



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF REVENUE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-244.2

Summary

Adoption of NEW RULE 1 pertaining to out-of-state brewer or beer importer registrations

Previous Notice(s) and Hearing Information

On August 22, 2025, the Department of Revenue published MAR Notice No. 2025-244.1 pertaining to the proposed adoption of the above-stated rule in the 2025 Montana Administrative Register, Issue Number 16. The department did not receive any requests for a public hearing. The department did receive a written comment from Michael Lawlor, Lawlor & Co., PLLC.

Final Rulemaking Action – Effective October 25, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (42.13.604) IMPORTATION OF BEER

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