monster Energy, Muscle Milk, Nestea, Peace Tea, Powerade, Snap- ple Inc, Tum-E Yummies, Water Assorted Evian, Zico Coconu.

WINEGARDNER'S WINES, INC.

342 Gallatin Park Drive, Bozeman, MT 59715

Phone: (406) 582-8739

Fax: (406) 586-1266

WINE: A to Z, Adrian Fog, Beaux Freres, Bliss, Bon Vivant, Broadbent, Cameron Hughes, Cayuse, Classical Wines, Clif Family Wines, Clif Lede, Domaine Serene, Duckhorn, Enotec, Epicurian, Eric Kent, Far Niente, Frederick Wildman, Gundlach Bundschu, Huneus, J. Lohr, J. Soif, Jarvis, Kermit Lynch, Kestrel, Kysela, Loosen Bros., MacRosite, Melville, Nevada County Wine Guild, Neyers, Old Bridge, Organic Vintners, Orin Swift, Ridge, Robert Sinskey, Saviah Cellars, Scenic Root, Shea Cellars, Silver Oak, Silverado, Sonoma-Cutrer, Spann, Spottswoode, Stephen Vincent, TAPWC, TGIC, Tofanelli, Torii Mor, USA Wine West, Wilson-Daniels, Winesellers.

BUTTE

SUMMIT BEVERAGE

1005 South Montana

P.O. Box 3787, Butte, MT 59702

Phone: (406) 782-9158

Fax: (406) 782-4530

Email: dmarkovich@summitbeverage.com

Web: www.summitbeverage.com

Principal/CEO Dale Markovich; President Greg Markovich; VP of Community Relations Mike Markovich; Director of IT/Finance Ryan Morgan; Director of Beer Sales Todd Barry; Vice President of Wine Sales Dan Haney; Director of Human Resource Laurie Galletta; Vice President of Operations Tom Kavran; Operations Manager Luke McGrath.

BEER: ABI, Alaskan Brewing Co, Anchor Brewing Co., Bayern Brewing, Bitterroot Brewing Co., Boston Beer Co, Crown Imports, Deschutes Brewing, Diageo, Draught Works, Flathead Lake Brewing Co, Full Sail Brewing Co, Gambrinus, Glacier Brewing Co, Green Flash, Heineken USA/Femsa, Kettle House Brewing, Lagunitas Brewing Co, Madison River Brewing Co,

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SUMMIT BEVERAGE- CONTINUED

BEER (Continued from previous): Manikan Brussels, Mark Anthony, MillerCoors, Montucky Brewing Co., New Belgium, No-Li Brewing Co., North American Breweries, Pabst Brewing, Pike Brewing Co, Pyramid Brewing Co, Rogue Brewing Co, Sapporo, Scottish New Castle, Sierra Nevada, Spaten, Tamarack Brewing Co., United States Beverage, Warstiener, Philipsburg Brewing Co.

WINE: American Beverage Co, Antares Wine Company, Arbor Crest Wine Cellars, Babcock Vineyards, Badger Mountain Inc, Banfi Vintners, Barnard Griffin Inc., Bergevin, Bogle Vineyards, Bookwalter Winery LLC, Bridgeview Winery, Brown Forman Corp, Caymus Vineyards, CG Di Arie, Chappellet Winery, Charles Krug, Cline Cellars, Constellation / Canandaigua Wines, Delicato Family Vineyards, Diageo North America (Wine), Domaine Napa Wine Co., Don Sebastiani, Dreyfus Ashby Inc., Dry Creek Vineyard, Duck Pond Cellars, E & J Gallo, Far Niente Winery, Ferrari Carano Winery, Firesteed Corporation, Foley Family Wines, Francis Ford Coppola Winery, Freixenet USA Inc, Frogs Leap Winery, Grgich Hills Cellar, Groth Vineyards & Winery, Hahn Family Wines, Heaven Hill, Heck Estates, Heitz Wine Cellars, Hess Collection, Hope Family Vineyards, J. Lohr Winery, Jordan Vineyards, Kenefick Ranch Winery, King Estate Winery, Kobrand Corporation, Majestic Fine Wines, Marietta Cellars Inc., Maryhill Winery, Mercer Wine Estates, Merry Edwards Wines, Michael David Vineyards, Mission Mountain Winery, Moet Hennessy USA, Inc., Opus One Winery, Oyster Bay Wines, Pernod Ricard USA, Plumpjack Winery, Precept Brands LLC, Prestige Wine Group, Raymond Vineyard & Cellar, Ridge Vineyards, Rodney Strong Vineyards, Rombauer Vineyards Inc., Rubicon Estates, Saintsbury, Schmitt Sohne Inc., Seghesio Family Vineyards, Seven Hills Winery, Shaw-Ross International, Small Vineyards, Southern Wine Group LLC, St Supery Vineyards, Stanton Vineyards, Ste Michelle Wine Estates, Steele Wines Inc., Sutter Home / Trinchero, Takara Sake USA Inc., Terlato Wines Int, Trapper Peak Winery, Treasury Estates, Vineyard Brands Inc., Washington Wine & Bev Co., Wine Group, Winebow Inc., Winery Exchange, WJ Deutsch & Sons LTD. **Please visit our website (www.summitbeverage.com) for an up-to-date listing of all wine suppliers.**

OTHER BEV: Henry Weinhard's Soda, Nantucket Nectars, Red Bull, Snapple, Stewart's, Soda, Xyience Energy, YooHoo.

THOMPSON DISTRIBUTING

3941 Wynne Avenue Suite 4
Butte, MT 59701
406-494-7598
406-494-7605 fax
Tdi_st@yahoo.com

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THOMPSON DISTRIBUTING - CONTINUED

Principals: Scott and Mary Thompson

Check out Thompson Distributing on Facebook for an up to date listing of all products.

NA PRODUCTS: Big Spring Water, Cock & Bull, Parkers Hangover Tonic, Santos Mixers.

BEERS: Beaverhead, Bowser, Quarry, Efes, Septem, Wolters, San Miguel, Wildwood Brewing.

WINES: Alexander Valley, Alexandria Nicole, AMN Distributors, Bronco, CalNaturale, Cannon Wines, Chacewater, Chateau Diana, Cidersnap, Cougar Crest, D'Aquino, Domaine St George, Elyse, Empson USA, GK Skaggs, Goelet, Halby Marketing, Hayes Valley, Hidden Legend Wines, Latah Creek McNab Ridge, Montinore, Pacific Prime Imports, Pinnacle Beverage, Quintessential Brands, Pend D Oreille, Rancho Sisquoc, Rutherford, Scotto Cellars, Sonoma Estates Vintners, Star Imports, Teavine, Ten Spoon Wines, The Sorting Table, Toschi, Wine Services International.

ZIP BEVERAGE

3941 Wynne Avenue Box 4
Butte, MT 59701
Phone: (406) 723-6528
Fax: (866) 377-4909

President: Bill Watkins, email: bwatkins@zipbeverage.com; General Manager: Harry Watkins, email: hwatkins@zipbeverage.com; Branch Manager: Bob Sokolich, email: bsokolich@zipbeverage.com; NA Manager: Jim Gross, email: jgross@zipbeverage.com.

BEER: Anheuser-Busch, Stella Artois, Bass, Beck's, Widmer, Redhook, Kona, Big Sky Brewing, Harvest Moon Brewing, Great Northern Brewing, Stone Brewing, Elysian Brewing, Lewis & Clark Brewing, Big Hole Brewing, Quarry Brewing, Beaverhead Brewing, Four Loko, American Vintage.

OTHER BEV: Big Spring Water, Body Armor, Cabana's Lemonade, Calypso Lemonade, Cascade 0 Calorie, Coffee Mate, Crush Soda Pop, Diet Rite Cola, Go Fast Energy, Hubert's Lemonade, Icelandic Glacial Water, Kona Red, Liquid Ice Energy, Marley's Mellow Mood, Muscle Milk, Nesquik Milk, Perrier Sparkling Water, RC Cola, Reed's Ginger Beer, Real Tree Energy, San Pellegrino Sparkling Water, Sierra Mist - Sun Drop Soda Pop, Talking Rain Sparkling Ice, Teddy's Soda Pop, Vernor's Ginger Ale, Virgil's Soda, Vita Coco, Vintage Soda's from Orca, Wired Energy, Xing Tea.

GLASGOW**BLUE ROCK DISTRIBUTING COMPANY**

815 Railroad Aly N.
 P.O. Box 1048
 Glasgow, MT 59230
 Phone:(406) 433-3734
 Fax: (406) 433-4318

Principals: John L. Olson, Karen Olson Beenken and Randy Olson; Vice President & General Manager: Eric Beenken; Vice President & General Sales Manager: Lance Averett; Wine & Allied Brands Manager: Tracy Hagen; Sales Manager: Paul Olszewski.

BEER: Coors.

OTHER BEV: Pepsi-Cola.

GLASGOW DISTRIBUTORS, INC.

725 B.N. Right of Way
 P.O. Box 146, Glasgow, MT 59230
 Phone: (406) 228-8277
 Fax: (46) 228-8277
 Email: admin@glasgowdistributors.com

Principal: John Swanson jswanson@glasgowdistributors.com; Office Manager: Doris Ringstad doris.r@glasgowdistributors.com

BEER: Big Sky Brewing, Corona, Dos Equis, Guinness, Heineken, Kokanee, La Batt's, Miller "Acquired", New Belgium, Pabst, Pyramid, Red Lodge Ales, Rolling Rock, Sierra Nevada, Tecate.

WINE: Almaden, Beringer, B.V., Canandaigua, Constellation, Corbett Canyon, Franzia, Glen Ellen, Inglenook, Kendall Jackson, Mission Mountain, Robert Mondavi, Seagrams, Sebastiani, Stimson Lane, Yellowtail.

OTHER BEV: RC Cola, Red Bull, Snapple, Stewarts, Talking Rain, Zyience.

NEMONT BEVERAGE

178 HWY 24 North
 P.O. Box 432, Glasgow, MT 59230 Phone: (406) 228-2454
 Fax: (406) 228-8521

President: Tim Jennings, General Manager: Cole Redfield; Wine Manager: Garrett Collins; Office Manager: Twylla Isakson.

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NEMONT BEVERAGE- CONTINUED

BEER: A-B, Miller, Boston Beer, Madison River Brewing, The Front, Glacier Brewing, Harvest Moon Brewing.

WINE: E&J Gallo, Sutter Home, Wine Group, Oak Ridge, Chateau Diana.

OTHER BEV: Liquid Ice, Speed Energy, Alo Drink, Dust Cutter, Nestle Water, Cascade Ice.

GLENDIVE

GLENDIVE COCA-COLA BOTTLING

220 S. Douglas
P.O. Box 1049, Glendive, MT 59330
Phone: (406) 377-2653
Fax: (406) 943-4376
Email: coke@middrivers.com

Principal: Daryl Clingingsmith.

BEER: Olympia, Pabst.

GREAT FALLS

EAGLE BEVERAGE

1011 Broadwater Drive
P.O. Box 209, Great Falls, MT 59403
Phone: (406) 453-5457
Fax: (406) 771-7635
Email: dave.irvin@eaglebevmt.com

Principal: Steven B. Williamson; General Manager: Dave Irvin; Business Manager: Cathie Williamson; Office Manager: Dan Petersen.

BEER: A-B, AB Alliance Brands, AB-InBev, American Vintage, Amstel, Anchor Steam, Big Sky Brewing, Bitterroot, Bowser, Elysian, Grand Teton, Great Northern, Harvest Moon Brewing, Heineken, Iron Horse, Jack Daniels Beer, Lewis and Clark, Lone Peak, New Belgium, Pabst Brewing (Pabst, Rainier, Schmidt, Old Milwaukee), Phusion Projects, Raderberger, Stone, Uber Brewing, United Brands, Yellowstone.

WINE: Baer, Bianchi, Blends, Bonny Doon, Brown Forman, Casa Ventura, Caymus, Chemin des Vins, Chloe Imports, Cella, Daily's, E&J Gallo, Efeste, Forgeron, Gilbert Cellars, Hidden Legend, Hightower, Hope Family Vineyards, Lachini, Latah Creek, Liberty School, Luli, Madrigal, Magito, Mogen David, Montebruno, Montinore, New Age, O-S, Oak Ridge, Penthouse, Prestige, Pure-Cru, Quintessential, Sineann, Ten Spoon, Treana, Treasure Hunter, Va Piano, Vinity, Vintage59, Walnut City, Wedell, Zero One.

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EAGLE BEVERAGE- CONTINUED

OTHER BEV: Body Armor, Calypso, Core Water, Crush, Diet Rite, Dust Cutter, Hard Rock, Kill Cliff, Liquid Ice, Muscle Milk, RC Cola, RealTree, Talking Rain, Unique Beverage, Wired, Xing Tea.

GUSTO DISTRIBUTING COMPANY

Mailing: P. O. Box 3407, Great Falls, MT 59403
 Shipping: 501 Crescent Circle, Great Falls, MT 59404
 Phone: (406) 727-2618
 Fax: (406) 761-3474

Principals: Len Watkins, Vice President, General Manager, len@gustobev.com; Ardelle Watkins, President, ardelle@gustobev.com. Sales Manager: Jason Henry Jhenry@gustobev.com); On Premise Manager: James Lewis James@gustobev.com) Operations Manager: Brent Zomer (bzorner@gustobev.com;) Sales Manager: Troy Siron, troysiron@gustobev.com, Off Premise Wine Manager, Bill Johnson, bill@gustobev.com; Fine Wine and On Premise Wine Manager: Jason Naranjo Jasonnaranjo@gustobev.com) NA Manager: Bonni Lewis (blewis@gustobev.com); Warehouse Manager: Bob Matoon (bob@gustobev.com); Vice President Finance: Agnes Mabe (agnes@gustobev.com); Office Manager: Angie Semenza (angiesemenza@gustobev.com) Beer orders: Vickie Williamson (vickie@gustobev.com) Wine Orders: Jeremy Ivie Jeremyivie@gustobev.com).

BEER: MillerCoors, Alaskan, Bayern, Black Eagle, Blackfoot River, Boston Beer, Constellation, Deschutes, Diageo Guinness, Full Sail, Glacier Brewing, Heineken, Kettlehouse, Lagunitas, Madison River, Mighty Moe Brewing, Mark Anthony, Missoula Brewing, New Belgium, North American Beverage, Pabst Brewing, Pyramid, Rogue, Sapporo, Sierra Nevada, The Front, US Beverage.

WINE: Accolade, AH Wines, Amavi, Pepperbridge, Amethyst, Amuse Bouche, Arbor Crest, Au Sommet Banfi/Excelsior Wines, Banknote, Bargetto, Beacon Wine Co., Beam Inc., Biagio Cru & Estate Wine, BNA Wine Group Bogle Vineyards, Bookwalter, Brack Mountain, Bridgeview, Bronco Wine Company, Buscador, C. Mondavi & Sons, Cellar Door, Chateau Diana, Clautiere Vineyard, Cline Cellars, Constellation, Copa di Vino, Crimson Wine Group, DC Flynt, De Bortoli, Del Dotto, Delegat USA, DFV Wines, Diageo Wine Estates, Distinguished Vineyards, Domaine Bousquet, Don Sebastiani, Dreyfus Ashby, Eagle Marketing, Ferrari Carano, Firesteed, Five Grapes, Foley Wines, Folio, Frances Coppola, Freixenet USA, Frey, Gerard Bertrand, Global Imports, Goelet, Golden Glass, Gordon Estates, Grgich Hills, Groth, Hahn, Halby Marketing, Hess, Hoopes J. Lohr, Jackson Family Fine Wine Estates, Jordan, Justin/Landmark, King Estate, Kobrand, Lawrence dba Gard, Lazarre, Liparita, Luna, Mannina Cellars, Martini & Rossi, Mason Cellars, Marietta, Matthews/Tenor Wines, McManis Family Vineyards, Mendocino Wine, Mettler Family Winery MHW Blends, Michael David Winery, Michel Schlumberger, Mionetto, Milbrandt,
 (Continued next page)...

GUSTO DISTRIBUTING COMPANY- CONTINUED

WINE: (Continued from previous): Mission Mountain, Moet & Hennessy, Mont La Salle, M Trinchero, Moet Hennessy, Moone Tsai, Mueller Family, Napa Wine Company, Niven Family Wine, Offbeat Brands, One True Vine, Opolo, Opus One, Pali Wine Company, Paraiso Vineyards, Parker Street Imports, Peachy Canyon, Peltier Station, Pernod Ricard Pianetta Winery, Precept, Prestige, Quady Winery, Rainier Wines, Regal III, Rodney Strong, Roots Run Deep, Royal Wine Company, Rutherford Wine, Rutherford Grove Wines, Salt of the Earth Co, San Francisco Wine Exchange, Schmitt Sohne, Scott Harvey Wines, Scott Paul Wines, Shannon Ridge, Shaw Ross, Shed Horn, Sigrid Carrol Wine Importers, Sky River Meadery, Smasne, Solona Cellars, St, Amant, St. Supery, Ste. Michelle, Stewart Cellars Sun River Vintners, Sweet Cheeks Winery, T Elenteny, Takara Sake, Tennant, Terlado, Terra Vinum, Terravant Wine, The Wine Group, Tin Barn Vineyards, Tobin James Cellars, Treasury Wine Estate, Trinchero Estates, USA Wine West, Villa San Juliette, Vineyard Brands, Vintage Wine Estates, WJ Deutsch, Weinbauer, Wente, Whitman Cellars, Willamette Valley, Wilson Daniels, Wine Trees USA, Winebow, Winery Exchange, Young's Marketing, Zonin, Zorro Negro Imports.

OTHER BEV: Bang, Cabana Lemonades, Campbells VS, Cock & Bull, Henry Weinhard, Nantucket Nectars, Nestle Waters, Nirvana, RC/Diet Rite Cola, Red Bull, Red Line, Snapple, Stewart's, Taste of Florida, Vita Coco, Xyience.

HAVRE

GUSTO DISTRIBUTING COMPANY

Havre, MT

Operations Manager: Brian Smith (brians@gustobev.com)

BEER: Pabst Brewing (Pabst, Rainier, Schlitz, Colt 45, Old Milwaukee), Harvest Moon; others see Gusto, Great Falls.

WINE/OTHER BEV: See Gusto, Great Falls

HAVRE DISTRIBUTORS, INC.

935 1st Street, Havre, MT 59501

Phone: (406) 265-6212

Fax: (406) 265-7262

Principal: Ken Myers; Equity Manager: Alec McKay.

BEER: A-B, Big Sky, Heineken.

WINE: Gallo, Mogen David, Brown Forman.

HELENA**GEORGE'S DISTRIBUTING**

2710 Broadwater Ave
 PO 1126
 Helena, MT 59624
 Phone: (406) 442-3980
www.georgesdistributing.com

Chelsey Frank, President, chelseyg@mt.net; Jim George, Owner, jim@mt.net; Steve Reiman, General Manager, stever@mt.net; Meghan Brown, Market Manager, meghanbrownmt@icloud.com; Katie Schar, katie.schar@gmail.com; Brian Earl Gustin, Operations Manager, brimark@mt.net; Randy St. Clair, Warehouse Manager, georgesinventory@gmail.com; Jimmy Doolan, Office Manager/Human Resources, jimmyd@mt.net; Jennifer Bessette, Accounts Receivable/Payable; jenniferb@mt.net; Sheila Kranich, Purchasing, sheilak@mt.net; Kaci Clark, Purchasing, kacic@mt.net; Tatum Curtis, Marketing, tatum@mt.net; Kat Northup, Chain Accounts, katn@mt.net

BEER & CIDER: Black Diamond Brewing Co., Blackfoot River Brewing, Boulder Beer, Cabinet Mountain Brewing, Carter's Brewing, Crazy Mountain Brewing Co., Draught Works, Glacier Brewing Co., Global Beer, Gordon Biersch Brewing Co., Higher Ground Brewing Co., Julian Hard Cider, Lakefront Brewery, Laughing Dog Brewing, Lone Peak Brewery, Meadowlark Brewing Co., Montana CiderWorks, Neptune's Brewery, S & H Brands, St. Killians Imports, Shmaltz Brewing Co, Selkirk Abbey Brewing, Ten Mile Creek Brewing, Terminal Gravity Brewing, Wandering Aengus Cider, Wetten Importers.

GLASSWARE: Riedel Crystal, Go Vino

WINE & SAKE: A To Z Wineworks, Adelsheim Vineyard, Amavi Cellars, Albert Bichot, Alexana Estate and Vineyards, Appellation, Arterberry Maresh, ASV Wines, Inc, Avignonesi; Balletto Vineyards, Bergstrom Winery, Bethel Heights Vineyard, Black Kite Cellars, Boisset Family Estates, Bond, Buehler Vineyards, Bunchgrass Winery, CBC BevCo, Cannon Wines Unlimited, Cannonball Wine Company, Capataz USA, Carlton Cellars, Castle Rock Winery, Chandler Reach Vineyards, Chappellet, Charles Smith Wines, Chateau Bianca, Chateau Montelena, Choya Umeshu USA, CIV (USA) Import, Colene Clemens Vineyards, Colgin Cellars, Continuum, Craft & Estate, Cristom Vineyards, Dalla Terra, Darioush, Dashe Cellars, David Arthur Winery, De Grazia Imports, Don Sebastiani & Sons, DuMol, Dunham Cellars, Eberle Winery, Elk Cove Vineyards, Eric Soloman, Failla, Foley Family Wines, Folio Fine Wines, Frederick Wildman, Frontier Wine Imports, Gallatin Associates, Goldschmidt Vineyards, Grape Expectations, Green & Red Vineyard, Grosventre Cellars, Harlan Estate, Hedges Family Estate, Heron Wines, Hill Estates LLC, Honig Vineyards, Huneeus Vintners, Indigenous Selections, Iron Horse Vineyards, J Dusi Wines, Jack Poust, Joto Sake, K Vintners, Kathryn Kennedy Winery, Ken Wright Cellars, Kingston Family Vineyards, Kistler Vineyards, Klinker Brick Winery, Kosta Browne Winery, Ladera Vineyards, Lail Vineyards, Landmark Vineyards,

(Continued next page)...

GEORGE'S DISTRIBUTING COMPANY- CONTINUED

WINE & SAKE (Continued from previous): Lang & Reed Wine Company, Lange Winery, Langtry Estate And Vineyards, L'Ecole No 41, Ledge Vineyards, Lewis Cellars, Linne Calodo, Littorai, Lucas & Lewellen Vineyards, Lynmar, Magave Tequila, Inc, Maisons Marques & Domaines USA Inc., Mandolin Vintners, Masciarelli Wine Co., Massanois Imports, Medlock Ames, Middleton Family, Miner Family Winery, Misa Imports, Montagna Napa Valley, Morgan Winery, Mount Eden Vineyards, Navarro Vineyards, Ojai Vineyard, Old Bridge Cellars, O'Neill Vintners and Distillers, Opici Wine, Orbus Wine Selections, Owen Roe, P Comms International, Pahlmeyer, Palm Bay Imports, Paradigm, Paul Hobbs Argentina, Paul Hobbs Winery, Peirano Estate Vineyards, Penner-Ash Wine Cellars, Pepper Bridge Winery, Petit Hameau, Phifer Pavitt Wine, Precept Brands, Prestige Wine Imports Corp., Pride Mountain Vineyards, Purple Wine Co., Raden, Radio Coteau, Ramey Wine Cellars, Raptor Ridge, Reininger, Revelry Vintners, Revana Family Vineyard, Rex Hill, Reynvaan, Riondo, Robert Biale Vineyards, Robert Craig, Robert Foley Vineyards, Robert Kacher Selections, Robert Keenan Winery, Rosenblum Cellars, Rudi Wiest Selections, Rutini Wines, Ryan Patrick Vineyards, San Antonio Winery, Schrader Cellars, Scotto Cellars, Sean Minor Wines, Sea Smoke Cellars, Shafer Vineyards, Shaw Ross International Importers, Sidney Frank Importing (Gekkeikan), Sivas-Sonoma, Skinner Vineyards, Sonoma Wine Co., Soos Creek Cellars, Soter Vineyards, Sorelle Casa Fine Wines, Southern Starz, Sovereign Brands, Steele Wines, Inc., Stephan Vineyards Inc, Stone Wolf Vineyards, T-Vine Cellars, Tamarack Cellars, Tamber Bey Vineyards, TGIC Importers, Terlato Wines International, The Other Guys, Inc., Toad Hollow Vineyards, TOR Kenward Family Wines, Trisaetum, Truchard Vineyards, Truett Hurst, Tuck Beckstoffer, Turley Wine Cellars, Two Mountain Winery, Union Wine Company, USA Wine West, Vias, Vine Connections, Vinternational, Vintus LLC, Walla Walla Vintners, Winderlea Vineyards and Winery, Washington Vintners, Whitehall Lane, Wilson Daniels, Willakenzie Estate, Wine Group, Wine Hooligans, LLC, Wine Warehouse, Winebow, Wines U., Woodhouse Family Cellars, Woodward Canyon Winery, Youngs Market, Zenaida Cellars, Zonin USA.

GUSTO DISTRIBUTING COMPANY

1026 Blaine, Helena, MT 59602
(406) 457-2675

Sales Manager: Jason Henry, Jhenry@gustobev.com; Operations Manager: Mike Dahlen, miked@gustobev.com; On Premise Supervisor: Lynn Hellman: lynnhellman@gustobev.com; Off-Premise Wine: Terry Morrison: terrym@gustobev.com, Fine Wine Manager: Jason Naranjo: jasonnaranjo@gustobev.com, NA Manager: Bonni Lewis: blewis@gustobev.com.

BEER: Miller Brewing, Alaskan Brewing, Big Sky, Constellation, Deschutes, Full Sail, Glacier Brewing, Great Northern, Harvest Moon, Heinkein,

(Continued next page)...

GUSTO DISTRIBUTING COMPANY - CONTINUED

BEER (Continued from previous): Kettlehouse, Lagunitas, Madison River, Mighty Mo, Missoula Brewing, Pabst Brewing (Colt 45, Not Your Father's Root Beer, Rainier), Sierra Nevada, the Front, US Beverage.

WINE: Accolade, AH Wines, Amethyst Vineyards, Amuse Bouche LLC, Arbor Crest, AU Sammet, Banknote Wines, Bargetto Wines, Beacon Wine Company, Beam, Inc., Biagio Cru 7 Estate, BNA Wine Group, Bookwalter Winery, Brack Mountain/Enos Vineyards, Bridgeview, Bronco, Buscador, C Mondavi & Sons, Cellar Door, Chateau Diana, Clautere Vineyard, Copa Di Vino, Crimson Wine Group, DC Flynt, De Bartoli, Del Dotto, Delegat USA, Distinguished Vineyards, Domaine Bousquet, Don Sebastiani, Dreyfus Ashby, Five Grapes, Francis Coppola, Gerard Bertrand, Global Vineyards, Goelet, Gordon Estates, Groth Vineyards, Halby Marketing, Hess Collection, Hoopes Family Winery, Jackson Family Fine Wines, Justin, Lazarre Winery, Liparita, Luna Vineyards, Mannina Cellars, Mason Cellars, McManis Family Vineyards, Mendocino Wine Co., Mettler Family Winery, Michael David Winery, Mont la Salle, Moone Tsai Wines, Mueller Family Vineyards, Napa Wine Co., Niven Family Wine, Offbeat Brands, One True Vine, Opolo Vineyards, Pali Wine Co., Paraiso Vineyards, Parker Street/Chocovine, Peachy Canyon Wines, Peltier Staation/G. Schatz Farms, Inc., Pianetta Winery, Quady Winery, Rainier Wine, Regal III, Roots Run Deep, Royal Wine Co., Rutherford Grove, Salt of the Earth, Scott Harvey Wines, Scott Paul Wines, Shannon Ridge Winery, Shed Horn Cellars, Sigrid Carrol Wine Importers, Smasne Cellars, So Iona Cellars, St. Amant Vineyard, St. Supery Wines, Stewart Cellars, Sun River Vintners, Sweet Cheeks Winery, T. Elenteny Imports, Takara/Sake USA, Tenor Wines, Terra Vinum LLC/Purple Star Winery, Terravant Wine Co., Tin Barn Vineyards, Tobin James Cellars, Treasury Wine Estates, Trincherro Estates, USA Wine West, Villa San Juliette, Vineyard Brands, Weinbauer, Wentte Family Estates, Willamette Valley Vineyard, Wine Trees USA, Zonin, Zorro Negro Imports, LLC.

OTHER BEV: Bang, Cabana Lemonades, Campbell's VS, Cock & Bull, Henry Weinhardt, Nantucket Nectars, Nestle Waters, Red Bull, Red line, RC/Diet Rite Cola, Taste Nirvana, Taste of Florida, Vita Coco, Xyience.

MOUNTAIN COUNTRY COORS

1201 N Ewing

P.O. Box 145, Helena, MT 59624

Phone: (406) 442-7249

Fax: (406) 449-4637

Principal: Carl Lehrkind IV clehrkind4@bozeman.com Branch Manager, Operations: Mark Steingruber msteingruber@helenacoke.com Beer Sales Manager, Other Bev: Mitch Morey mmorey@helenacoke.com Wine Sales Manager: Danny Bragg dbragg@helenacoke.com Office Manager: Geoff Rawson grawson@helenacoke.com

(Continued next page)...

MOUNTAIN COUNTRY COORS - CONTINUED

BEER: Angry Orchard, Blue Moon, Bass Ale, Bayern, Boulder Brewing, Beck's, Bitterroot, Bozone, Bridgeport, Coors, Dos Equis, Grand Teton, Guinness, Harp, Hornsby, Kaliber, Kokanee, Kronenbourg, Labatts Blue, Mikes, Mark Anthony, Molson, Montucky Cold Snack, Moosehead, New Belgium, Old Milwaukee, Olympia, Pabst, Par Bay, Pilsner Urquell, Pyramid, Red Stripe, Rogue, Rolling Rock, Sam Adams, Twisted Tea, San Miguel Premium, Sapparo, Schlitz High Gravity, Shiner Bock, Smirnoff, Smithwick, Sol, Spark (Miller), Spaten, Tecate.

WINE: B&G, Banfi, Barefoot, Benziger, Burgess, Caymus, Chalk Hill, Chalone, Cline, Clos du Bois, Clos du Val, Corbett Canyon, Deloach, Ferrari-Carano, Franciscan, Frey, Gallo, Grgich Hills, Kayser, Kenwood, Monterey, Parducci, R. Mondavi, Ravenswood, Rodney Strong, Rosemount, Rosenblum, Seagrams Chateau & Estates, Silver Oak, Silverado, Ste. Chappelle USA, Sterling, Stimson Lane, Wine Group, Winebow, Wyndham.

OTHER BEV: Campbells-V8, Canada Dry, Coke, Dasani, Dr. Pepper, Energy D Nos Full Throttle, Fuze, Glaceau Vita Water, Hi-C, Honest Beverage, Minute Maid, Monster Energy, Muscle Milk, Nestea, Peace Tea, Powerade, Snapple Inc, Tum-E Yummies, Water Assorted Evian, Zico Coconu.

SANDY MAC'S DISTIBUTING, LLP

2525 Airport Road, Helena, MT 59601

Phone: (406) 442-1570

Fax: (406) 443-6029

Partner: Trevor MacDonald, Email: trevor@sandymacs.com; Partner/General Manager: Mark Johnston, Email: mark@sandymacs.com Office Manager: Sherry East, Email: sherry@sandymacs.com Sales Manager: Brian Barnes, Email: brian@sandymacs.com

BEER: 4-Loko, ABI, Cider Boys, Clausthaler, Elysian, Goose Island, Hoegaarden, Iron Horse, Joose, Kirin, Kona Brewing, Leffe, Lewis & Clark Brewing, Lone Peak, Radeberger, Red Hook, Red Lodge Brewing, Schofferhofer, St. Pauli Girl, Stella, Stone Brewing, Widmer, Woodchuck.

OTHER BEV: Body Armor, Calypso Lemonade, Cascade Ice, Cool Blue, Core Water, Dust Cutter Lemonade, Go Fast, Hard Rock Energy, High Brew Coffee, Kill Cliff, Liquid Ice, Marleys, Real Tree, Talking Rain, Teddy's Soda, Vernors, Wired, Xing Tea, Zing Zang.

KALISPELL

FLATHEAD BEVERAGE CO.

1380 Highway 2 West

Kalispell, MT 59901

(Continued next page)...

FLATHEAD BEVERAGE CO. - CONTINUED

Phone: (406) 755-4203

Fax: (406) 756-3452

Equity/General Manager – Jeff Carter (Jeff.Carter@flatheadbeverage.com)

BEER: Anheuser Busch, Craft Brands Alliance, Ironhorse Brewing, Elysian Brewing, Stone Brewing, Glacier Brewing, Bitter Root Brewing, Harvest Moon Brewing, Phusion Products, American Vintage Beverages, Kootenai River Brewing, US Beverage Group, Cider Boys/Steven's Point Brewery, Lewis & Clark Brewing, Tieton Cider Co, Grand Teton Brewing, Radeberger Group.

OTHER BEV: Unique Beverage, Xing Teas, Liquid Ice, A&W bottling, Hansen's Lemonades, Body Armor, Clausthaler, Dust Cutter Lemonades, Ace Cider Co.

FUN BEVERAGE, INC.

175 School House Loop

Kalispell, MT 59901

Phone: (406) 752-1455

Fax: (406) 752-5678

Email: info@funbeverage.com

Website: www.funbeverage.com

President & COO: Brian Clark, ext. 124, (bclark@funbeverage.com); Vice President, Beer Division: Bradley Smith, ext. 127, (bradsmith@funbeverage.com); Vice President, Wine Division : Kim Clausen, ext. 133, (kclausen@funbeverage.com); Vice President, Non-Alcohol Division: Gary McClarty, ext. 129, (gmc@funbeverage.com); Beer Development Manager: Dan Gladden, ext. 135 (dgladden@funbeverage.com); Wine Development Manager: Eric Anderson, ext.155 (eanderson@funbeverage.com) Office & IT Manager: Kathryn Maroney, ext. 125, (kmaroney@funbeverage.com), Warehouse Operations Manager: James Floyd, ext. 120, (jlfloyd@funbeverage.com).

BEER: Alaskan, Anheuser Busch-InBev (Kokanee), Bayern Brewing, Big Hole Brewing, Big Sky Brewing, Blackfoot Brewing, Boston Beer Co., Cabinet Mountain Brewing, Constellation Brands – Beer Division, Deschutes, Diageo-Guinness USA, Draught Works, Flathead Lake Brewing, Front Brewing, Full Sail Brewing, Gambrinus, Great Northern Brewing, Grizzly Cider Works, Heineken USA, KettleHouse Brewing, Madison River Brewing, Mark Anthony Brands (Mike's), Miller/Coors, Moosehead USA, New Belgium Brewing, No Li Brewing, Pabst Brewing, Pyramid Breweries, Rogue Ales, Sierra Nevada, Tamarack Brewing, Warsteiner.

WINE: American Beverage Co., American Pioneer Wine Growers, Banfi, Barnard-Griffin, Beaux Freres, Betz Family Winery, Blends Inc., Bogle, Bookwalter, Brown-Forman, C. Mondavi & Sons, Cline Cellars, Constellation Brands, Copa di Vino, Copper Cane LLC, Crew Wine Co., Crimson Wine Group, D.C. Flynt, Deutsch Family Wines, DFV, Diageo Wine Estates,

(Continued next page)...

FUN BEVERAGE, INC. - CONTINUED

WINE (Continued from previous): Distinguished Vineyard's & Wine Partners, Don Sebastiani & Son's, Duckhorn Wine Co., E&J Gallo Winery, Elixir Wine Group, Excelsior Wine Group, Ferrari-Carano, Fetzer Vineyards, Firesteed, Foley Family Wines, Francis Coppola Winery, Freixenet USA, Frogs Leap, Greg Graham Wines Inc., Grigich Hills, Hidden Legend Winery, Hahn Family Wines, Hope Family Wines, Inglenook Vineyards, J. Lohr Wines, J Winery, Jackson Family Wines, Jim Beam Brands Co., Jordan, Justin Winery, Kenwood Vineyard's, King Estate, Kobrand, Korbel, Landmark Vineyards, Latah Creek, Marietta Cellars, Martini & Rossi, Maryhill Winery, Mason Cellars, Michael David Winery, Mission Mountain Winery, Moet Hennessy USA, Old Bridge Cellars, One True Vine, Our Daily Red, Orleans Hill, Oyster Bay, Pacific Rim Winery, Park Street Imports, Pernod Ricard, Plumpjack, Precept Brands, Prestige Wine Company, Quilceda Creek, Rainer Wine Company, Ridge Vineyards, Rock Sake, Rodney Strong, Rombauer, Rubicon, San Francisco Wine Exchange, Saviah Cellars, Schmitt Sohne, Shaw Ross, Sonoma Cutrer, Spottswoode, Staglin, St. Supery, Steele, St. Michelle Wine Estates, Ten Spoon Winery, Terravant Wine Co., Terlato Wine Int., Titus Vineyards, Treasury Wine Estates, Trinchero Family Estates, Vintage Point Estates, Vintage Wine Estates, Wagner Family of Wine, Wente Family Estates, Willamette Valley Vineyards, Wilson-Daniels, Wine Group, Winebow.

OTHER BEV: Boxed Water, Campbell's, Cock 'N Bull, Diageo-Guinness USA (Kaliber), Dr Pepper/Snapple (Crush, Diet Rite, Deja Blue, Hires, Nantucket, Royal Crown, Snapple, Stewarts, Sun Drop, Venom, Yoohoo), Heineken USA (Buckler), King Juice Company (Calypso), Lehrkinds (Big Spring Water), Miller/Coors (Coors NA, Henry Weinhard Sodas), Nestle Waters North America Inc. (Arrowhead, Nestle Pure Life Water, Perrier, San Pellegrino), Nestle USA (Nesquik, Coffee Mates), North American Beverages (Barritt's Ginger Beer, Flathead Lake Monster Sodas), Northwest Products To Market (Core Water, High Brew), Orca (Jammer Sodas), Red Bull North America, Sutter Home Winery (Sutter Fre'), alking Rain (Ice, Sparkling & Spring Waters), Voss Water, Xyience Beverage Company

LEWISTOWN

INTERMOUNTAIN DISTRIBUTING COMPANY- LEWISTOWN

403 South Dawes
P.O. Box 1071, Lewistown, MT 59457
Phone: (406) 538-3150
Fax: (406) 538-2706

President: Tim Brocopp (tbrocopp@intermountaindistributing.com); Branch Manager: John Stokken, (jstokken@midrivers.com); Office Manager: Nicki Martin (jnco@midrivers.com)

BEER: AAB-InBev, Angry Hanks, Black Tooth, Bozeman Brewing, Ciderboys, Craft Brands Alliance, Elysian, Fish/Spire Mountain, Harvest Moon, Heineken,
(Continued next page)...

INTERMOUNTAIN DISTRIBUTING COMPANY- LEWISTOWN - CONT'D.

BEER (Continued from previous): Iron Horse, Pabst (Rainier, Olympia), Schof-ferhofer, Uberbrew, Vermont Cider, Yellowstone Valley.

WINE: Daily's, E&J Gallo, Fetzer, Quintessential, Wine Group, Winery Ex-change.

OTHER BEV: Calypso, Dust Cutter, Liquid Ice, Pepsi Cola, XingTea

MILES CITY

BLUE ROCK DISTRIBUTING COMPANY

217 N. 8th Street, Miles City, MT 59301

P.O. Box 1705, Sidney, MT 59270

Phone: (406) 433-3409

Fax: (406) 433-4318

Principals: John L. Olson, Karen Olson Beenken and Randy Olson; Vice President & General Manager: Eric Beenken; Vice President & General Sales Manager: Lance Averett; Wine & Allied Brands Manager: Tracy Hagen; Sales Manager: Dan Anderson.

BEER: Coors, Miller, Pabst.

WINE: B&J, Beringer, Brown-Forman, Canandaigua, Cella, Gallo, Glen Ellen, Robert Mondavi, Seagrams, Seagram Classics, Sebastiani, Stimson Lane, Sutter Home, The Wine Group.

OTHER BEV: Pepsi-Cola.

M & C BEVERAGE

419 North 9th Street

P.O. Box 1181, Miles City, MT 59301

Phone: (406) 234-0340

Fax: (406) 234-0361

Principal: Carter Mollgaard; Executive Assistant: Sue Zagorda; General Manager: Doug Petroff; Brand Manager: Jeff Bush, Wine Manager: Carlo Swenson.

BEER: AB-InBev, Beaver Creek Brewery, Black Tooth Brewing, Harvest Moon, Kokanee, Phusion Products, Red Lodge Ales, Meadowlark Brewing, Lewis & Clark Brewing, Madison River Brewing, UberBrew, Glacier Brewing, Schoffer-hoffer.

WINE: Bronco, D'Aquino, Ten Spoon, Hidden Legend, Scotto Cellars.

OTHER BEV: Liquid Management Partners and Dust Cutter.

MISSOULA

SUMMIT BEVERAGE

3305 Great Northern Way, Missoula, MT 59808

Phone: (406) 541-3900

Fax: (406) 541-2374

Website: www.summitbeverage.com

Principal/CEO Dale Markovich; President Greg Markovich; VP of Community Relations Mike Markovich; Director of IT/Finance Ryan Morgan; Director of Beer Sales Sparky Lapka; Vice President of Wine Sales Dan Haney; Director of Human Resource Laurie Galletta; Vice President of Operations Tom Kavran.

BEER: ABI, Alaskan Brewing Co, Anchor Brewing Co., Artisanal Imports, Bayern Brewing, Bitterroot Brewing Co, BlackFoot Brewing, Boston Beer Co, Crown Imports, Deschutes Brewing, Diageo, Draught Works, Flathead Lake Brewing Co, Full Sail Brewing Co, Glacier Brewing Co, Green Flash, Grizzly Ciders, Heineken USA/Femsa, Kettle House Brewing, Lagunitas Brewing Co, Madison River Brewing Co, Manneken Brussels, Mike's Lemonade, MillerCoors, No-Li Brewing, Northwest Brewing Co., Pabst Brewing, North American Breweries, Pike Brewing Co, Rogue Brewing Co, Sapporo, Sierra Nevada, Spaten, Tamarack Brewing Co., Warstiener, Philipsburg Brewing Co.

WINE: American Beverage Co, Antares Wine Company, Arbor Crest Wine Cellars, Babcock Vineyards, Badger Mountain Inc, Banfi Vintners, Barnard Griffin Inc., Bergevin, Bogle Vineyards, Bookwalter Winery LLC, Bridgeview Winery, Brown Forman Corp, Caymus Vineyards, CG Di Arie, Chappellet Winery, Charles Krug, Cline Cellars, Constellation / Canandaigua Wines, Delicato Family Vineyards, Diageo North America (Wine), Domaine Napa Wine Co., Don Sebastiani, Dreyfus Ashby Inc., Dry Creek Vineyard, Duck Pond Cellars, E & J Gallo, Far Niente Winery, Ferrari Carano Winery, Firesteed Corporation, Foley Family Wines, Francis Ford Coppola Winery, Freixenet USA Inc, Frogs Leap Winery, Grgich Hills Cellar, Groth Vineyards & Winery, Hahn Family Wines, Heaven Hill, Heck Estates, Heitz Wine Cellars, Hess Collection, Hope Family Vineyards, J. Lohr Winery, Jordan Vineyards, Kenefick Ranch Winery, King Estate Winery, Kobrand Corporation, Majestic Fine Wines, Marietta Cellars Inc., Maryhill Winery, Mercer Wine Estates, Merry Edwards Wines, Michael David Vineyards, Mission Mountain Winery, Moet Hennessy USA, Inc., Opus One Winery, Oyster Bay Wines, Pernod Ricard USA, Plumpjack Winery, Precept Brands LLC, Prestige Wine Group, Raymond Vineyard & Cellar, Ridge Vineyards, Rodney Strong Vineyards, Rombauer Vineyards Inc., Rubicon Estates, Saintsbury, Schmitt Sohne Inc., Seghesio Family Vineyards, Seven Hills Winery, Shaw-Ross International, Small Vineyards, Southern Wine Group LLC, St Supery Vineyards, Stanton Vineyards, Ste Michelle Wine Estates, Steele Wines Inc., Sutter Home / Trinchero, Takara Sake USA Inc., Terlato Wines Int, Trapper Peak Winery, Treasury Estates, Vineyard Brands Inc., Washington Wine & Bev Co., Wine Group, Winebow Inc., Winery Exchange, WJ Deutsch & Sons LTD. **Please visit our website (www.summitbeverage.com) for an up-to-date listing of all wine suppliers.**

(Continued next page)...

SUMMIT BEVERAGE- CONTINUED

OTHER BEV: Henry Weinhard's Soda, Nantucket Nectars, Red Bull, Snapple, Stuart's Soda, Xyience Energy, YooHoo.

ZIP BEVERAGE

1301 Scott Street, Missoula MT 59802
 Phone: (406) 728-9543
 Fax: (866) 377-4909

President: Bill Watkins, email: bwatkins@zipbeverage.com; General Manager: Harry Watkins, email: hwatkins@zipbeverage.com; Sales Manager: Doug Davis, email: ddavis@zipbeverage.com; Off-Premise Supervisor: Pat Benson, email: pbenson@zipbeverage.com; On-Premise Supervisor: Brad Sweeney, email: bsweeney@zipbeverage.com; Inventory Manager: Trevor O'Neil, email: toneil@zipbeverage.com; Controller: Chris Thomas, email: cthomas@zipbeverage.com.

BEER: Anheuser-Busch, Stella Artois, Bass, Beck's, Widmer, Redhook, Kona, Big Sky Brewing, Harvest Moon Brewing, Great Northern Brewing, Heineken, Newcastle, Strongbow, Merchant DuVin, New Belgium Brewing, Bridgeport Brewing, Pabst, Rainier, Schmidt, Colt 45, Stone Brewing, Elysian Brewing, Lewis & Clark Brewing, Quarry Brewing, Missoula Brewing Company, Seagram's, Four Loko, American Vintage.

OTHER BEV: Big Spring Water, Body Armor, Cabana's Lemonade, Calypso Lemonade, Cascade 0 Calorie, Coffee Mate, Crush Soda Pop, Diet Rite Cola, Go Fast Energy, Hubert's Lemonade, Icelandic Glacial Water, Kona Red, Liquid Ice Energy, Marley's Mellow Mood, Muscle Milk, Nesquik Milk, Perrier Sparkling Water, RC Cola, Reed's Ginger Beer, Real Tree Energy, San Pellegrino Sparkling Water, Sierra Mist - Sun Drop Soda Pop, Talking Rain Sparkling Ice, Teddy's Soda Pop, Vernor's Ginger Ale, Virgil's Soda, Vita Coco, Vintage Soda's from Orca, Wired Energy, Xing Tea.

SIDNEY**BLUE ROCK DISTRIBUTING COMPANY**

501 9th Ave. NE
 P.O. Box 1705, Sidney, MT 59270
 Phone: (406) 433-3734
 Fax: (406) 433-4318

Principals: John L. Olson, Karen Olson Beenken and Randy Olson; Vice President & General Manager: Eric Beenken; Vice President & General Sales Manager: Lance Averett; Wine & Allied Brands Manager: Tracy Hagen; Sales Manager: Ron Messmer.

BEER: Coors, Miller, Pabst.

OTHER BEV: Pepsi-Cola.



MBWDA
MONTANA BEER AND WINE DISTRIBUTORS ASSOCIATION

2016 -2017 MEMBERSHIP DIRECTORY

GOVERNMENT

USEFUL STATE GOVERNMENT NUMBERS

DEPARTMENT OF REVENUE

P.O. Box 1712, Helena, MT 59624

Mike Kadas, Director444-1900

Liquor Control Division444-6900

Shauna Helfert, Administrator.....444-1464

Denise Brunett, Liquor Licensing Bureau Chief....444-0711

ON-PREMISES LIQUOR CONSUMPTION LICENSE (By County)		
COUNTY	SPECIALIST	PHONE
Beaverhead - 18	Cori Kerins	406-444-0712
Big Horn - 22	Vickie Zincke	406-444-0713
Blaine - 24	Vickie Zincke	406-444-0713
Broadwater - 43	Cori Kerins	406-444-0712
Carbon - 10	Dani Tenneson	406-444-4332
Carter - 42	Mike Sell	406-444-3505
Cascade - 2	Cori Kerins	406-444-0712
Chouteau - 19	Vickie Zincke	406-444-0713
Custer - 14	Vickie Zincke	406-444-0713
Daniels - 37	Vickie Zincke	406-444-0713
Dawson - 16	Dacia English	406-444-0728
Deer Lodge - 30	Cori Kerins	406-444-0712
Fallon - 39	Vickie Zincke	406-444-0713
Fergus - 8	Cori Kerins	406-444-0712
Flathead - 7	Dacia English	406-444-0728
Gallatin - 6	Dani Tenneson	406-444-4332
Garfield - 50	Dani Tenneson	406-444-4332
Glacier - 38	Cori Kerins	406-444-0712
Golden Valley - 53	Dani Tenneson	406-444-4332
Granite - 46	Mike Sell	406-444-3505
Hill - 12	Dacia English	406-444-0728
Jefferson - 51	Dani Tenneson	406-444-4332
Judith Basin - 36	Cori Kerins	406-444-0712
Lake - 15	Mike Sell	406-444-3505
Lewis & Clark - 5	Cori Kerins	406-444-0712
Liberty - 48	Dacia English	406-444-0728
Lincoln - 56	Dacia English	406-444-0728
Madison - 25	Dani Tenneson	406-444-4332
McCone - 41	Dacia English	406-444-0728
Meagher - 47	Vickie Zincke	406-444-0713

Continued next page

ON-PREMISES LIQUOR CONSUMPTION LICENSE - CONTINUED		
COUNTY	SPECIALIST	PHONE
Mineral - 54	Mike Sell	406-444-3505
Missoula - 04	Mike Sell	406-444-3505
Musselshell - 23	Vickie Zincke	406-444-0713
Park - 49	Dani Tenneson	406-444-4332
Petroleum - 55	Dani Tenneson	406-444-4332
Phillips - 11	Cori Kerins	406-444-0712
Pondera - 26	Dacia English	406-444-0728
Powder River - 9	Vickie Zincke	406-444-0713
Powell - 28	Cori Kerins	406-444-0712
Prairie - 45	Mike Sell	406-444-3505
Ravalli - 13	Mike Sell	406-444-3505
Richland - 27	Dacia English	406-444-0728
Roosevelt - 17	Dacia English	406-444-0728
Rosebud - 29	Dani Tenneson	406-444-4332
Sanders - 35	Mike Sell	406-444-3505
Sheridan - 34	Dacia English	406-444-0728
Silver Bow - 1	Cori Kerins	406-444-0712
Stillwater - 32	Dacia English	406-444-0728
Sweet Grass - 40	Dani Tenneson	406-444-4332
Teton - 31	Dacia English	406-444-0728
Toole - 21	Dacia English	406-444-0728
Treasure - 33	Vickie Zincke	406-444-0713
Valley - 20	Dacia English	406-444-0728
Wheatland - 44	Dani Tenneson	406-444-4332
Wibaux - 52	Mike Sell	406-444-3505
Yellowstone - 3	Vickie Zincke	406-444-0713

MISCELLANEOUS LICENSES

Off-premises liquor licenses Beer Wine Wholesaler/ Distributor	Dacia English	406-444-0728
Special Permits	Jessica Barnes	406-444-4015
Foreign Winery, Foreign Hard Cider and Foreign Brewery	Jessica Barnes	406-444-4015
Vender Reps	Jay Gaughan	406-444-2909
Key Tags and Industry Promo Approvals	Jessica Barnes and Kacey Collins	406-444-4015 406-444-6457

USEFUL STATE GOVERNMENT NUMBERS CONTINUED

Department of Justice

Motor Vehicle Division - 302 N. Roberts, PO Box 201430, Helena, MT 59620
Commercial Drivers License Help Desk.....444-3244

Governor's Office

State Capitol, P.O. Box 200801, Helena, MT 59620-0801
Honorable Steve Bullock
Governor.....444-3111
Citizen Advocate.....1-800-332-2272

Legislature (when in session)

State Capitol, Helena, MT 59620
Members—Message Center.....444-4800
Fax Number House444-4825
Fax Number Senate444-4875

USEFUL FEDERAL GOVERNMENT NUMBERS

Tax & Trade Bureau

1310 G Street, NW., Box 12, Washington, DC 20005
Bureau of Alcohol & Firearms.....202-453-2000

U.S. Senate

Washington, D.C. 20510
Senator Steve Daines.....(202) 224-2651
Senator Jon Tester(202) 224-2644

U.S. House of Representatives

Rep. Ryan Zinke.....(202) 225-3211

SENATOR STEVE DAINES

Washington, D.C.

320 Hart Senate Office Bldg.
Washington, D.C. 20510
(202) 224-2651

Billings

222 North 32nd Street,
Suite 100
Billings, MT 59101
(406) 245-6822

Bozeman

220 W. Lamme, Ste. 1D
Bozeman, MT 59715
(406) 587-3446

Great Falls

104 4th Street North
Suite 302
Great Falls, MT 59401
(406) 453-0148

Helena

Empire Block
30 West 14th Street,
Suite 206
Helena, MT 59601
(406) 443-3189

Missoula

218 E. Front St., Ste. 103
Missoula, MT 59802
(406) 549-8198

SENATOR JON TESTER

Washington, D.C.

311 Hart Senate Office Building
Washington, DC 20510-2604
(202) 224-2644
Fax: (202) 224-8594

Great Falls

119 1st Avenue N, Suite 102
Great Falls, MT 59401
Ph. (406) 452-9585
Fax (406) 452-9586

Billings

Judge Jameson Federal Building
2900 4th Ave., N., Suite 201
Billings, MT 59101
Ph. (406) 252-0550
Fax (406) 252-7768

Helena

Capital One Center
208 N. Montana Avenue,
Suite 202
Helena, MT 59601
Ph. (406) 449-5401
Fax (406) 449-5462

Bozeman

Avant Courier Bldg.
1 E. Main Street, Suite 202
Bozeman, MT 59715
Ph. (406) 586-4450
Fax (406) 586-7647

Kalispell

8 Third St. East
Kalispell, MT 59901
Ph. (406) 257-3360
Fax (406) 257-3974

Butte

Silver Bow Center
125 W. Granite, Suite 200
Butte, MT 59701
Ph. (406) 723-3277
Fax (406) 782-4717

Missoula

130 W. Front Street
Missoula, MT 59802
Ph. (406) 728-3003
Fax (406) 728-2193

Glendive

122 W. Towne
Glendive, MT 59330
Ph. (406) 365-2391
Fax (406) 365-8836

REPRESENTATIVE RYAN ZINKE

Washington, DC Office

113 Cannon House Office Building
Washington, DC, 20515
Phone: (202) 225-3211
Fax: (202) 225-5687

Great Falls District Office

710 Central Ave
Great Falls, MT 59401
Phone: (406) 952-1210
Fax: (406) 952-1211

Helena District Office

910 N. Last Chance Gulch, Suite B
Helena, MT 59601
Phone: (406) 502-1435
Fax: (406) 502-1436

Missoula District Office

1008 South Avenue
Suite 2
Missoula, MT 59801
Phone: (406) 540-4370
Fax: (406) 540-4371

Billings District Office

222 North 32nd Street, Suite 900
Billings, MT 59101
Phone: (406) 969-1736
Fax: (406) 702-1182



MBW'DA

MONTANA BEER AND WINE DISTRIBUTORS ASSOCIATION

2016 -2017 MEMBERSHIP DIRECTORY

STATE LAWS

STATE LAWS

LAWS

16-1-101. Citation — declaration of policy — subject matters of regulation. (1) Chapters 1 through 4 and 6 of this title may be cited as the “Montana Alcoholic Beverage Code”.

(2) It is the policy of the state of Montana to effectuate and ensure the entire control of the manufacture, sale, importation, and distribution of alcoholic beverages within the state subject to the authority of the state acting through the department.

(3) This code is an exercise of the police power of the state for the protection of the welfare, health, peace, morals, and safety of the people of the state and of the state’s power under the 21st amendment to the United States constitution to control the transportation and importation of alcoholic beverages into the state. The overall purposes of this code under the 21st amendment to the United States constitution are to promote temperance, create orderly markets, and aid in the collection of taxes. The provisions of this code must be broadly construed to accomplish these purposes.

16-1-106. Definitions. As used in this code, the following definitions apply:

(1) “Agency franchise agreement” means an agreement between the department and a person appointed to sell liquor and table wine as a commission merchant rather than as an employee.

(2) “Agency liquor store” means a store operated under an agency franchise agreement in accordance with this code for the purpose of selling liquor at either the posted or the retail price for off-premises consumption.

(3) “Alcohol” means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

(4) “Alcoholic beverage” means a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume.

(5) (a) “Beer” means:

(i) a malt beverage containing not more than 8.75% of alcohol by volume; or

(ii) an alcoholic beverage containing not more than 14% alcohol by volume:

(A) that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and

(B) in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.

(b) The term does not include a caffeinated or stimulant-enhanced malt beverage.

(6) “Beer importer” means a person other than a brewer who imports malt beverages.

(7) “Brewer” means a person who produces malt beverages.

(8) “Caffeinated or stimulant-enhanced malt beverage” means:

(a) a beverage:

(i) that is fermented in a manner similar to beer and from which some or all of the fermented alcohol has been removed and replaced with distilled ethyl alcohol;

(ii) that contains at least 0.5% of alcohol by volume;

(iii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55; and

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine; or

(b) a beverage:

(i) that contains at least 0.5% of alcohol by volume;

(ii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55;

(iii) to which is added a flavor or other ingredient containing alcohol, except for a hop extract;

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine;

(v) for which the producer is required to file a formula for approval with the United

- States alcohol and tobacco tax and trade bureau pursuant to 27 CFR 25.55; and
- (vi) that is not exempt pursuant to 27 CFR 25.55(f).
 - (9) "Community" means:
 - (a) in an incorporated city or town, the area within the incorporated city or town boundaries;
 - (b) in an unincorporated city or area, the area identified by the federal bureau of the census as a community for census purposes; and
 - (c) in a consolidated local government, the area of the consolidated local government not otherwise incorporated.
 - (10) "Department" means the department of revenue, unless otherwise specified, and includes the department of justice with respect to receiving and processing, but not granting or denying, an application under a contract entered into under 16-1-302.
 - (11) "Growler" means any refillable, resealable container complying with federal law.
 - (12) "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% of alcohol by volume and not more than 6.9% of alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.
 - (13) "Immediate family" means a spouse, dependent children, or dependent parents.
 - (14) "Import" means to transfer beer or table wine from outside the state of Montana into the state of Montana.
 - (15) "Liquor" means an alcoholic beverage except beer and table wine. The term includes a caffeinated or stimulant-enhanced malt beverage.
 - (16) "Malt beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.
 - (17) "Package" means a container or receptacle used for holding an alcoholic beverage.
 - (18) "Posted price" means the wholesale price of liquor for sale to persons who hold liquor licenses as fixed and determined by the department and in addition an excise and license tax as provided in this code. In the case of sacramental wine sold in agency liquor stores, the wholesale price may not exceed the sum of the department's cost to acquire the sacramental wine, the department's current freight rate to agency liquor stores, and a 20% markup.
 - (19) "Proof gallon" means a U.S. gallon of liquor at 60 degrees on the Fahrenheit scale that contains 50% of alcohol by volume.
 - (20) "Public place" means a place, building, or conveyance to which the public has or may be permitted to have access and any place of public resort.
 - (21) "Retail price" means the price established by an agent for the sale of liquor to persons who do not hold liquor licenses. The retail price may not be less than the department's posted price.
 - (22) "Rules" means rules adopted by the department or the department of justice pursuant to this code.
 - (23) "Sacramental wine" means wine that contains more than 0.5% but not more than 24% of alcohol by volume that is manufactured and sold exclusively for use as sacramental wine or for other religious purposes.
 - (24) "Special event", as it relates to an application for a beer and wine special permit, means a short, infrequent, out-of-the-ordinary occurrence, such as a picnic, fair, reception, or sporting contest.
 - (25) "State liquor warehouse" means a building owned or under control of the department for the purpose of receiving, storing, transporting, or selling alcoholic beverages to agency liquor stores.
 - (26) "Storage depot" means a building or structure owned or operated by a brewer at any point in the state of Montana off and away from the premises of a brewery, which building or structure is equipped with refrigeration or cooling apparatus for the storage of beer and from which a brewer may sell or distribute beer as permitted by this code.

(27) "Subwarehouse" means a building or structure owned or operated by a licensed beer wholesaler or table wine distributor, located at a site in Montana other than the site of the beer wholesaler's or table wine distributor's warehouse or principal place of business, and used for the receiving, storage, and distribution of beer or table wine as permitted by this code.

(28) "Table wine" means wine that contains not more than 16% of alcohol by volume and includes cider.

(29) "Table wine distributor" means a person importing into or purchasing in Montana table wine or sacramental wine for sale or resale to retailers licensed in Montana.

(30) "Warehouse" means a building or structure located in Montana that is owned or operated by a licensed beer wholesaler or table wine distributor for the receiving, storage, and distribution of beer or table wine as permitted by this code.

(31) "Wine" means an alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than 0.5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

16-1-406. Taxes on beer. (1) (a) A tax is imposed on each barrel of 31 gallons of beer sold in Montana by a wholesaler. A barrel of beer equals 31 gallons. The tax is based upon the total number of barrels of beer produced by a brewer in a year. A brewer who produces less than 20,000 barrels of beer a year is taxed on the following increments of production:

- (i) up to 5,000 barrels, \$1.30;
- (ii) 5,001 barrels to 10,000 barrels, \$2.30; and
- (iii) 10,001 barrels to 20,000 barrels, \$3.30.

(b) The tax on beer sold for a brewer who produces over 20,000 barrels is \$4.30.

(2) The tax imposed pursuant to subsection (1) is due at the end of each month from the wholesaler upon beer sold by the wholesaler during that month. The department shall compute the tax due on beer sold in containers other than barrels or in barrels of more or less capacity than 31 gallons.

(3) Each quarter, in accordance with the provisions of 17-2-124, of the tax collected pursuant to subsection (1), an amount equal to:

(a) 23.26% must be deposited in the state treasury to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism and chemical dependency; and

(b) the balance must be deposited in the state general fund.

16-3-101. Alcoholic beverage transactions — only in accordance with code. (1) A person who manufactures, imports, distributes, or sells alcoholic beverages or the person's agent may not give or sell to any person within the state any alcoholic beverage except as may be permitted by and in accordance with the provisions of this code.

(2) (a) Except as otherwise provided by this code, a person or the person's agent may not ship, transport, or consign or cause to be shipped, transported, or consigned:

- (i) any alcoholic beverage to any person in this state who does not hold a valid wholesaler's license or connoisseur's license issued by the department; or
- (ii) any liquor except to the state liquor warehouse.

(b) The prohibition in subsection (2)(a) includes alcoholic beverages ordered or purchased by telephone, computer, or other device, except by persons holding a valid connoisseur's license provided for in 16-4-901.

(3) Except as otherwise provided by this code, alcoholic beverages shipped, transported, or consigned pursuant to subsection (2)(a) and intended for sale to any person not licensed under this code must be distributed by the licensed wholesaler to a licensed retailer for sale to the ultimate consumer.

16-3-213. Brewers or beer importers not to retail beer — small brewery exceptions. (1) Except as provided for small breweries in subsection (2), it is unlawful for any brewer or breweries or beer importer to have or own any permit to sell or retail beer at any place or premises. It is the intention of this section to prohibit brewers and beer importers from engaging in the retail sale of beer. This section does not prohibit breweries from selling and delivering beer manufactured by them, in original packages, at either wholesale or retail.

(2) (a) For the purposes of this section, a “small brewery” is a brewery that has an annual nationwide production of not less than 100 barrels or more than 10,000 barrels.

(b) A small brewery may, at one location for each brewery license, provide samples of beer that were brewed and fermented on the premises in a sample room located on the licensed premises. The samples may be provided with or without charge between the hours of 10 a.m. and 8 p.m. No more than 48 ounces of malt beverage may be sold or given to each individual customer during a business day.

16-3-214. Beer sales by brewers -- sample room exception. (1) Subject to the limitations and restrictions contained in this code, a brewer who manufactures less than 60,000 barrels of beer a year, upon payment of the annual license fee imposed by 16-4-501 and upon presenting satisfactory evidence to the department as required by 16-4-101, must be licensed by the department, in accordance with the provisions of this code and rules prescribed by the department, to:

- (a) sell and deliver beer from its storage depot or brewery to:
 - (i) a wholesaler;
 - (ii) licensed retailers if the brewer uses the brewer’s own equipment, trucks, and employees to deliver the beer and if:
 - (A) individual deliveries, other than draught beer, are limited to the case equivalent of 8 barrels a day to each licensed retailer; and
 - (B) the total amount of beer sold or delivered directly to all retailers does not exceed 10,000 barrels a year; or
 - (iii) the public;
- (b) provide its own products for consumption on its licensed premises without charge or, if it is a small brewery, provide its own products at a sample room as provided in 16-3-213; or
- (c) do any one or more of the acts of sale and delivery of beer as provided in this code.

(2) A brewery may not use a common carrier for delivery of the brewery’s product to the public or to licensed retailers.

(3) A brewery may import or purchase, upon terms and conditions the department may require, necessary flavors and other nonbeverage ingredients containing alcohol for blending or manufacturing purposes.

(4) An additional license fee may not be imposed on a brewery providing its own products on its licensed premises for consumption on the premises.

(5) This section does not prohibit a licensed brewer from shipping and selling beer directly to a wholesaler in this state under the provisions of 16-3-230.

16-3-217. Purposes. The legislature finds and declares that the purposes of 16-3-218 through 16-3-226 are to assure continued interbrand competition in malt beverage sales through competing independent wholesalers and to assure breweries the ability to protect the reputations of their products through quality control arrangements.

16-3-218. “Distribute” defined. As used in 16-3-219, 16-3-220, 16-4-103, and 16-4-108, “distribute” means to deliver beer or wine to a retailer’s premises licensed to sell beer, table wine, or sacramental wine.

16-3-219. Dock sales restricted. Beer or wine may not be delivered to a licensed retailer at any location other than the retailer’s licensed premises, except that a retailer located within the territory for which a wholesaler has been appointed to distribute a

brand may personally or through an employee obtain from the wholesaler's warehouse quantities of beer not exceeding three barrels in packaged or draft form. An all-beverages licensee may upon presentation of the licensee's license or a photocopy of the license personally obtain from any wholesaler's warehouse the quantities of beer as the licensee and the wholesaler may agree to buy and sell.

16-3-220. Wholesalers' service obligations — applicability. (1) A wholesaler appointed to distribute a brand of beer within a territory specified by agreement pursuant to 16-3-222 shall call on and offer that brand to at least 75% of the retailers within that territory at least every 3 weeks. However, if the brand of beer for which the wholesaler is appointed is a product of a brewer or beer importer whose products are not generally available, the wholesaler shall, at least every 3 weeks, call on and offer that brand to as many retailers within that territory as is reasonably possible given the amount of that brand that is available to the wholesaler.

(2) If a retailer's account with a wholesaler is current as required under 16-3-243, the wholesaler may not refuse to sell the retailer any generally available brand of beer for which the wholesaler has been appointed for the territory in which the retailer is located. The wholesaler shall offer to deliver the beer to the retailer at least every 3 weeks.

(3) For the purposes of this section, a brewer or beer importer's products are not generally available if:

(a) all of the brands of a brewer or beer importer shipped to a wholesaler during the most recent calendar quarter total less than 600 barrels;

(b) all of the brands of a brewer or beer importer shipped into the state total less than 1,200 barrels in each of the 2 consecutive preceding calendar quarters; and

(c) all of the brands produced by the brewer at all of its facilities total less than 150,000 barrels per year.

(4) This section applies to all beer distribution agreements entered into, assigned, or amended after July 1, 1986. It does not apply to a distribution agreement for a named brand entered into before July 1, 1986, but does not prohibit a brewer who is a party to an agreement from requiring the appointed wholesaler to fulfill similar service obligations in the territory.

16-3-221. Illegal acts by brewers or beer importers. (1) It is unlawful for any brewer or beer importer or any officer, agent, or representative of any brewer or beer importer to:

(a) coerce, attempt to coerce, or persuade any person licensed to sell beer at wholesale to enter into any agreement or to take any action that would violate or tend to violate any of the laws of this state or any rules promulgated by the department;

(b) sell its products in the state without a written contract, which conforms to the provisions of 16-3-221 through 16-3-226, with each appointed licensed wholesale distributor;

(c) designate or allow more than one wholesale distributor to sell or distribute a specific brand of the brewer's or beer importer's products to retail licensees in the same area, provided that nothing in this part prohibits the brewer or beer importer from designating more than one wholesale distributor to sell or distribute different brands of the same manufacturer to retail licensees in the same area;

(d) fix or maintain the price at which a wholesale distributor resells the brewer's or beer importer's products. Without limitation, it is a violation of this section if:

(i) after a wholesale distributor has exceeded a resale price increase recommended by a brewer or beer importer, the brewer or beer importer raises the price that it charges the wholesale distributor for those products within 60 days;

(ii) after a wholesale distributor has exceeded a resale price increase recommended by a brewer or beer importer, the brewer or beer importer raises the price that it charges the wholesale distributor in an amount proportionately larger than the amount that it raised the wholesale distributor's prices initially when compared to the increase in the resale price that it recommended to the wholesale distributor; or

(iii) the brewer or beer importer links or ties its participation in promotional discounts to the wholesale distributor's compliance with any recommended resale price.

(e) cancel, terminate, discontinue, or fail to renew, except for just cause and in accordance with the current terms and standards established by the brewer or beer importer then equally applicable to all wholesalers, any agreement or contract, written or oral, or the franchise of any wholesaler existing on January 1, 1974, or entered into after that date to sell beer manufactured by the brewer or imported by the beer importer. A brewer or beer importer may, notwithstanding the preceding sentence, make reasonable classifications among wholesalers. If a brewer or beer importer cancels or terminates a wholesaler's franchise, the brewer or beer importer has the burden of proving that the classification was reasonable and not arbitrary. The provisions of 16-3-221 through 16-3-226 must be a part of any franchise, contract, agreement, or understanding, whether written or oral, between any wholesaler of beer licensed to do business in this state and any manufacturer or beer importer doing business with the licensed wholesaler just as though the provisions had been specifically agreed upon between the wholesaler and the manufacturer or beer importer. A wholesaler of beer licensed to conduct business in the state may not waive any of the protections or agree to any provision contrary to 16-3-221 through 16-3-226 by any conduct, including but not limited to the signing of any contract or agreement with terms contrary to those provisions.

(2) (a) Just cause as used in subsection (1)(e) means that the wholesaler failed to comply with the reasonable requirements placed on the wholesaler by the brewer or beer importer as a part of any written franchise, contract, or agreement between the parties.

(b) The sale or purchase or other restructuring of the brewer or beer importer by a successor in the manufacturing tier of the beer industry does not constitute just cause as that term is used in subsection (1)(e).

(c) For the purposes of this subsection (2), a successor means a person or entity who replaces a brewer or beer importer with regard to the right to manufacture, sell, distribute, or import a brand or brands of beer regardless of the character or form of the succession. A successor is obligated to all of the terms and conditions of any franchise, contract, agreement, or understanding, whether written or oral, in effect on the date of succession. A successor has the right to contractually require its wholesalers to comply with operational standards of performance if the standards are uniformly established for all of the successor's wholesalers and conform to the requirements of this section.

16-3-222. Mandatory provisions of brewer-wholesaler or beer importer-wholesaler contracts, agreements, and franchises. All contracts, agreements, or franchises between a brewer and a wholesaler or a beer importer and a wholesaler must specifically set forth or contain the following:

(1) that the brewer or beer importer or any officer, agent, or representative of any brewer or beer importer and the wholesaler involved mutually shall determine the size or extent of the area in which the wholesaler may sell or distribute the products of the brewer or beer importer to the retail licensees. The territory must be the territory agreed upon between the wholesaler and brewer or the wholesaler and beer importer and may not be changed without the mutual consent of both the wholesaler and brewer or the wholesaler and beer importer.

(2) the agreed-upon brands of the brewer or beer importer to be sold by the wholesaler;

(3) that the brewer or beer importer recognizes that the wholesaler is free to manage the wholesaler's business in the manner that the wholesaler considers best and that this prerogative vests in the wholesaler the exclusive right to establish selling prices, to select the brands that the wholesaler wishes to handle, and to determine the effort and resources that the wholesaler will exert to develop and promote the sale of the brewer's or beer importer's products handled by the wholesaler;

(4) a procedure for the review of alleged wholesaler deficiencies asserted by the brewer or beer importer to constitute just cause as provided in 16-3-221, including the submission in writing to the wholesaler by the brewer or beer importer of the deficiencies, if the deficiencies are susceptible of correction and if the wholesaler desires to correct the deficiencies, and that a reasonable period of time must be given the wholesaler for rectification of the deficiencies prior to any notice of intent to terminate;

(5) a termination clause providing that the brewer or beer importer shall deliver, in writing, to the wholesaler a 60-day notice of intent to terminate the agreement, contract, or franchise;

(6) that all agreements between a brewer and a wholesaler are interpreted and governed by the laws of Montana and that those laws must be liberally construed to effectuate the remedial purpose of the protections of the beer franchise law contained in 16-3-221 through 16-3-226;

(7) that in any dispute resulting in litigation between a brewer or a beer importer and a wholesaler, the litigation must occur in a Montana court, either federal or state, unless that forum would create an unreasonable burden on any party, as determined by the court in which the litigation is commenced;

(8) that all agreements between a brewer or a beer importer and a wholesaler must recognize the constitutional right to a jury trial as set forth in Article II, section 26, of the Montana constitution.

16-3-223. Transfer of wholesaler's interest in business. A wholesaler may sell or transfer the business or an interest in the business to any person or to one or more members of the wholesaler's family or heirs or legatees, whether the wholesaler operates as an individual, a partnership, or corporation. However, the consent of the brewer or beer importer in writing is required for the transferee to continue as a wholesaler of the brewer or beer importer. The consent must consider the personal, financial, and managerial responsibilities and capabilities of the transferee, and the consent may not unreasonably be withheld.

16-3-224. Contractual or franchise relationship — existence by actions. The doing or accomplishing of any of the following acts constitutes prima facie evidence of a contractual or franchise relationship between a licensed wholesaler and a brewer or beer importer within the contemplation of 16-3-221 through 16-3-226:

(1) the shipment, preparation for shipment, or acceptance of any order by any brewer or beer importer or its agent for any beer to a licensed wholesaler within this state;

(2) the payment by any licensed wholesaler within this state or the acceptance of payment by any brewer or beer importer or its agent for the shipment of an order of beer intended for sale within this state.

16-3-225. Injunction to prevent franchise cancellation. Any court of competent jurisdiction may enjoin the cancellation or termination of a franchise or agreement between a wholesaler and a brewer or between a wholesaler and a beer importer at the instance of a wholesaler who is or would be adversely affected by the cancellation or termination. In granting an injunction, the court shall provide that the brewer or beer importer shall not supply the customers or territory of the wholesaler who is servicing the territory or customers through other distributors or means while the injunction is in effect.

16-3-226. Brewer-wholesaler or beer importer-wholesaler agreements filed with department. An exact copy of all agreements, contracts, or franchises between a brewer or beer importer and a wholesaler shall be filed with the department as a public document and shall be available to any of the parties to a dispute. The department, upon the instigation of any action in a court of record, shall file an exact certified copy of the agreement with the court for the court's consideration in determining any matter before it. Any contracts, agreements, or franchises not upon record with the department shall not be considered by any court as having any force or effect.

16-3-230. Beer required to be shipped to wholesaler. Except as provided in 16-3-214, all beer that is to be distributed in Montana, whether manufactured outside of or within the state of Montana, must be consigned to and shipped, either directly or via a licensed storage depot, to a licensed wholesaler and unloaded into the wholesaler's warehouse in Montana or subwarehouse in Montana. A brewer or beer importer may sell only to wholesalers from a storage depot in Montana and shall maintain records of all beer, including the name or kind received, on hand, and sold. The records may

at any time be inspected by a representative of the department. The wholesaler shall distribute the beer from the warehouse or subwarehouse and shall keep records at the wholesaler's principal place of business of all beer, including the name or kind received, on hand, sold, and distributed. The records may be inspected by a representative of the department at any time.

16-3-231. Monthly report of wholesaler. Every wholesaler licensed to do business in this state shall, on or before the 15th day of each month, in the manner and form prescribed by the department, make an exact return to the department of the amount of beer manufactured in this state sold and delivered by the wholesaler and also of the amount of beer manufactured in places outside of the state sold and delivered by the wholesaler during the previous month and of the wholesaler's inventory. The department may at any time make an examination of the wholesaler's books and premises and otherwise check the accuracy of the return or check the alcoholic content of beer on hand.

16-3-232. Beer sales by wholesaler. A wholesaler may sell and deliver beer purchased or acquired by the wholesaler to a wholesaler, retailer, or common carrier licensed under this code.

16-3-233. Sales to public by wholesaler unlawful. A wholesaler may not give, sell, deliver, or distribute any beer purchased or acquired by the wholesaler to the public.

16-3-234. Consumption of beer on wholesalers' premises unlawful. It shall be unlawful for any wholesaler to sell, serve, or give away any beer to be consumed on such wholesaler's premises.

16-3-235. Carriers' reports of beer transported. Every railroad and every motor carrier transporting beer manufactured out of this state from points without this state and delivering the same to points within this state shall, if requested by the department, on or before the 15th day of each month, make an exact return to the department of the amount of such beer so transported and delivered by such railroad or motor carrier during the previous month and shall state in such return the name and address of the consignor, the name and address of the consignee, the date of delivery, and the amount delivered. A carrier shall retain for 30 months all pertinent and relevant records necessary for the preparation of this report and any other information the department may require.

16-3-241. Furnishing of fixtures or interior advertising matter to retailers by brewers, beer importers, and wholesalers unlawful — exceptions. (1) (a) It is unlawful for any brewer, beer importer, or wholesaler to lease, furnish, give, or pay for any premises, furniture, fixtures, equipment, or any other advertising matter or any other property to a retail licensee, used or to be used in the dispensation of beer in and about the interior of the place of business of the licensed retailer, or to furnish, give, or pay for any repairs, improvements, or painting on or within the premises.

(b) It is lawful for a brewer, beer importer, or wholesaler to furnish, give, or loan to a retail licensee:

(i) bottle openers, can openers, trays, tap handles, menus, apparel, coasters, glassware, cups, napkins, or other functional advertising matter that does not exceed \$300 in value in any 1 calendar year to any one retail establishment for display use within the interior of the retail establishment;

(ii) not more than six illuminated or electrical signs, neon signs, lamps, or lighted clocks for each brand of beer in any 1 calendar year to any one retailer for display use within the interior of the retailer's place of business. These signs, displays, lamps, or lighted clocks may bear the name, brand name, trade name, trademark, or other designation indicating the name of the manufacturer of beer and the place of manufacture. Any beer advertised must be available for sale on the retailer's premises at the time the displays are used unless the displays are the property of the retailer or, if supplied by a brewer, beer importer, or wholesaler, a display has been in the retailer's possession for

more than 9 months.

(iii) permanent or temporary advertising matter of a decorative nature, excluding items described in subsection (1)(b)(ii) but including nonelectric clocks, mirrors, banners, flags, and pennants; and

(iv) maintenance or repair services on draft beer equipment to keep it sanitary and in good working condition.

(2) A wholesaler may furnish portable equipment used for the temporary cooling, handling, and dispensing of beer to a special permittee or a retailer for use:

(a) in catering an event that is off the permittee's or retailer's regular premises; or

(b) up to three times a year, on a retailer's regular premises, for a period not to exceed 72 hours.

16-3-242. Financial interest in retailers prohibited. A brewer, beer importer, or wholesaler may not advance or loan money to or furnish money for or pay for or on behalf of any retailer any license or tax that may be required to be paid for any retailer. A brewer, beer importer, or wholesaler may not be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer. A brewer, beer importer, or wholesaler is considered to have a financial interest within the meaning of this section if:

(1) the brewer, beer importer, or wholesaler owns or holds any interest in or a lien or mortgage against the retailer or the retailer's premises;

(2) the brewer, beer importer, or wholesaler is under any contract with a retailer concerning future purchases or the sale of merchandise by one from or to the other; or

(3) any retailer holds an interest, as a stockholder or otherwise, in the business of the wholesaler.

16-3-243. Seven-day credit limitation. No sale or delivery of beer shall be made to any retail licensee except for cash paid within 7 days after the delivery thereof, and in no event shall any brewer, beer importer, or wholesaler extend more than 7 days' credit on account of such beer to a retail licensee, nor shall any retail licensee accept or receive delivery of such beer without agreement to pay in cash therefor within 7 days from delivery thereof. A correctly dated check which is honored upon presentment shall be considered as cash within the meaning of this code. Any extension or acceptance of credit in violation hereof shall be regarded and construed as rendering or receiving financial assistance, and the licenses of brewers, beer importers, wholesalers, and retail licensees involved in violation hereof shall be suspended or revoked, as determined by the department in its discretion.

16-3-244. Beer advertising limitations. It is lawful to advertise beer, as defined and regulated, subject to the restrictions on brewers and beer importers contained in 16-3-241 of this code and subject to the following restrictions on retailers. A retail licensee may not display or permit to be displayed on the exterior portion or surface of the retailer's place of business or on the exterior portion or surface of any building of which the place of business is a part or on any premises adjacent to the place of business, whether any of the premises are owned or leased by the retailer, any sign, poster, or advertisement bearing the name, brand name, trade name, trademark, or other designation indicating the manufacturer, brewer, beer importer, wholesaler, or place of manufacture of any beer, unless it is on a marquee, board, or other space used for temporary advertisements and is not displayed for more than 10 days per display period.

16-3-301. Unlawful purchases, transfers, sales, or deliveries — presumption of legal age. (1) It is unlawful for a licensed retailer to purchase or acquire beer or wine from anyone except a brewery, winery, or wholesaler licensed under the provisions of this code.

(2) It is unlawful for a licensed retailer to transport beer or wine from one licensed premises or other facility to any other licensed premises owned by the licensee.

(3) It is unlawful for a licensed wholesaler to purchase beer or wine from anyone except a brewery, winery, or wholesaler licensed or registered under this code.

(4) It is unlawful for any licensee, a licensee's employee, or any other person to sell,

deliver, or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to:

- (a) any person under 21 years of age; or
- (b) any person actually, apparently, or obviously intoxicated.

(5) Any person under 21 years of age or any other person who knowingly misrepresents the person's qualifications for the purpose of obtaining an alcoholic beverage from the licensee is equally guilty with the licensee and, upon conviction, is subject to the penalty provided in 45-5-624. However, nothing in this section may be construed as authorizing or permitting the sale of an alcoholic beverage to any person in violation of any federal law.

(6) All licensees must display in a prominent place in their premises a placard, issued by the department, stating fully the consequences for violations of the provisions of this code by persons under 21 years of age.

(7) For purposes of 45-5-623 and this title, the establishment of the following facts by a person making a sale of alcoholic beverages to a person under the legal age constitutes prima facie evidence of innocence and a defense to a prosecution for sale of alcoholic beverages to a person under the legal age:

(a) the purchaser falsely represented and supported with documentary evidence that an ordinary and prudent person would accept that the purchaser was of legal age to purchase alcoholic beverages;

(b) the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal age to purchase alcoholic beverages; and

(c) the sale was made in good faith and in reasonable reliance upon the representation and appearance of the purchaser that the purchaser was of legal age to purchase alcoholic beverages. (See compiler's comments for contingent termination of certain text.)

16-3-303. Sale of beer by retailer for consumption off premises. It is lawful for an on-premises retailer to sell or furnish beer to the public in its original package or in growlers, and the beer must be taken away from the premises of the retailer for consumption off the premises of the retailer. Growlers may not be filled in advance of sale and may be furnished by the consumer.

16-3-321. Keg identification tag. (1) A licensee may not sell a keg of beer unless an identification tag is attached to the keg by the licensee.

(2) An identification tag must consist of paper, plastic, metal, or durable material that is not easily damaged or destroyed. An identification tag may be attached to a keg at the time of sale with a nylon tie or cording, wire tie or other metal attachment device, or other durable means of tying or attaching the tag to the keg.

(3) The identification information contained on the tag must include:

(a) the licensee's name, address, and telephone number; and

(b) a prominently visible warning that intentional removal or defacement of the tag is a criminal offense.

(4) A retailer that accepts the return of a keg that does not have an identification tag attached shall obtain the information required in 16-3-322 on the original purchaser, to the extent possible, and obtain the same information on the person returning the keg. This information must be kept on file with the retailer for not less than 45 days from the date of return.

(5) A person, other than the licensee, the wholesaler of malt beverages, or a law enforcement officer, may not intentionally remove identification placed on a keg in compliance with this section.

(6) For the purposes of 16-3-321 through 16-3-324, the following definitions apply:

(a) "Keg" means a brewery-sealed, single container that contains not less than 7 gallons of beer.

(b) "Licensee" means a person who is licensed under Title 16, chapter 4, and who sells kegs to a consumer.

(7) The department shall develop and make available the identification tags required by this section.

16-3-322. Recordkeeping. (1) A licensee, at the time of the sale of a keg, shall record the following:

(a) the purchaser's name, address, and date of birth and the number of the purchaser's driver's license, state-issued or military identification card, tribal identification card, or valid United States or foreign passport;

(b) the date of purchase;

(c) the name of the clerk making the sale; and

(d) the purchaser's signature and date of purchase.

(2) The licensee shall maintain the record for not less than 45 days after the date of the sale.

(3) A licensee who maintains the records required by this section shall make the records available during regular business hours for inspection by law enforcement pursuant to 16-3-323.

16-3-323. Enforcement. (1) A law enforcement officer may not request information on file about the original purchaser of a keg unless in connection with a violation of 16-6-305, 45-5-623, or 45-5-624(4). The officer shall return any recovered keg to the licensee and verify the information on file about the original purchaser.

(2) The deposit on the keg and any related deposit to the licensee must be forfeited by the original purchaser.

16-3-324. Violations. (1) A person who knowingly fails to attach a keg tag as provided in 16-3-321 is guilty of a misdemeanor and shall be fined an amount not to exceed \$100.

(2) A person may not remove, deface, or damage the identification on a keg purposely to make it unreadable. A person convicted of purposely removing, defacing, or damaging a tag shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for not more than 6 months, or both.

16-3-401. Short title — public policy — purpose. (1) This part may be cited as the "Wine Distribution Act".

(2) The public policy of the state of Montana is to maintain a system to provide for, regulate, and control the acquisition, importation, and distribution of table wine.

(3) This part governs wineries, table wine distributors, and wine retailers.

16-3-402. Importation of wine -- records. (1) Except as provided in 16-3-411, 16-4-313, and Title 16, chapter 4, part 11, all table wine manufactured outside of Montana and shipped into Montana must be consigned to and shipped to a licensed table wine distributor and be unloaded by the distributor into the distributor's warehouse in Montana or subwarehouse in Montana. The distributor shall distribute the table wine from the warehouse or subwarehouse.

(2) The distributor shall keep records at the distributor's principal place of business of all table wine, including the name or kind received, on hand, sold, and distributed. The records may at all times be inspected by the department.

(3) Table wine that has been shipped into Montana in violation of this code must be seized by any peace officer or representative of the department and may be confiscated in the manner as provided for the confiscation of intoxicating liquor.

16-3-403. To whom table wine distributor may sell. (1) A table wine distributor may sell and deliver table wine purchased or acquired by the distributor to:

(a) another table wine distributor, retailer, or common carrier that holds a license issued by the department of revenue; and

(b) an agency liquor store.

(2) It is unlawful for any table wine distributor to sell, deliver, or give away any table wine to be consumed on the distributor's premises or to give, sell, deliver, or distribute any table wine purchased or acquired by the distributor to the public.

16-3-404. Monthly report of table wine distributor and retailer. (1) Each licensed table wine distributor shall, on or before the 15th day of each month, make an exact return to the department of revenue reporting the amount of table wine purchased or acquired by the distributor during the previous month, the amount of table wine sold and delivered by the distributor during the previous month, and the amount of inventory on hand in the manner and form prescribed by the department. The department has the right at any time to make an examination of the table wine distributor's books and premises and otherwise check the accuracy of the return or check the alcoholic content of table wine that the distributor may have on hand.

(2) Each wine retailer licensed to do business in this state shall, on or before the 15th day of each month, in the manner and form prescribed by the department, make a return to the department reporting the amount of wine purchased directly from any out-of-state winery in the previous month.

16-3-405. Carriers' reports of table wine transported. Every railroad, motor carrier, and airline transporting table wine manufactured out of this state from points outside this state and delivering to points within this state shall, if requested by the department, on or before the fifteenth day of each month, make an exact return to the department of revenue of the amount of such table wine so transported and delivered by such railroad, motor carrier, or airline during the previous month, and shall state in such return the name and address of the consignor and consignee, the date of delivery, and the amount delivered. A carrier shall retain for 30 months all pertinent and relevant records necessary for the preparation of this report and any other information the department may require.

16-3-406. Financial interest in retailers prohibited. (1) A winery or table wine distributor may not advance or loan money to, or furnish money for, or pay for or on behalf of any retailer any license or tax that may be required to be paid by any retailer, and a winery or table wine distributor may not be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer.

(2) A winery or table wine distributor is considered to have a financial interest if:

- (a) the winery or table wine distributor owns or holds any interest in or a lien or mortgage against the retailer or the retailer's premises; or
- (b) the winery or table wine distributor is under any contract with a retailer concerning future purchases or the sale of merchandise by one from or to the other; or
- (c) the table wine distributor extends more than 7 days' credit to a retail licensee or furnishes to any retail licensee any furniture, fixtures, or equipment to be used in the dispensation or sale of table wine; or
- (d) any retailer holds an interest as a stockholder, or otherwise, in the business of the table wine distributor.

16-3-411. Winery. (1) A winery located in Montana and licensed pursuant to 16-4-107 may:

- (a) import in bulk, bottle, produce, blend, store, transport, or export wine it produces;
- (b) sell wine it produces at wholesale to wine distributors;
- (c) sell wine it produces at retail at the winery directly to the consumer for consumption on or off the premises;
- (d) provide, without charge, wine it produces for consumption at the winery;
- (e) purchase from the department or its licensees brandy or other distilled spirits for fortifying wine it produces;
- (f) obtain a special event permit under 16-4-301;
- (g) perform those operations and cellar treatments that are permitted for bonded winery premises under applicable regulations of the United States department of the treasury;
- (h) sell wine at the winery to a licensed retailer who presents the retailer's license or a photocopy of the license; or
- (i) obtain a direct shipment endorsement to ship table wine as provided in Title 16, chapter 4, part 11, directly to an individual in Montana who is at least 21 years of age.

(2) (a) A winery licensed pursuant to 16-4-107 may sell and deliver wine produced by the winery directly to licensed retailers if the winery:

(i) uses the winery's own equipment, trucks, and employees to deliver the wine and the wine delivered pursuant to this subsection (2)(a)(i) does not exceed 4,500 cases a year;

(ii) contracts with a licensed table wine distributor to ship and deliver the winery's wine to the retailer; or

(iii) contracts with a common carrier to ship and deliver the winery's wine to the retailer and:

(A) the wine shipped and delivered by common carrier is shipped directly from the producer's winery or bonded warehouse;

(B) individual shipments delivered by common carrier are limited to three cases a day for each licensed retailer; and

(C) the shipments delivered by common carrier do not exceed 4,500 cases a year.

(b) A winery making sales to retail licensees under the provisions of this subsection (2) is considered a table wine distributor for the purposes of collecting taxes on table wine, as provided in 16-1-411.

(c) If a winery uses a common carrier for delivery of the wine to licensed table wine distributors and retailers, the shipment must be:

(i) in boxes that are marked with the words: "Wine Shipment From Montana-Licensed Winery to Montana Licensee";

(ii) delivered to the premises of a licensed table wine distributor or licensed retailer who is in good standing; and

(iii) signed for by the wine distributor or retailer or its employee or agent.

(d) In addition to any records required to be maintained under 16-4-107, a winery that distributes wine within the state under this subsection (2) shall maintain records of all sales and shipments. The winery shall, on or before the 15th day of each month, in the manner and form prescribed by the department, make a return reporting the amount of wine that it shipped in the state during the preceding month, names and addresses of consignees or retailers, and other information that the department may determine to be necessary to ensure that distribution of table wines within this state conforms to the requirements of this code.

16-3-415. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Agreement of distributorship" means a contract, agreement, commercial relationship, license, or other arrangement for a definite or an indefinite period of time between a supplier and a table wine distributor that provides for the sale of table wine by the supplier to the table wine distributor.

(2) "Good cause" means failure by a table wine distributor to comply with reasonable business requirements imposed, or sought to be imposed, by a supplier under the terms of an agreement of distributorship if the requirements are imposed on other similarly situated distributors either by the terms of their agreements or in the manner of their enforcement by the supplier.

(3) "Person" means a natural person, corporation, partnership, trust, agency, or other entity and includes individual officers, directors, or other persons in active control of the activities of the entity.

(4) "Supplier" means a winery or an importer of table wines that enters into or is a party to an agreement of distributorship with a table wine distributor.

16-3-416. Table wine distributor provisions. (1) A supplier or table wine distributor must have a written agreement of distributorship that provides for purchase of the supplier's products from the supplier by the table wine distributor.

(2) An agreement of distributorship must provide that:

(a) a supplier shall notify a table wine distributor in writing at least 60 days prior to termination of an agreement of distributorship unless a termination without notice is permitted as provided in 16-3-417. The written notice must state the reasons for termination. Notice of termination is void if within 60 days of the notice, the table wine distributor

rectifies the deficiency stated as the reason for termination and if the deficiency was not stated as reason for termination in a notice previously voided under the provisions of this subsection.

(b) a supplier may not unreasonably withhold or delay approval of a sale or transfer of the ownership, management, or control of a table wine distributorship. However, a table wine distributor shall give a supplier no less than 60 days' prior written notice of any material change in ownership, management, or control.

(3) Within 60 days after entering into an agreement of distributorship, the supplier shall advise the department of the agreement by filing a copy of the agreement that must include the sales area or areas designated for the table wine distributor.

(4) If a supplier terminates an agreement of distributorship under the provisions of subsection (2)(a), the table wine distributor subject to the termination is entitled to compensation for the laid-in cost of inventory. In the event of any termination of the agreement by the supplier other than termination for good cause or for any reason set forth in 16-3-417(3), the distributor is entitled to compensation for the laid-in cost of inventory and to liquidated damages based on the sales of the brand or brands involved, as may be provided in the agreement. If the supplier and the distributor are unable to agree on the amount of liquidated damages, the amount of liquidated damages must be determined by an arbitrator appointed under subsection (5) of this section.

(5) If undertaken in good faith by a supplier, a supplier may terminate an agreement of distributorship for a legitimate business reason not within the definition of good cause if an arbitrator appointed by the department finds, after hearing the supplier and the table wine distributor, that the termination is in the best interest of the table wine brand concerned. Arbitration under this section must be conducted under the provisions of Title 27, chapter 5.

(6) All agreements of distributorship are interpreted and governed by the laws of Montana.

(7) In any dispute resulting in litigation between a supplier and a distributor, the litigation must occur in a Montana court, federal or state, unless that forum would create an unreasonable burden on any party, as determined by the court in which the litigation is commenced.

(8) Agreements between a supplier and a distributor must recognize the constitutional right to a jury trial as set forth in Article II, section 26, of the Montana constitution.

(9) A provision in an agreement of distributorship that is inconsistent with the requirements of this section is void.

16-3-417. Supplier provisions. (1) An agreement of distributorship must provide that a table wine distributor shall:

(a) maintain the financial and competitive capability to efficiently and effectively distribute a supplier's products;

(b) maintain the quality and integrity of a supplier's products in a manner set forth by the supplier;

(c) exert the table wine distributor's best efforts to sell the supplier's wines;

(d) merchandise the products in retail stores as agreed between the table wine distributor and the supplier; and

(e) give a supplier not less than 60 days' written notice of the table wine distributor's intent to terminate an agreement of distributorship.

(2) As provided in 16-3-416, a supplier may terminate an agreement of distributorship based on a deficiency or other good cause by giving 60 days' prior written notice to the table wine distributor.

(3) A supplier may terminate an agreement of distributorship immediately and without notice if the reason for the termination is insolvency, assignment for the benefit of creditors, bankruptcy, or revocation or suspension for more than 14 days of a license to operate that is required by the state or the federal government.

16-3-418. Dual appointments — equal support — alternate supplier — dock sales.

(1) (a) A supplier may appoint one or more table wine distributors to distribute its table wines in a specified territory. If the supplier appoints two or more table wine distributors

to sell its table wines in the same or overlapping territories, the supplier shall offer the same prices, delivery, terms, and promotional support to each table wine distributor.

(b) A supplier may not appoint more than one table wine distributor to distribute its hard cider in a specified territory.

(c) For the purposes of this subsection (1), "table wine" has the meaning assigned in 16-1-106, but does not include hard cider.

(2) (a) The holder of an all-beverages license under chapter 4, part 2, may, upon presentation of the license or a photocopy of the license, personally obtain from any distributor's warehouse a quantity of table wine that the licensee may agree to buy and that the distributor may agree to sell.

(b) The holder of a license that permits on-premises consumption of alcoholic beverages under 16-4-401(2) may, upon presentation of the license or a photocopy of the license, personally or through an employee, obtain from a winery, as provided in 16-3-411(1)(h), a quantity of table wine that the licensee may agree to buy and that the winery may agree to sell.

16-3-419. Suppliers' prohibitions. A supplier may not:

(1) coerce, induce, or attempt to coerce or induce a table wine distributor to engage in an illegal act or course of conduct;

(2) require a table wine distributor to accept delivery of a product or other item or commodity that was not ordered by the wine distributor;

(3) fix or maintain the price at which a distributor shall resell table wine.

16-3-420. Applicability. Within 60 days after October 1, 1991, or within 60 days after the execution of a new agreement by the parties, whichever is later, an agreement of distributorship must be reduced to writing and an exact copy of the agreement must be filed with the department as a public document and must be available to any of the parties to a dispute. Upon filing with the department, the agreement becomes subject to the provisions of 16-1-106, 16-3-401, and 16-3-415 through 16-3-421.

16-3-421. Injunction. A person injured by a violation of this part may bring a civil action in a court of competent jurisdiction to enjoin further violations in addition to other remedies provided by law.

16-4-103. Wholesalers' licenses — application and issuance — subwarehouses — imported beer handled through warehouse or subwarehouse — wine storage.

(1) Any person desiring to sell and distribute beer as a wholesaler shall apply to the department for a license and tender with the application the required license fee. The department shall issue wholesale licenses to qualified applicants in accordance with the provisions of this code. A license must be prominently displayed at all times in the place of business of the wholesaler.

(2) An applicant shall maintain a fixed place of business, sufficient capital, and the facilities, storehouse, receiving house, or warehouse for the receiving of, storage, handling, and moving of beer in large and jobbing quantities for distribution and sale in original packages to other licensed wholesalers or licensed retailers. Each wholesaler is entitled to only one wholesale license, which must be issued for the wholesaler's principal place of business in Montana. Duplicate licenses may be issued for the wholesaler's subwarehouses in Montana. The duplicate licenses must be prominently displayed at all times at the subwarehouses.

(3) If the applicant is a foreign corporation, the corporation must be authorized to do business in Montana.

(4) A wholesaler that is also licensed as a table wine distributor may store wine in any of the wholesaler's warehouses or subwarehouses.

(5) As used in subsection (1), "distribute" has the meaning provided in 16-3-218.

16-4-104. Beer retailer's license — application and issuance — check of alcoholic content by department. (1) Any person desiring to possess and have beer for the

purpose of retail sale under the provisions of this code shall first apply to the department for a permit to do so and submit with the application the license fee.

(2) Upon being satisfied, from the application or otherwise, that the applicant is qualified, the department shall issue a license to the person. The license must at all times be prominently displayed in the place of business of the person.

(3) If the department finds that the applicant is not qualified, a license may not be granted and the license fee must be returned by the department.

(4) The department may, at any time, examine the books of account and the premises of any licensed retailer and otherwise check the retailer's methods of conducting business and the alcoholic content of the beer kept for sale.

(5) A person may not sell beer at retail without a valid license issued under this code.

16-4-107. Winery license -- winery and importer registration. (1) (a) Wine, other than for personal consumption in conformity with federal exemptions from holding a basic permit as a bonded winery, may be manufactured or directly distributed to retailers within the state only by a licensed winery, and table wine may be shipped directly by a winery with a direct shipment endorsement as provided in 16-4-1101 to an individual in Montana who is at least 21 years of age. An application for a winery license must be accompanied by a fee of \$400, which constitutes the first annual license fee, and a licensee shall in each succeeding year pay an annual fee as provided in 16-4-501. Winery licensees located in Montana must hold the appropriate basic permit required by the United States department of the treasury and be qualified for a license in accordance with the provisions of 16-4-401(4). Winery licensees located in another state must hold the appropriate basic permit required by the United States department of the treasury and the appropriate license to manufacture wine from the state in which the winery is located and shall provide all other information required by the department.

(b) A winery located in Montana that is licensed to do business in the state shall, each quarter and in the manner and form prescribed by the department, report to the department the amount of wine manufactured or imported by the winery in the previous quarter and the winery's inventory. The department may at any time examine a winery's books.

(2) (a) A winery that is not located in the state or an importer of table wines that holds the appropriate license from the United States department of the treasury and that desires to distribute its table wines within this state through licensed table wine distributors shall apply to the department of revenue for registration on forms to be prepared and furnished by the department.

(b) Each winery shall furnish the department with a copy of each container label currently used by the winery on its products imported into Montana. The department shall require the winery or importer to agree to furnish monthly and other reports concerning quantities and prices of table wine that it ships into the state, names and addresses of consignees, and any other information that the department may determine to be necessary to ensure that importation and distribution of table wines within this state conform to the requirements of this code.

(c) A winery or importer of table wines may not ship table wines into this state until the registration is granted by the department. The registration may be canceled or suspended by the department upon a finding after notice and hearing that the registrant has not complied with the terms of its registration.

(3) A winery that is not located in Montana, that holds the appropriate license from the United States department of the treasury, that is not already registered with the department, and that desires to sell and ship table wine directly to individuals in Montana who are at least 21 years of age shall apply to the department for registration pursuant to subsection (2) and for a direct shipment endorsement pursuant to 16-4-1101.

16-4-108. Table wine distributor's license. (1) Any person desiring to sell and distribute table wine at wholesale to retailers under the provisions of this code shall apply to the department of revenue for a license to do so and shall submit with the application the annual license fee of \$400. The department may issue licenses to qualified applicants in accordance with the provisions of this code.

(2) All table wine distributors' licenses issued in any year expire on June 30 of that year at midnight.

(3) A license fee may not be imposed upon table wine distributors by a municipality or any other political subdivision of the state.

(4) The license must be at all times prominently displayed in the place of business of the table wine distributor.

(5) An applicant must have a fixed place of business, sufficient capital, the facilities, storehouse, and receiving house or warehouse for the receiving, storage, handling, and moving of table wine in large and jobbing quantities for distribution and sale in original packages to other licensed table wine distributors or licensed retailers. Each table wine distributor is entitled to only one wholesale table wine license, which must be issued for the distributor's principal place of business in Montana. A duplicate license may be issued for one subwarehouse only in Montana for each table wine distributor's license. The duplicate license must at all times be prominently displayed at the subwarehouse. A table wine distributor may also hold a license to sell beer at wholesale but may not hold or have any interest, direct or indirect, in any license to sell beer, table wine, or liquor at retail.

(6) If the applicant is a foreign corporation, the corporation must be authorized to do business in Montana.

(7) As used in subsection (1), "distribute" has the meaning provided in 16-3-218.

16-4-313. Sacramental wine license. (1) The department may issue a sacramental wine license to an establishment whether located in or outside Montana that sells church supplies, including sacramental wine, at retail to rabbis, priests, pastors, ministers, or other officials of churches or other established religious organizations exclusively for use as sacramental wine or for other religious purposes. Sales of sacramental wine may not be made to the public.

(2) An application for a license under this section must be accompanied by a fee of \$100, which constitutes the first annual license fee. The annual license renewal fee is \$50.

(3) Unless the sacramental wine is purchased onsite, an establishment selling sacramental wine for religious purposes may sell and deliver directly to the religious organization's premises by:

(a) using the establishment's own employees and equipment;

(b) contracting with a licensed table wine distributor; or

(c) contracting with a common carrier, which maintains an alcohol shipment program, to ship and deliver the wine. If the wine is shipped and delivered by the common carrier, the shipment must be in boxes marked with the words "Wine Shipment From Sacramental Wine Licensee for Religious Purposes Only" and the boxes must also be conspicuously labeled with the words "Contains Alcohol: Signature of Person 21 Years of Age or Older Required for Delivery".

(4) A sacramental wine licensee shall maintain records of all wine sales made during the preceding 2 years and shall allow the department access to the records when requested so that the department can ascertain whether the limitations of subsection (1) are being complied with. The required record must include the addresses to which the sacramental wine is delivered and the printed name of the official of the church or other religious organization who signed for delivery.

(5) A sacramental wine licensee located out of state making sales under the provisions of this section is considered a table wine distributor for the purposes of 16-1-411.

(6) Upon receipt of a completed application for a license under this section, the department shall, in exercising its sound discretion, determine whether:

(a) the applicant is qualified under this section to receive a license;

(b) the applicant's premises are suitable for the carrying on of the business; and

(c) the requirements of this code and the rules promulgated by the department are being met and complied with.

(7) License applications submitted under this section are not subject to the provisions of 16-3-402, 16-4-203, and 16-4-207.

(8) A person licensed under subsection (1) may transport sacramental wine from the

licensee's premises to the religious organization's premises in any quantity for religious purposes.

(9) A sacramental wine licensee is not subject to the provisions of 16-4-1005 requiring licensees to ensure training.

16-4-401. License as privilege -- criteria for decision on application. (1) A license under this code is a privilege that the state may grant to an applicant and is not a right to which any applicant is entitled.

(2) Except as provided in 16-4-311 and subsection (6) of this section and subject to subsection (8), in the case of a license that permits on-premises consumption, the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

(a) if the applicant is an individual:

(i) and the application is approved, the applicant will not possess an ownership interest in more than three establishments licensed under this chapter for all-beverages sales;

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant or any member of the applicant's immediate family is without financing from or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages;

(iv) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; and

(v) the applicant is not under 19 years of age;

(b) if the applicant is a publicly traded corporation:

(i) each owner of 10% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (2)(a). If no single owner owns more than 10% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a).

(ii) each individual who has control over the operation of the license meets the requirements for an individual applicant listed in subsection (2)(a);

(iii) each person who shares in the profits or liabilities of a license meets the requirements for an individual applicant listed in subsection (2)(a). This subsection (2)(b)(iii) does not apply to a shareholder of a corporation who owns less than 10% of the outstanding stock in that corporation except that the provisions of subsection (8) apply.

(iv) the corporation is authorized to do business in Montana;

(c) if the applicant is a privately held corporation:

(i) each owner of 10% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (2)(a). If no single owner owns more than 10% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a), and the owners of 51% of the outstanding stock must meet the requirements of subsection (2)(a).

(ii) each individual who has control over the operation of the license meets the requirements for an individual applicant listed in subsection (2)(a);

(iii) each person who shares in the profits or liabilities of a license meets the requirements for an individual applicant listed in subsection (2)(a). This subsection (2)(c)(iii) does not apply to a shareholder of a corporation who owns less than 10% of the outstanding stock in that corporation except that the provisions of subsection (8) apply.

(iv) the corporation is authorized to do business in Montana;

(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (2)(a);

(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds 10% must meet the requirements of subsection (2)(a). If no single limited

partner's interest equals or exceeds 10%, then 51% of all limited partners must meet the requirements of subsection (2)(a).

(f) if the applicant is a limited liability company, all managing members and those members whose ownership interest in the company equals or exceeds 10% must meet the requirements of subsection (2)(a). If no single member's interest equals or exceeds 10%, then 51% of all members must meet the requirements of subsection (2)(a).

(3) In the case of a license that permits only off-premises consumption and subject to subsection (8), the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

(a) if the applicant is an individual:

(i) and the application is approved, the applicant will not possess an ownership interest in more than three establishments licensed under this chapter for all-beverages sales;

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant or any member of the applicant's immediate family is without financing from or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages;

(iv) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored;

(v) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; and

(vi) the applicant is not under 19 years of age;

(b) if the applicant is a publicly traded corporation:

(i) each owner of 10% or more of the outstanding stock meets the requirements for an individual listed in subsection (3)(a). If no single owner owns more than 10% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (3)(a).

(ii) the corporation is authorized to do business in Montana;

(c) if the applicant is a privately held corporation:

(i) each owner of 10% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (3)(a). If no single owner owns more than 10% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (3)(a), and the owners of 51% of the outstanding stock must meet the requirements of subsection (3)(a).

(ii) the corporation is authorized to do business in Montana;

(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (3)(a);

(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds 10% must meet the requirements of subsection (3)(a). If no single limited partner's interest equals or exceeds 10%, then 51% of all limited partners must meet the requirements of subsection (3)(a).

(f) if the applicant is a limited liability company, all managing members and those members whose ownership interest in the company equals or exceeds 10% must meet the requirements of subsection (3)(a). If no single member's interest equals or exceeds 10%, then 51% of all members must meet the requirements of subsection (3)(a).

(4) Subject to 16-4-311, in the case of a license that permits the manufacture, importing, or wholesaling of an alcoholic beverage, the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

(a) if the applicant is an individual:

(i) the applicant has no ownership interest in any establishment licensed under this chapter for retail alcoholic beverages sales;

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored;

(iv) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments;

(v) the applicant is not under 19 years of age; and

(vi) an applicant for a wholesale license is not a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage;

(b) if the applicant is a publicly traded corporation:

(i) each owner of 10% or more of the outstanding stock meets the requirements for an individual listed in subsection (4)(a). If no single owner owns more than 10% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (4)(a).

(ii) an applicant for a wholesale license is not a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage; and

(iii) the corporation is authorized to do business in Montana;

(c) if the applicant is a privately held corporation:

(i) each owner of 10% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (4)(a). If no single owner owns more than 10% of the outstanding stock, the applicant must designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (4)(a) and the owners of 51% of the outstanding stock must meet the requirements of subsection (4)(a).

(ii) an applicant for a wholesale license is not a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage; and

(iii) the corporation is authorized to do business in Montana;

(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (4)(a);

(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds 10% must meet the requirements of subsection (4)(a). If no single limited partner's interest equals or exceeds 10%, then 51% of all limited partners must meet the requirements of subsection (4)(a).

(f) if the applicant is a limited liability company, all managing members and those members whose ownership interest in the company equals or exceeds 10% must meet the requirements of subsection (4)(a). If no single member's interest equals or exceeds 10%, then 51% of all members must meet the requirements of subsection (4)(a).

(5) In the case of a corporate applicant, the requirements of subsections (2)(b), (3)(b), and (4)(b) apply separately to each class of stock.

(6) The provisions of subsection (2) do not apply to an applicant for or holder of a license pursuant to 16-4-302.

(7) An applicant's source of funding must be from a suitable source. A lender or other source of money or credit may be found unsuitable if the source:

(a) is a person whose prior financial or other activities or criminal record:

(i) poses a threat to the public interest of the state;

(ii) poses a threat to the effective regulation and control of alcoholic beverages; or

(iii) creates a danger of illegal practices, methods, or activities in the conduct of the licensed business; or

(b) has been convicted of a felony offense within 5 years of the date of application or is on probation or parole or under deferred prosecution for committing a felony offense.

(8) (a) An individual applying for an all-beverages license or having any ownership interest in an entity applying for an all-beverages license may not, if the application were to be approved, own an interest in more than half the total number of allowable all-beverages licenses in any quota area described in 16-4-201.

(b) If two or more individuals through business or family relationship share in the profits or liabilities of all-beverages licenses, the aggregate number of licenses in which they share profits or liabilities may not exceed half the total number of allowable all-beverages licenses in the specific quota area in which the all-beverages licenses will be held.

16-4-404. Protest period — contents of license — posting — privilege — transfer.

(1) A license may not be issued until on or after the date set in the notice for hearing protests.

(2) Every license issued under this code must state the name of the person to whom it is issued, the location, by street and number or other appropriate specific description of location if no street address exists, of the premises where the business is to be carried on under the license, and other information the department considers necessary. If the licensee is a partnership or if more than one person has an interest in the business operated under the license, the names of all persons in the partnership or interested in the business must appear on the license. Every license must be posted in a conspicuous place on the premises in which the business authorized under the license is conducted, and the license must be exhibited upon request to any authorized representative of the department or the department of justice or to any peace officer of the state of Montana.

(3) A license issued under the provisions of this code is a privilege personal to the licensee named in the license and is valid until the expiration of the license unless sooner revoked or suspended.

(4) A license may be transferred to the executor or administrator of the estate of a deceased licensee when the estate consists in whole or in part of the business of selling alcoholic beverages under a license. The license may descend or be disposed of with the licensed business under appropriate probate proceedings.

(5) (a) A licensee may apply to the department for a transfer of the license to different premises within the quota area if:

(i) there has been major loss or damage to the licensed premises by unforeseen natural causes;

(ii) the lease of the licensed premises has expired;

(iii) in case of rented licensed premises, there has been an eviction or increase of rent by the landlord; or

(iv) the licensee has proposed removal of the license to premises that are as substantially suited for the retail alcoholic beverages business as the premises proposed to be vacated.

(b) The department may, after notice and opportunity for protest, permit a transfer in the cases specified in subsection (5)(a) if it appears to the department that a transfer is required to do justice to the licensee applying for the transfer and the transfer is justified by public convenience and necessity, pursuant to 16-4-203, unless a public convenience and necessity hearing is required by 16-4-207. The department may not allow a transfer to different premises where the sanitary, health, and service facilities are less satisfactory than facilities that exist or had existed at the premises from which the transfer is proposed to be made.

(6) Upon a bona fide sale of the business operated under a license, the license may be transferred to a qualified purchaser. A transfer of a license to a person or location is not effective unless approved by the department. A licensee or transferee or proposed transferee who operates or attempts to operate under a supposedly transferred license prior to the approval of the transfer by the department, endorsed upon the license in writing, is considered to be operating without a license and the license affected may be revoked or suspended by the department. The department may, within its discretion, permit a qualified purchaser to operate the business to be transferred pending final approval if there has not been a change in location and the application for transfer has been filed with the department.

(7) Except as provided in 16-4-204 and subsections (2) through (6) of this section, a license may not be transferred or sold or used for any place of business not described in the license. A license may be subject to mortgage and other valid liens, in which

event the name of the mortgagee, upon application to and approval of the department, must be endorsed on the license. Beer or wine sold to a licensee on credit pursuant to 16-3-243 or 16-3-406 does not create a lien upon a license, but a subsequent licensee has the obligation to pay for the beer or wine.

16-4-901. Connoisseur's licenses -- application -- fees. (1) A person in this state desiring to receive direct shipments of beer from an out-of-state brewery for the person's own consumption and not for resale shall file with the department an application for a connoisseur's license. The application must be accompanied by a registration fee in the amount of \$50 for a beer connoisseur's license.

(2) Each application for a license must be on a form prescribed by the department and must set forth the name of the applicant, the applicant's home or business address, proof that the applicant is at least 21 years of age, and other information that the department may require.

(3) A connoisseur's license expires on June 30 of each calendar year. A licensee may annually renew a license with the department by paying a \$25 renewal fee for a beer connoisseur's license.

(4) The holder of a connoisseur's license may not sell beer to the public.

(5) The department shall adopt rules to provide procedures for the application for and the provision of a connoisseur's license.

16-4-902. Payment of taxes -- authority of department. (1) A person holding a connoisseur's license shall pay, on June 30 and December 31, the beer taxes imposed by Title 16, chapter 1, part 4, on beer that is received by direct shipment from an out-of-state brewery during the previous 6-month period.

(2) Each holder of a connoisseur's license shall file with the department a return, on a form provided by the department, and pay the tax for shipments received.

16-4-903. Direct shipment of beer -- limitations. (1) Subject to the provisions of 16-4-901, the holder of a connoisseur's license may receive up to 288 bottles or 12 cases of beer from an out-of-state brewery during a 12-month period for personal use and not for resale.

(2) A licensee under this section shall forward to the out-of-state brewery a distinctive address label, provided by the department, clearly identifying any package that is shipped as a legal direct-shipment package to the holder of a connoisseur's license.

(3) A licensee shall report to the department, on June 30 and December 31, the total amount of beer received from an out-of-state brewery and pay all applicable excise taxes, as provided for in Title 16, chapter 1, part 4, imposed on the receipt of beer during the previous 6 months.

16-4-906. Out-of-state brewery registration -- limitation on shipping -- penalty. (1) Each out-of-state brewery desiring to ship beer to a person holding a connoisseur's license shall register with the department on forms provided by the department.

(2) The annual limit on out-of-state shipments to all connoisseur's license holders is 1,440 bottles or 60 cases of beer.

(3) For any shipment into the state that exceeds the limits provided for in subsection (2), the out-of-state brewery may:

(a) distribute the brewery's product through a licensed wholesale distributor; or

(b) distribute as a brewery in accordance with the provisions of 16-3-214.

(4) An out-of-state brewery that violates the provisions of this section is subject to the penalties provided for in 16-6-302.

16-4-910. Penalty for noncompliance. (1) Except as provided in 16-4-906, a person who violates the provisions of this part commits a civil offense.

(2) A person convicted under subsection (1):

(a) for a first offense, must be mailed a certified letter by the department ordering that person to cease and desist committing the violation;

(b) for a second offense, shall be fined a civil penalty not to exceed \$500; and

(c) for a third or subsequent offense, shall be fined a civil penalty not to exceed \$2,500.

16-4-1001. Short title. This part may be cited as the “Responsible Alcohol Sales and Service Act”.

16-4-1002. Legislative intent. It is the intent of this part that retail establishments and manufacturers licensed to sell or serve alcoholic beverages to the public ensure that all licensees and their employees that sell or serve alcoholic beverages are appropriately trained to comply with state law prohibiting the sale or service of alcoholic beverages to persons under 21 years of age and to persons who are intoxicated. This part does not apply to special permits issued under 16-4-301.

16-4-1003. Definition. As used in this part, “licensee” means a person or entity licensed by the department to sell alcoholic beverages at retail for either on-premises or off-premises consumption.

16-4-1004. Notification -- violation -- penalty. (1) A licensee shall certify annually on its license renewal form that the licensee is in compliance with the provisions of this part.

(2) A license renewal form that falsely includes information that the licensee and all employees have been trained pursuant to this part is a violation of this code.

(3) If, after an investigation under 16-4-406, a licensee is determined to have violated subsection (2) of this section, the licensee must be assessed an administrative penalty under 16-4-406 or the penalty for false swearing under 45-7-202.

16-4-1005. Licensees required to ensure training. A licensee shall:

(1) require each employee who is authorized to sell or serve alcoholic beverages in the normal course of employment and the employee’s immediate supervisor to successfully complete training to ensure compliance with state law regarding the sale and service of alcoholic beverages. The training must be completed within 60 days of the employee’s date of hire and every 3 years after the employee’s initial training.

(2) maintain employment records verifying employee completion of the training required in subsection (1).

16-4-1006. Responsible server and sales training program. (1) The department shall certify all server and sales training programs that include the following:

(a) effects of alcohol on the human body;

(b) information, including criminal, civil, and administrative penalties, related to 27-1-710 and this code;

(c) procedures for checking identification;

(d) procedures for gathering proper documentation that may affect the licensee’s liability;

(e) training for skills to handle difficult situations and to learn evaluation techniques regarding intoxicated persons or others that pose potential liability;

(f) a final test; and

(g) a certificate of completion, which must be provided to participants who pass the final test.

(2) The department may not provide a responsible server and sales training program.

16-4-1007. Jurisdiction. The implementation and enforcement of any mandatory server and sales training programs in this state is under the exclusive authority and jurisdiction of the department.

16-4-1008. Penalty. (1) A licensee found as a result of a routine check for compliance with 16-3-301, 16-6-304, or 16-6-305 to be out of compliance with 16-4-1005 shall pay a \$50 penalty for a first offense, a \$200 penalty for a second offense, and a \$350 penalty for a third offense in a 3-year period. The fine must be paid to the department and

deposited in the enterprise fund to the credit of the department for administration of this part.

(2) The department shall consider the following as mitigating circumstances before taking an action pursuant to 16-4-406 against a licensee who is not in compliance with the provisions of this part:

- (a) the licensee's prior violation history;
- (b) the licensee's good faith effort to prevent a violation;
- (c) the existence of written policies governing employee conduct; and
- (d) whether the evidence of a violation was based solely on the investigating authority creating an opportunity for the violation rather than on complaints received or observed misconduct.

16-4-1009. Rulemaking. The department shall adopt rules to implement the provisions of this part.

16-4-1101. Direct shipment endorsement for wineries -- definition. (1) A winery licensed or registered in Montana under 16-4-107 may sell and ship under a direct shipment endorsement up to 18 9-liter cases of table wine annually to an individual in Montana who is at least 21 years of age for the individual's personal use and not for resale.

(2) The shipment of table wine directly to an individual in Montana from a winery that does not possess a current direct shipment endorsement is prohibited, and penalties may be assessed as provided in 16-4-1103.

(3) The shipment of table wine directly to an individual in Montana under a direct shipment endorsement that is not conspicuously labeled as required under 16-4-1102(2) is prohibited and subject to penalties as provided in 16-4-1103.

(4) For the purposes of this part, a "direct shipment endorsement" is permission issued by the department to a winery licensed or registered pursuant to 16-4-107 under which the winery is allowed to sell and ship table wine directly to an individual in Montana.

16-4-1102. Requirements for direct shipment endorsements -- fee -- labeling -- taxes -- recordkeeping. (1) A winery licensed or registered under 16-4-107 shall before shipping table wine directly to an individual in Montana:

- (a) remit an annual direct shipment endorsement fee of \$50;
- (b) submit to the department a written statement acknowledging that the winery will contract only with common carriers that agree that any delivery of table wine will be made only to an individual in Montana who is at least 21 years of age and who signs a form acknowledging receipt of the table wine; and
- (c) receive from the department a direct shipment endorsement.

(2) A shipment of table wine under this part must be conspicuously labeled with the words "Contains Alcohol: Signature of Person Age 21 or Older Required for Delivery".

(3) (a) In addition to maintaining records required under 16-3-411 or 16-4-107, a winery with a direct shipment endorsement shall maintain records of any sales or shipments to an individual in Montana.

(b) The winery shall, by the 15th day of each month following a month in which a shipment was made, report to the department in the manner and form prescribed by the department information on direct shipments in the preceding month and pay the tax required under 16-1-411(1)(a). The information reported to the department must include the names and addresses of the individual to whom the table wine was shipped and any other information that the department determines is necessary to verify that direct shipment of table wine conforms to the requirements of Title 16. Failure to pay taxes or file the information required in this subsection (3)(b) subjects the winery holding the direct shipment endorsement to the penalties and interest provided for in 15-1-216.

(4) A winery with a direct shipment endorsement shall allow the department to perform an audit of the record of shipments made under 16-4-1101. The shipment records must be retained for 3 years.

(5) If a winery with a direct shipment endorsement uses a bonded wine warehouse to fill table wine orders shipped to an individual in Montana, the winery shall provide written

notice to the department of the name and the address of the bonded wine warehouse. The winery is responsible for compliance with this part.

16-4-1103. Enforcement -- penalty -- rulemaking. (1) Subject to a right to a hearing and the appeal process provided by the Montana Administrative Procedure Act in Title 2, chapter 4, the department may enforce the requirements of this part by suspending or revoking the direct shipment endorsement or imposing a civil penalty not to exceed \$1,500.

(2) A winery that has a direct shipment endorsement is considered to have consented to the jurisdiction of the department or any other state agency and the Montana courts concerning enforcement of this part and related rules or regulations.

(3) The owner of a winery is guilty of a misdemeanor if the winery makes a direct shipment without having a direct shipment endorsement.

(4) The department may adopt rules to implement this part.

16-6-301. Transfer, sale, and possession of alcoholic beverages -- when unlawful.

(1) Except as provided by this code, a person or the person's agents or employees may not:

- (a) expose or keep an alcoholic beverage for sale;
- (b) directly or indirectly or upon any pretense or upon any device, sell or offer to sell an alcoholic beverage; or
- (c) in consideration of the purchase or transfer of any property or for any other consideration or at the time of the transfer of any property, give to any other person an alcoholic beverage.

(2) A person may not have or keep any alcoholic beverage that has not been purchased within the state of Montana.

(3) This code does not prohibit:

- (a) a person entering this state from another state or foreign country from having in the person's actual physical possession an amount not to exceed 3 gallons of alcoholic beverage that was purchased in another state or foreign country;
- (b) possession of beer produced for personal or family use and not intended for sale that meets the exemptions of 26 U.S.C. 5053(e) and regulations implementing that section, including the brewing of beer, for personal or family use, on premises other than those of the person brewing the beer;
- (c) possession of beer purchased from an out-of-state brewery if the person possessing the beer holds a connoisseur's license as provided for in 16-4-901 or possession of table wine purchased from a winery that has a direct shipment endorsement as provided in 16-4-1101;
- (d) possession of alcoholic beverages by brewers, distillers, and other persons duly licensed by the United States for the manufacture of those alcoholic beverages;
- (e) possession of proprietary or patent medicines or of any extracts, essences, tinctures, or preparations if the possession is authorized by this code; or
- (f) possession by a sheriff or bailiff of alcoholic beverages seized under execution or other judicial or extrajudicial process or sales under executions or other judicial or extrajudicial process to the department or a licensee.

(4) Except as provided in this code, a person or the person's agents or employees may not:

- (a) attempt to purchase any alcoholic beverage;
- (b) directly or indirectly or upon any pretense or device, purchase any alcoholic beverage; or
- (c) in consideration of the sale or transfer of any property or for any other consideration or at the time of the transfer of any property, take or accept from any other person any alcoholic beverage.

16-6-302. Sale of alcoholic beverage without license — sale or importation in violation of code — penalty. (1) For the purposes of this section "person" means an individual, partnership, corporation, company, firm, society, association, joint-stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but

does not include a state or agency of a state.

(2) A person who has not been issued a license under this code who sells or keeps for sale in Montana any alcoholic beverage commits a criminal offense and upon conviction is punishable by a fine not to exceed \$5,000 or by imprisonment in the state prison for not less than 1 or more than 5 years or by both the fine and imprisonment.

(3) A person in the business of selling alcoholic beverages in another state or country who imports or distributes alcoholic beverages in violation of this code commits a civil offense.

(4) A person convicted under subsection (3):

(a) for a first offense, must be mailed a certified letter by the department ordering that person to cease and desist any shipments of alcoholic beverages to any person in Montana;

(b) for a second offense, shall be fined a civil penalty not to exceed \$5,000;

(c) for a third offense, shall be fined a civil penalty not to exceed \$10,000; and

(d) for a fourth or subsequent offense, shall be fined a civil penalty not to exceed \$50,000.

61-2-302. Establishment of driver rehabilitation and improvement program -- participation by offending drivers.

(1) The department may establish by administrative rules a driver rehabilitation and improvement program or programs. The programs may consist of classroom instruction in rules of the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training, and other subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques and must include the requirements for obtaining a restricted probationary driver's license.

(2) Except when otherwise provided or restricted by statute, a person whose driver's license is suspended or revoked by the department, unless the suspension or revocation was for an offense under 61-8-401, 61-8-406, or 61-8-411, may participate in any driver rehabilitation and improvement program established under this section if the person's license is:

(a) suspended as a result of a violation of the traffic laws of this state, unless the suspension was imposed under the authority provided in Title 61, chapter 8, part 8; or

(b) revoked and the person has:

(i) completed at least 3 months of a 1-year revocation; or

(ii) completed 1 year of a 3-year revocation; and

(iii) met the requirements for reobtaining a Montana driver's license.

(3) Notwithstanding any provision of this part inconsistent with any other law of the state of Montana, the enforcement of any suspension or revocation order that constitutes the basis for any person's participation in the driver rehabilitation and improvement program provided for in this section may be stayed if that person complies with the requirements established for the driver rehabilitation and improvement program and meets the eligibility requirements of subsection (2).

(4) If a person's driver's license has been surrendered before the person's selection for participation in the driver rehabilitation and improvement program, the license may be returned upon receipt of the person's agreement to participate in the program.

(5) The stay of enforcement of any suspension or revocation action must be terminated and the suspension or revocation action must be reinstated if a person declines to participate in the driver rehabilitation and improvement program or fails to meet the attendance or other requirements established for participation in the program.

(6) This part does not create a right to be included in any program established under this part.

(7) The department may establish a schedule of fees that may be charged to those persons participating in the driver improvement and rehabilitation program. The fees must be used to help defray costs of maintaining the program.

(8) A person may be referred to this program by a driver improvement analyst, city judge, justice of the peace, youth court judge, judge of a district court of the state, or hearing examiner of the department.

(9) (a) Except as provided in subsection (9)(b), the department may issue a restricted probationary license to any person who enrolls and participates in the driver rehabil-

itation and improvement program. Upon issuance of a probationary license under this section, the licensee is subject to the restrictions set forth on the license.

(b) The department may not issue a restricted probationary license that would permit an individual to drive a commercial motor vehicle during a period in which:

(i) the individual is disqualified from operating a commercial motor vehicle under state or federal law; or

(ii) the individual's driver's license or driving privilege is revoked, suspended, or canceled.

(10) It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to the person under this section.

61-5-208. Period of suspension or revocation -- limitation on issuance of probationary license -- notation on driver's license. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 44-4-1205 and 61-2-302 and except as otherwise provided in this section, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) Subject to 61-5-231 and except as provided in subsection (4) of this section:

(i) upon receiving a report of a person's conviction or forfeiture of bail or collateral not vacated for a first offense of violating 61-8-401, 61-8-406, or 61-8-411, the department shall suspend the driver's license or driving privilege of the person for a period of 6 months;

(ii) upon receiving a report of a person's conviction or forfeiture of bail or collateral not vacated for a second offense of violating 61-8-401, 61-8-406, or 61-8-411 within the time period specified in 61-8-734, the department shall suspend the driver's license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension unless the person completes at least 45 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a probationary driver's license be issued subject to the requirements of 61-8-442. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as required under 61-8-732, the license suspension remains in effect until the course or treatment, or both, are completed.

(iii) upon receiving a report of a person's conviction or forfeiture of bail or collateral not vacated for a third or subsequent offense of violating 61-8-401, 61-8-406, or 61-8-411 within the time period specified in 61-8-734, the department shall suspend the driver's license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension unless the person completes at least 90 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a probationary driver's license be issued subject to the requirements of 61-8-442. If the 1-year suspension period passes and the person has not completed a chemical dependency education course or treatment, or both, as required under 61-8-732, the license suspension remains in effect until the course or treatment, or both, are completed.

(3) (a) Except as provided in subsection (3)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

(4) If a person is convicted of a violation of 61-8-401, 61-8-406, or 61-8-411 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802.

(5) (a) A driver's license that is issued after a license revocation to a person described in subsection (5)(b) must be clearly marked with a notation that conveys the term of the person's probation restrictions.

(b) The provisions of subsection (5)(a) apply to a license issued to a person for whom a court has reported a felony conviction under 61-8-731, the judgment for which has as a condition of probation that the person may not operate a motor vehicle unless:

- (i) operation is authorized by the person's probation officer; or
- (ii) a motor vehicle operated by the person is equipped with an ignition interlock device.

61-8-442. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- ignition interlock device -- 24/7 sobriety and drug monitoring program -- forfeiture of vehicle. (1) In addition to the punishments provided in 61-8-714 and 61-8-722, regardless of disposition and if a probationary license is recommended by the court, the court may, for a person convicted of a first offense under 61-8-401, 61-8-406, or 61-8-411:

(a) restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the probationary period and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or

(b) require the person to participate in a court-approved alcohol or drug detection testing program and pay the fees associated with the testing program.

(2) If a person is convicted of a second or subsequent violation of 61-8-401, 61-8-406, or 61-8-411, in addition to the punishments provided in 61-8-714 and 61-8-722, regardless of disposition, the court shall:

(a) if recommending that a probationary license be issued to the person, restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the probationary period and require the person to pay the reasonable cost of leasing, installing, and maintaining the device;

(b) require the person to participate in the 24/7 sobriety and drug monitoring program provided for in 44-4-1203 and pay the fees associated with the program or require the person to participate in a court-approved alcohol or drug detection testing program and pay the fees associated with the testing program; or

(c) order that each motor vehicle owned by the person at the time of the offense be seized and subjected to the forfeiture procedure provided under 61-8-421.

(3) Any restriction or requirement imposed under this section must be included in a report of the conviction made by the court to the department in accordance with 61-11-101 and placed upon the person's driving record maintained by the department in accordance with 61-11-102.

(4) The duration of a restriction imposed under this section must be monitored by the department.



MBWDA
MONTANA BEER AND WINE DISTRIBUTORS ASSOCIATION

2016 -2017 MEMBERSHIP DIRECTORY

ADMIN RULES

ADMINISTRATIVE RULES

- 42.12.313 PUBLIC WINE OR BEER TASTINGS** (1) Beer or wine tastings must be conducted by an on-premises consumption retail licensee, special permittee, or an on-premises consumption retail licensee with catering endorsement.
- (2) In no case can a table wine distributor, a beer wholesaler, a winery/wine importer or a brewer/beer importer sponsor a wine or beer tasting other than at:
- (a) a licensed retail premises that permits on-premises consumption except for a domestic winery as allowed under 16-3-411, MCA;
 - (b) a domestic winery as allowed under 16-3-411, MCA;
 - (c) a brewery as allowed under 16-3-213, MCA;
 - (d) a special event with a special permit; or
 - (e) a catered premise from an on-premises consumption retail licensee with a catering endorsement.
- (3) A wine distributor, a beer wholesaler, a wine importer, or a beer importer sponsoring a tasting:
- (a) must purchase the products to be used for the tasting from the on-premises consumption retail licensee, special permittee, or an on-premises consumption retail licensee with catering endorsement at the ordinary retail price; and
 - (b) can participate only by providing advice or information about the products.
- (4) A winery or brewer sponsoring a tasting is required to comply with (3). In addition, the winery or brewer can participate in serving the product.
- (5) An off-premises retail licensee may only participate in a wine tasting conducted by an on-premises consumption retail licensee by providing advice or information about the products. The off-premises consumption licensee may take orders for products to be picked up and paid for at the off-premises consumption licensee's premises.
- (6) All beer and wine provided to the public at a tasting conducted by an on-premises consumption licensee must be purchased by the on-premises consumption retail licensee from a licensed table wine distributor, beer wholesaler, brewery, or winery. Beer and wine must be served by the on-premises consumption licensee with the exception of beer and wine manufacturers. Beer or wine may not be provided by another retail licensee.
- (7) This rule shall not apply to beer or wine tastings which are held in a private home wherein no consideration, remuneration, contribution, donation, gift, or any other money or thing of value is solicited or charged for entry or attendance and which do not violate the provisions of 16-6-306, MCA. In addition, the rule does not apply to industry sampling where alcoholic beverage product samples are provided by the manufacturer or distributor of the products to a licensed distributor or retailer solely for the purpose of soliciting sales of the product to such distributors or retailer.

- 42.13.101 COMPLIANCE WITH LAWS AND RULES** (1) All licensees, their agents, and employees must conduct the licensed premises in compliance with the rules of other state and local agencies and abide by all:
- (a) provisions of the laws of Montana and the United States related to alcoholic beverages;
 - (b) county and city or town ordinances related to alcoholic beverages;
 - (c) Indian liquor laws applicable within the areas of Indian country, as defined by 18 USC 1151, provided a tribe having jurisdiction over such area of Indian country adopted an ordinance, certified by the Secretary of the Interior, and published in the Federal Register; and
 - (d) rules of the department relating to alcoholic beverages.
- (2) Proof of violation by a licensee or the licensee's agent or employee of any of the provisions of the above laws, ordinances, or rules is sufficient grounds for revocation or suspension of the license, and licensees may be reprimanded or assessed a civil penalty in accordance with 16-4-406, MCA.
- (3) The department will impose progressive penalties for multiple violations of any laws, ordinances and rules within any three-year period unless mitigating circumstances indicate the penalty should be reduced, or aggravating circumstances indicate the penalty

should be increased. Violations and progressive penalties include, but are not limited to, those listed on the following chart. Any combination of four of the violations listed below occurring within a three-year period could result in a license revocation action.

VIOLATION	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
Sale to an Underage Person	\$250	\$1000	\$1500/20-day Suspension	Revocation
Sale to an Intoxicated Person	\$250	\$1000	\$1500/20-day Suspension	Revocation
Open after Hours	\$150	\$600	\$1000/12-day Suspension	Revocation
Sale after Hours	\$150	\$600	\$1000/12-day Suspension	Revocation
Re-pouring	\$250	\$1000	\$1500/20-day Suspension	Revocation
Denial of Right to Inspect	\$150	\$600	\$1000/12-day Suspension	Revocation
No Approval to Alter	\$300	\$600	\$1000/12-day Suspension	Revocation
No Management Agreement	\$150	\$600	\$1000/12-day Suspension	Revocation
Improper use of Catering Endorsement	\$150	\$600	\$1000/12-day Suspension	Revocation
Accept more than 7 Days credit	\$250	\$1000	\$1500/20-day Suspension	Revocation
Extend more than 7 Days Credit	\$250	\$1000	\$1500/20-day Suspension	Revocation
Licensee or employee without valid alcohol sales and service training certificate		Penalty for violations of this type as specified by (7) and by statute. Revocation for fourth violation		
Undisclosed Ownership Interest		Fine, Suspension or Revocation		
90-Day Nonuse Without Approval		Lapse		

- (4) The department will not consider reinstatement of a revoked license for one year from the date of revocation. In every case, reinstatement will only be allowed if:
- (a) the licensee demonstrates to the department that the licensee has taken steps to insure the causes of the license revocation will be prevented from occurring in the future; and
 - (b) a license is available under the quota.
- (5) A revoked license will affect a license quota area and the following may result:
- (a) if it causes the area to be under quota, a notice of availability of a license will be published in the newspaper of general circulation in the quota area and invite applications for the available license; or
 - (b) if the area is over quota the revoked license will cease to be available for issuance.
- (6) A revoked beer or beer and wine license issued within a city quota area before October 1997, if reinstated will not allow any gaming or gambling activity on the licensed premises.

(7) A penalty for a licensee or licensee's employee not having a valid alcohol server training certificate shall be assessed against the licensee for whom the employee works at the time of the violation. The penalty for this violation is imposed against the licensee, and the licensee having multiple untrained employees on a particular date shall not be considered multiple violations; however, continued noncompliance on a future date may be considered as an additional violation of the server training requirement. The penalty shall be assessed in addition to any penalty for other Montana alcoholic beverage code violations such as sales to underage persons and/or sales to intoxicated persons, and the violation will be considered a separate violation by the department. Penalties for not having valid alcohol server training certificates may be taken into account based on the mitigating factors described in (8) when determining a licensee's total number of violations in a three-year period for purposes of the progressive penalty schedule in (3). However, the monetary penalty for each server training certificate violation shall be \$50 for a first offense, \$200 for a second offense, and \$350 for a third offense in a three-year period.

(a) Example: If a licensee has one previous violation for sale after hours, and later violates the training certificate provision, the licensee will be penalized \$50 for the training certificate violation, although the violation will be considered a second violation on the licensee's record. Then, if the licensee commits another violation within the same three-year period (for instance, a sale to an underage person), the penalty for that violation will be a third-violation penalty.

(8) Mitigating circumstances with regard to Title 16, ch. 4, part 10, MCA, are considered as follows:

(a) The mitigating circumstances provisions of 16-4-1008, MCA, apply only to violations of Title 16, ch. 4, part 10, MCA, and not to other violations.

(b) Neither cost nor convenience of training shall be considered by the department to excuse any licensee from compliance with the requirements of Title 16, ch. 4, part 10, MCA, and these rules.

(c) Any violation of 16-4-1005, MCA, occurring prior to April 1, 2012, will not be taken into account in determining the licensee's number of violations in a three-year period.

(d) In the department's discretion, a violation of 16-4-1005, MCA, occurring on or after April 1, 2012, may not be taken into account in determining the licensee's number of violations in a three-year period if:

(i) all managers and supervisors of persons who serve or sell alcoholic beverages meet the training requirements;

(ii) the licensee demonstrates to the department's satisfaction that its business policies and practices reflect substantial compliance with the server training requirements such that it is apparent the violation was the result of an oversight or mistake; and

(iii) the licensee has committed no previous violations of 16-4-1005, MCA.

(9) Mitigating circumstances in the case of sale to an underage person could result in a reprimand for the first offense under Title 16, MCA, within the most current three-year period if the licensee has provided alcoholic beverage service training acceptable to the department to all of its employees and reinforces that training with each employee at least every two years. The licensee must demonstrate that the person who made the sale to an underage person has completed alcoholic beverage service training prior to the department considering issuance of a reprimand. A written reprimand will be considered a first offense for the application of the progressive penalty schedule only if the licensee commits the same offense again within one year. The written reprimand in lieu of a violation shall be available only one time per licensee.

(10) Aggravating circumstances may result in the imposition of maximum monetary penalties, maximum suspension time or revocation, and will not bind the department to the progressive penalty framework indicated in (3).

(11) Aggravating circumstances include, but are not limited to:

(a) no effort on the part of a licensee to prevent a violation from occurring;

(b) a licensee's failure to report a violation at the time of renewal;

(c) a licensee's ignoring warnings issued by a regulating authority about compliance problems;

(d) recurring sales to underage persons or sales to intoxicated persons;

- (e) a licensee's failure to timely respond to requests during the investigation of a violation; and
 - (f) a violation's significant negative effect on the health and welfare of the community in which the licensee operates.
- (12) If the violation discovered is an undisclosed ownership interest, the department will consider aggravating circumstances described in (11) and mitigating circumstances such as voluntary disclosure of relevant facts in determining the appropriate penalty.
- (13) Nothing in this rule prevents the department from revoking, suspending or refusing the renewal of a license if revocation, suspension or refusing renewal are expressly allowed in law or rule with reference to a prohibited act.

42.13.109 SEVEN-DAY CREDIT LIMITATION (1) A brewery license, a beer wholesaler license, a winery license, or a table wine distributor license will be suspended or revoked or otherwise sanctioned under 16-4-406, MCA, if credible evidence demonstrates that a licensee extended credit to a retail licensee for more than seven days.

(2) A retailer's license will be suspended or revoked or otherwise sanctioned under 16-4-406, MCA, if credible evidence demonstrates that the retail licensee accepted credit extended by a brewer or a beer wholesaler for more than seven days for the purchase of beer.

(3) The first day of the seven-day credit period begins at 8:00 a.m. on the day after the delivery.

(4) Criteria which demonstrates credit has been extended are:

- (a) wholesaler delivered product to retailer;
- (b) retailer or wholesaler does not have documentation of payment;
- (c) wholesaler has been without payment for more than seven days; and
- (d) wholesaler does not have documentation of efforts to collect payment; or
- (e) (a), (b), (c), and the wholesaler has no documentation to show further product delivery was terminated.

(5) Criteria which demonstrates credit has been accepted are:

- (a) wholesaler delivered product to retailer;
- (b) retailer or wholesaler does not have documentation of payment;
- (c) wholesaler has been without payment for more than seven days; and
- (d) product has not been returned by retailer.

(6) When a license is sold and a debt to a beer and wine wholesaler remains unpaid, the debt becomes the obligation of the new owner of the license. Based on the seven-day credit limitation, the wholesaler may not sell to the new licensee until the previous debt is paid in full.

42.13.111 DEFINITIONS The following definitions apply to this subchapter:

(1) "Alcohol beverage service training" means any server training program conducted by the department or the department designee, or a qualified server training program that has been preapproved in writing by the department.

(2) "Building" means an enclosed structure with external walls and a roof. A series of structures linked together, such as a commercial mall, structures contained on a city block or structures connected by skyways, are not considered one building for licensing purposes.

(3) "Coupons" are certificates or tickets entitling the holder to a specified right, as redemption for cash or gifts or reduced purchase price.

(4) "Industry member" is any person engaged in business as a manufacturer, importer, or wholesaler of distilled spirits, wine, or malt beverages.

(5) "Mitigating circumstances" means a justification or excuse for a violation of the code, but which, in fairness, may be considered as extenuating enough to reduce the penalty imposed for the purpose of ARM 42.13.101.

(6) "Patio/Deck" means a specific area designated on a floor plan which shall be completely enclosed by at least a 3-foot fence or wall, immediately adjacent to and accessible from inside the licensed premises.

(7) "Portable satellite vehicle" or "other movable satellite device" as used in 16-3-302, MCA, may include:

- (a) self-propelled wheeled vehicles such as golf carts, concession vans or similar conveyances containing beverage dispensing and storage equipment; or
 - (b) wheeled devices such as concession wagons or vendors carts and other similar vehicles which may be towed, pushed or transported to a temporary site and which contains beverage dispensing and storage equipment; and
 - (c) fixed booths or stands in which portable beverage dispensing and storage equipment may be temporarily installed and removed after use.
- (8) "Posted price" as it applies to liquor and fortified wine, means the wholesale price of liquor and fortified wine for sale to persons who hold liquor licenses as fixed and determined by the department.
- (9) "Premises" means one building or a specific portion or portions of one building as described on the floor plan, identified by a unique address and approved by the department. The premises shall contain all service areas used by the licensee and the licensee's patrons and those service areas in which the licensee operates outside of and attached to the licensed building and to which patrons are permitted free access from the building.
- (10) "Primary packaging" means the container that directly holds the alcoholic beverage. Examples of primary packaging include, but are not limited to, aluminum cans, glass bottles, kegs, and a box containing a plastic bladder or other soft flexible container of wine.
- (11) "Proof of training" means a printed copy of a training certificate, wallet card, or on-line verification of completion of training received from the training provider.
- (12) "Sale to an underage person" means a violation consisting of the unlawful sale, service, or delivery of an alcoholic beverage to a person under the age of 21.
- (13) "Service area" means the area in which the preparation, sale, service or consumption of alcoholic beverages occurs, except as provided in 16-3-105, MCA.
- (14) "Training providers" means a company or organization that has a responsible alcohol sales and service training program.

42.13.201 LABELING AND PACKAGING REQUIREMENTS

- (1) As a condition of holding a retail license, no retail licensee shall sell, offer for sale, or provide any beer, wine, or hard cider unless the label and primary packaging are in conformity with this rule and ARM 42.13.221.
- (2) Alcoholic beverage products are a mature product category, restricted by law to only consumers age 21 and older and who are not intoxicated, and therefore should be marketed in a responsible and appropriate manner. The department, in its discretion and on a case-by-case basis, will not approve a beer, wine, or hard cider label or primary package that:
- (a) blurs the distinction between an alcoholic and nonalcoholic product by utilizing labeling and/or primary packaging that emphasize features that are most commonly associated with nonalcoholic consumable products including, but not limited to:
 - (i) aerosol cans;
 - (ii) gelatin cups;
 - (iii) hollow candies; or
 - (iv) mason jars that contain fruit;
 - (b) uses flavors that are designed to target or particularly appeal to underage persons, such as:
 - (i) cotton candy; or
 - (ii) bubble gum; or
 - (c) contains graphics or elements that:
 - (i) are designed to target or particularly appeal to underage persons;
 - (ii) minimizes, fails to identify, or disguises that the product contains alcohol; or
 - (iii) alludes to or suggests irresponsible, excessive, or underage consumption.
- (3) The department will notify the winery, wine importer, brewer, or beer importer of any products that do not conform to the requirements in (2). The winery, wine importer, brewer, or beer importer must remove the product from the Montana market within 60 days of being notified by the department.

42.13.202 DRAUGHT BEER AND WINE TAPS (1) All taps or other devices used in

the withdrawal of draught beer or wine from kegs for consumption on the premises of any retail licensee shall bear a prominent, easily readable label identifying the brand of beer or wine being served.

42.13.210 CONSUMER PROMOTIONS (1) Industry members authorized to do business in the state are allowed to offer coupons and direct offerings as set forth in regulation number 6.96 of the Tobacco Tax and Trade Bureau (TTB), United States Department of the Treasury as set forth in 27 CFR, as revised on April 1, 2005, and incorporated by reference as fully set forth as the regulations for consumer promotions. Copies may be obtained at the United States web site located at www.ttb.gov/Regulations.

(2) Industry members may furnish to consumers coupons which are redeemable at a retail establishment as follows:

- (a) all retailers within the market where the coupon offer is made may redeem such coupons; and
- (b) an industry member does not reimburse a retailer for more than the face value of all coupons redeemed, plus a normal and customary handling fee for the redemption of coupons.

(3) Contest prizes, sweepstakes, refunds, premium offers, internet promotions, and like items may be offered by industry members directly to consumers. Officers, employees, and representatives of wholesalers or retailers are excluded from participation in these direct offerings.

(4) Conditions that must be met for all types of promotions include but are not limited to:

- (a) the company offering the promotion must be a registered industry member authorized to do business in the state of Montana;
- (b) alcohol may not be awarded as a prize or given away to participants;
- (c) participants must be 21 years of age or older;
- (d) no purchase is necessary to participate in a sweepstakes or contest; and
- (e) all promotions must be approved by department personnel prior to the onset of the promotion.

42.13.211 PERMISSIBLE ADVERTISING (1) No licensee shall publish or cause to be published or disseminate or cause to be disseminated any advertisement of liquor (distilled spirits, wine, or malt beverages) unless such advertisement conforms with ARM 42.13.221.

42.13.221 ADOPTION OF CERTAIN FEDERAL REGULATIONS (1) The United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau regulations 1, 4, 5, 6, and 7, as set forth in 27 CFR, as revised April 1, 2006, available from the U.S. Government Printing Office, Washington, DC 20402-0001, are adopted by reference. These regulations apply to basic permit requirements, tied-house restrictions, labeling, sampling, and advertising of liquor (distilled spirits, wine, and malt beverages) sold within this state except where the provisions of these federal regulations may be contrary to or inconsistent with the provisions of Montana law or rules of the department.

42.13.222 BEER WHOLESALER AND TABLE WINE DISTRIBUTOR RECORDKEEPING REQUIREMENTS (1) Beer wholesalers and table wine distributors shall keep and maintain records at their place of business of all beer or table wine furnished or sold to retailers. These records must contain the following information:

- (a) name and address of retailer;
- (b) item that was sold or furnished;
- (c) date item was sold or furnished;
- (d) date item was delivered;
- (e) cost of item sold;
- (f) date wholesaler or distributor received retailer's payment; and
- (g) from which warehouse or subwarehouse the item was delivered.

(2) Commercial records or invoices may be used if they contain the information listed in (1)(a) through (g).

(3) Beer wholesalers shall keep and maintain records at their place of business of visits to retailers within their assigned territory, as specified under Title 16, MCA, for department inspection.

(4) A beer wholesaler or a table wine distributor may use a common carrier to deliver beer or wine to a retail licensee in limited quantities. The department may inspect the books and records of the common carrier regarding the conveyance of alcoholic beverages within the state.

(a) Quantity is limited to three cases a day for each licensed retailer.

42.13.301 STORAGE OF ALCOHOLIC BEVERAGES (1) A licensee may store alcoholic beverages only on the licensee's licensed premises.

(2) Only those alcoholic beverages for which the premises are specifically licensed may be received, accepted, or stored. All alcoholic beverages must be purchased through an agency liquor store, or through a licensed wholesaler, domestic winery, or domestic brewery.

42.13.304 STORAGE RESULTING IN TREATMENT AS BEER WHOLE-SALER OR TABLE WINE DISTRIBUTOR (1) A license will be required for a fixed place of business operating as a wholesaler or distributor when:

(a) beer or table wine is held in storage for wholesaling; or

(b) jobbing quantities, at such place of business, include filling orders and making deliveries.

(2) The person in charge will be required to have a license, except in the case of a brewer's storage depot as provided in 16-3-230, MCA.

42.13.305 EXCHANGE OR RETURN OF BEER OR TABLE WINE PRODUCT (1) A beer wholesaler or a table wine distributor may exchange or accept return of product if the reason constitutes an ordinary and usual commercial reason such as:

(a) defective product;

(b) error in delivery;

(c) product unlawful to sell;

(d) termination of retail business or wholesale franchise;

(e) change in product;

(f) discontinued product; or

(g) seasonal business.

(2) A commercial reason not considered ordinary and usual would be:

(a) overstocked product;

(b) slow moving product; or

(c) seasonal product.

42.13.401 IMPORTATION OF WINE (1) Each winery or importer desiring to ship table wines to licensed distributors within the state must submit an application for registration to the department as specified in 16-4-107, MCA. Each application must be accompanied by a registration fee applicable in (2) and a copy of each product label the winery or importer intends to ship into the state. Approval will be granted by the department annually on or before October 1. The department must be notified in writing of any changes, additions, or deletions in product line prior to distribution in Montana.

(2) The registration fee shall be as follows:

(a) 0-60 cases no charge

(b) 61-500 cases = \$25

(c) 501-1000 cases = \$50

(d) 1001-1500 cases = \$100

(e) 1501-2000 cases = \$200

(f) 2001 + cases = \$400

(3) Any winery or importer failing to renew or failing to file copies of its agreements of distributorship pursuant to 16-3-402, MCA, will be subject to cancellation or suspension as provided

in 16-4-107, MCA.

42.13.402 WINE DISTRIBUTOR'S MONTHLY REPORTS (1) Each table wine distributor shall file with the department a table wine distributor's monthly tax report (Form AA-50), as required by 16-3-404, MCA, showing the number of liters sold during the previous month. The form must be filed whether or not the distributor has sold any wine during a month. The form may be obtained from the Department of Revenue, P.O. Box 5805, Helena, Montana 59604-5805.

(2) The form must be accompanied by payment of the tax due pursuant to 16-1-411, MCA.

(3) Failure to file the form or pay the table wine tax is sufficient cause for the assessment of penalties and interest in accordance with 15-1-216 and 16-1-411, MCA, and other penalties provided in 16-4-406, MCA.

42.13.601 SMALL BREWERY RESTRICTIONS (1) Product samples may only be provided in the sample room as shown on the floor plan which has been submitted and approved by the department.

(2) A small brewery is not a retail beer licensee as defined in 16-4-105, MCA.

(3) A sample room may include a deck or patio, as long as the deck or patio is immediately adjacent to the brewery sample room and can only be accessed from the sample room. The deck or patio must be enclosed in such a manner as to restrict its access and view from the general public on the street or sidewalk.

(4) Product samples for on-premises consumption may not be sold, offered for sale, or given away before 10 a.m. or after 8 p.m.

(5) On-premises consumption and possession shall not be permitted before 10 a.m. or after 9 p.m. The brewery shall be responsible for removing all product samples from patrons' possession in order to comply with this provision.

(6) A small brewery may sell growlers. A growler is any refillable, resealable container that a brewer fills on the brewery premises for off-premises consumption.

42.13.702 BEER REPORTING REQUIREMENTS (1) Each brewery located outside of Montana shall file with the department monthly reports, provided by the department, with the following information:

(a) A brewery that sells beer directly to a retailer located in Montana must pay the tax due, pursuant to 16-1-406, MCA, on or before the 15th of each month for beer sold in the previous month and complete Montana Form BET;

(b) A brewery that sells beer directly to a retailer shall report on or before the 15th of each month the amount of beer sold directly to retailers in the previous month on Form BET-3; or

(c) Each retailer that purchases beer from an out-of-state brewery shall report the amount of beer purchased on Form BET-2.

(2) Each brewery located in Montana selling directly to consumers or retailers must pay tax for beer sold in the previous month pursuant to 16-1-406, MCA, and complete Montana Form BET.

FEDERAL ALCOHOL ADMINISTRATION ACT – TITLE 27

27 CFR § 6.91 Samples. The act by an industry member of furnishing or giving a sample of distilled spirits, wine or malt beverages to a retailer who has not purchased the brand from the industry member within the last 12 months does not constitute a means to induce within the meaning of section 105(b)(3) of the Act. For each retail establishment the industry member may give not more than 3 gallons of any brand of malt beverage, not more than 3 liters of any brand of wine, and not more than 3 liters of distilled spirits. If a particular product is not available in a size within the quantity limitations of this section, an industry member may furnish to a retailer the next larger size.

Subpart C – Labeling Requirements for Malt Beverages

27 CFR § 7.26 Alcoholic content (a) The alcoholic content and the percentage and quantity of the original extract shall not be stated unless required by State law. When alcoholic content is required to be stated, but the manner of statement is not specified in the State law, it shall be stated in percentage of alcohol by weight or by volume, and not by proof or by maximums or minimums. Otherwise the manner of statement shall be as specified in the State law.

(b) The terms “low alcohol” or “reduced alcohol” may be used only on malt beverage products containing less than 2.5 percent alcohol by volume.

(c) The term “non-alcoholic” may be used on malt beverage products, provided the statement “contains less than 0.5 percent (or .5%) alcohol by volume” appears in direct conjunction with it, in readily legible printing and on a completely contrasting background.

(d) The term “alcohol-free” may be used only on malt beverage products containing no alcohol.

Subpart C - Unlawful Sales Arrangements

27 CFR § 11.21 General. It is unlawful for an industry member to sell, offer for sale, or contract to sell to any trade buyer, or for any such trade buyer to purchase, offer to purchase, or contract to purchase any products

(a) on consignment; or

(b) under conditional sale; or

(c) with the privilege of return; or

(d) on any basis other than a bona fide sale; or

(e) if any part of the sale involves, directly or indirectly, the acquisition by such person of other products from the trade buyer

or the agreement to acquire other products from the trade buyer. Transactions involving the bona fide return of products for ordinary and usual commercial reasons arising after the product has been sold are not prohibited.

27 CFR § 11.22 Consignment sales. Consignment sales are arrangements wherein the trade buyer is under no obligation to pay for distilled spirits, wine, or malt beverages until they are sold by the trade buyer.

27 CFR § 11.23 Sales conditioned on the acquisition of other products. (a) General. A sale in which any part of the sale involves, directly or indirectly, the acquisition by the industry member from the trade buyer, or the agreement, as a condition to present or future sales, to accept other products from the trade buyer is prohibited.

(b) Exchange. The exchange of one product for another is prohibited as a sales transaction conditioned on the acquisition of other products. However, the exchange of a product for equal quantities (case for case) of the same type and brand of product, in containers of another size is not considered an acquisition of “other” products and is not prohibited if there was no direct or implied privilege of return extended when the product was originally sold. Industry members may make price adjustments on products eligible for exchange under this paragraph.

27 CFR § 11.31 General. (a) Section 5(d) of the Act provides, in part, that it is unlawful to sell, offer to sell, or contract to sell products with the privilege of return for any reason, other than those considered to be “ordinary and usual commercial reasons” arising after the product has been sold. Sections 11.32 through 11.39 specify what are considered “ordinary and usual commercial reasons” for the return of products, and outline the conditions and limitations for such returns.

(b) An industry member is under no obligation to accept the return of products for the reasons listed in Sec. Sec. 11.32 through 11.39.

Exchanges and Returns for Ordinary and Usual Commercial Reasons

27 CFR § 11.32 Defective products. Products which are unmarketable because of product deterioration, leaking containers, damaged labels or missing or mutilated tamper evident closures may be exchanged for an equal quantity of identical products or may be returned for cash or credit against outstanding indebtedness.

27 CFR § 11.33 Error in products delivered. Any discrepancy between products ordered and products delivered may be corrected, within a reasonable period after delivery, by exchange of the products delivered for those which were ordered, or by a return for cash or credit against outstanding indebtedness.

27 CFR § 11.34 Products which may no longer be lawfully sold. Products which may no longer be lawfully sold may be returned for cash or credit against outstanding indebtedness. This would include situations where, due to a change in regulation or administrative procedure over which the trade buyer or an affiliate of the trade buyer has no control, a particular size or brand is no longer permitted to be sold.

27 CFR § 11.35 Termination of business. Products on hand at the time a trade buyer terminates operations may be returned for cash or credit against outstanding indebtedness. This does not include a temporary seasonal shutdown (see Sec. 11.39).

27 CFR § 11.36 Termination of franchise. When an industry member has sold products for cash or credit to one of its wholesalers and the distributorship arrangement is subsequently terminated, stocks of the product on hand may be returned for cash or credit against outstanding indebtedness.

27 CFR § 11.37 Change in product. A trade buyer's inventory of a product which has been changed in formula, proof, label or container (subject to Sec. 11.46) may be exchanged for equal quantities of the new version of that product.

27 CFR § 11.38 Discontinued products. When a producer or importer discontinues the production or importation of a product, a trade buyer's inventory of that product may be returned for cash or credit against outstanding indebtedness.

27 CFR § 11.39 Seasonal dealers. Industry members may accept the return of products from retail dealers who are only open a portion of the year, if the products are likely to spoil during the off season. These returns will be for cash or for credit against outstanding indebtedness.

Exchanges and Returns for Reasons Not Considered Ordinary and Usual

27 CFR § 11.45 Overstocked and slow-moving products. The return or exchange of a product because it is overstocked or slow-moving does not constitute a return for "ordinary and usual commercial reasons".

27 CFR § 11.46 Seasonal products. The return or exchange of products for which there is only a limited or seasonal demand, such as holiday decanters and certain distinctive bottles, does not constitute a return for "ordinary and usual commercial reasons".



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MONTANA BEER AND WINE DISTRIBUTORS ASSOCIATION

2016 -2017 MEMBERSHIP DIRECTORY

BYLAWS

BYLAWS

BY-LAWS

MONTANA BEER & WINE DISTRIBUTORS ASSOCIATION

ARTICLE I

Name, Office, and Agent

Section 1. The name of this association is MONTANA BEER & WINE DISTRIBUTORS' ASSOCIATION.

Section 2. The principal office of the association shall be P.O. Box 124, Helena, Montana (59624). The Association may have such other offices, either within or outside the state of Montana, as the board of directors may determine or as the affairs of the association may from time to time require.

Section 3. The registered agent of this association at the above address is the executive director of the association. The executive director is to be selected by a majority of the board of directors and shall serve the association at the pleasure of the board of directors.

ARTICLE II

Objects and Purposes

The objects and purposes of this association shall be:

- (1.) To federate into one compact and representative organization the members of the beer and wine distribution industry within the state of Montana;
- (2.) To promote friendly intercourse among beer and wine distributors licensed by the state of Montana and the other states of the United States;
- (3.) To elevate the standards of the beer and wine distribution business;
- (4.) To secure the enactment and enforcement of just and equitable laws for the protection of the citizens of Montana and the business community of the state;
- (5.) To cooperate with similar national and state associations which have goals parallel to the purposes of this association;
- (6.) To advise and cooperate with the executive and legislative branches of both the federal and state governments on all matters and things affecting the licensing and conduct of beer and wine distribution; and
- (7.) To promote sharing of resources for the benefit of the members of the association such as insurance pooling, equipment purchases, employment resources, etc.

ARTICLE III.
Membership

Section 1. Persons or business entities licensed by the state of Montana as beer or wine distributors, or both, shall be eligible to voting membership in this association, provided they shall first make application for such membership to the board of directors and be approved for membership by said board. Each such person or business entity is entitled to one membership and one vote. If the board of directors rejects an application for membership, such rejection shall be reported to the membership at the next meeting of the membership and thereupon shall be subject to review by the membership upon request of the applicant or any member of the association.

Section 2. Persons or other business entities rendering outstanding, meritorious, or other notable service to beer or wine distribution or otherwise deserving of recognition and honor may be granted honorary membership in this association by the board of directors, provided, however, that such honorary members shall not have any voting rights.

Section 3. Persons or other business entities doing business with the members of the beer or wine distribution industry may be granted associate membership in this association by the board of directors upon such terms and conditions as the board may from time to time prescribe, provided, however, that such associate members shall not have any voting rights.

Section 4. Written notice of each regular or special meeting of the membership, stating the time and the place - and the object thereof, if a special meeting - shall be delivered to all members by mail, overnight mail, facsimile, electronic mail or any other documented means with reasonable advance notice before such meeting to each member at such address as is on the books of the association.

Section 5. Dues statements will be sent to all members approximately 60 days following the end of each quarter. Dues need to be paid by the last day of the subsequent quarter to which the dues are based to be eligible to vote in any subsequent general or special meeting. Any ineligibility to vote shall remain until all dues and assessments are brought current. In the case of special assessments the board of directors shall, by motion or resolution, designate the due date after which non-payment shall constitute delinquency. Any member whose dues or assessments are delinquent, or any member charged with conduct unbecoming a member of the association may, after due notice and proper hearing before the board of directors, be expelled from membership by a majority of a quorum of the board of directors; but such action shall be reviewed by the membership at its next meeting upon request of the expelled member.

Section 6. Any person or business entity whose membership has terminated, by resignation, expulsion, or otherwise, shall have no interest of any kind or nature in any funds or other property belonging to the association and shall forfeit all rights of membership.

ARTICLE IV

Meetings

Section 1. A regular annual meeting of the members shall be scheduled by the board of directors during the third quarter of each calendar year, for the purpose of electing directors and for the transaction of such other business as may come before the meeting.

Section 2. Special meetings of the membership may be called for any purposes or purposes by either the president or a majority of the board of directors. In addition, special meetings shall be called by the president or secretary upon the written request of a majority of the membership, provided that such request shall state the purpose or purposes of the special meeting.

Section 3. Written notice of each regular or special meeting of the membership, stating the time and the place - and the object thereof, if a special meeting - shall be delivered to all members by mail, overnight mail, facsimile, electronic mail or any other documented means with reasonable advance notice before such meeting to each member at such address as is on the books of the association. Meetings of the general membership may be held by telephone conference call.

Section 4. All business at such meetings shall be transacted by vote of the membership, with each member in good standing having one vote.

Section 5. At any meeting of the membership a member entitled to vote may vote by proxy executed in writing by the member or by his duly authorized attorney-in-fact. No proxy shall be valid after the close of such meeting, unless otherwise provided in the proxy.

Section 6. No member owing dues or any assessment in arrears for more than one quarter shall be entitled to vote at any meeting unless and until all outstanding balances of dues and assessments are paid. See Article III, Section 5.

Section 7. No business other than adjournment may be transacted at any meeting of the membership unless votes representing twenty per cent (20%) of the membership are present or by proxy at the commencement of such meeting. If such percentage is not present at any meeting of the membership, a majority of the members present may adjourn the meeting from time to time without further notice.

ARTICLE V

Directors

Section 1. The affairs of the association shall be managed by its board of directors. Every member of the board of directors shall be: (1) a person licensed by the state of Montana as a beer or wine wholesaler, or both [an individual licensee]; (2) a person with a 10% or greater ownership interest in a business entity licensed by the state as a beer or wine wholesaler, or both [a business licens-

ee] or (3) a person employed by an individual licensee or a business licensee and also designated by that same licensee to act on their behalf as a member of the board of directors. Any designation of a non-equity person to act as a board member for a licensee does not alter the rule in Article III, Section 1, that each licensee is entitled to only one membership and one vote.

Section 2. The number of directors to be elected shall be seven voting members, all with terms ending in September of the fourth year following election of that board member. In addition to the board members who have voting rights, the immediate past president of the association shall have the opportunity to serve on the board of directors as a nonvoting member for a term of two years.

Section 3. The board of directors may meet at any time, in any manner, so long as appropriate notice is provided which is reasonably calculated to provide proper notice to all board members. The executive director, in consultation with the president, may also set such meetings as are necessary with the same notice requirement. Meetings of the board of directors may be held by telephone conference call.

Section 4. All members of the board of directors are required to attend every board meeting, whether conducted in person or by telephone conference call. Each member is entitled to one excused absence per year but will forfeit their seat upon a second absence. Board members may attend meetings, if pre-authorized by the president, by means of a proxy in order for the board to meet its quorum requirement. Board members shall choose any proxy from: (1) persons on the board of directors; (2) individual licensees; (3) business licensees; or (4) any other person employed by an individual or business licensee who is approved prior to the meeting by the president to act as a proxy for the board member intending to be absent.

Section 5. A majority of the board of directors shall constitute a quorum for the transaction of business at any meeting of the board; but if less than a majority of the directors are present at said meeting, a majority of the directors present may adjourn the meeting from time to time without further notice

Section 6. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by law or by these By-Laws.

Section 7. Any director whose membership lapses, or whose license in the state of Montana is not renewed or is revoked, or who moves from the state of Montana, or who retires from the active practice of beer or wine distribution, shall be deemed to have forfeited the office of director and a vacancy shall be declared and filled by the remaining members of the board of directors in the manner hereinafter provided.

Section 8. Any vacancy occurring in the board of directors shall be filled by appointment by the board of directors. A director so appointed shall serve only until the next regular meeting of the membership at which time a director shall

be elected for the unexpired portion of the term, if any such time be remaining.

Section 9. Directors as such shall not receive any stated salaries for their services, but they may be reimbursed their necessary travel and living expenses, for attendance at any regular or special meeting of the board; but nothing herein contained shall be construed to preclude any director from serving the association in any other capacity and receiving compensation therefore.

ARTICLE VI Officers

Section 1. The officers of this association shall be elected by the board of directors from the membership of such board and shall consist of the president, and vice-president.

Section 2. The officers of the association shall be elected bi-annually immediately following election of replacement board members at the regular annual meeting of the membership every other year during the odd-numbered years, and shall serve until their successors are elected and qualified.

Section 3. A vacancy in any office caused by death, resignation, removal, disqualification, or otherwise, may be filled by the board of directors for the unexpired portion of the term, at a regular meeting, or at a special meeting called for that purpose.

Section 4. Any officer of the association may be removed by a vote of two-thirds of the members, at a general meeting held after previous notice of the time and place and of the intention to propose such removal. The removal of any officer as provided hereunder shall constitute his removal as a director also, and shall immediately and automatically terminate his authority to act in either capacity.

Section 5. The president shall be the principal executive officer of the association and shall in general supervise and control all of the business and affairs of the association. He shall preside at all meetings of the members and of the board of directors. He may sign, with the executive director or any other proper officer of the association authorized by the board of directors, any deeds, mortgages, bonds, contracts, or other instruments which the board of directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the board of directors or by these By-Laws or by statute to some other officer or agent of the association; and in general he shall perform all duties incident to the office of president and such other duties as may be prescribed by the board of directors from time to time. Upon completion of his term, a president shall serve for two years as a nonvoting member of the association's board of directors.

Section 6. In case of the incapacity, inability, or unwillingness of the president to perform his duties, the vice-president shall perform the duties of the president, and when so acting, shall have all of the powers of and be subject to all

the restrictions upon the president. The vice-president shall also perform such other duties as from time to time may be assigned to him by the president or by the board of directors.

Section 7. The board of directors may elect any member of the association or designate other qualified person to serve as treasurer and may authorize him to serve without bond. He shall be responsible for and have charge and custody of all funds of the association and shall sign all checks on funds of the association which shall be deposited in such bank or banks as shall be selected by the board of directors.

Section 8. The board of directors may retain such person as it sees fit as executive director of the association to perform such duties as the board may from time to time designate.

ARTICLE VII Revenue and Finance

Section 1. Annual dues of voting members shall be set by the board of directors. The membership year shall be the calendar year.

Section 2. Annual dues of associate members shall be set by the board of directors and may be raised or lowered in amount from time to time by said board in its discretion.

Section 3. Special assessments upon voting members shall be approved and recommended by the board of directors at any regular or special meeting. All such special assessments must then be approved by the general membership. Ballots by facsimile or other appropriate means may be employed to poll the general membership.

Section 4. All funds of the association shall be deposited from time to time to the credit of the association in such banks, trust companies, or other depositories as the board of directors may select.

Updated October 2013



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MONTANA BEER AND WINE DISTRIBUTORS ASSOCIATION

2016 -2017 MEMBERSHIP DIRECTORY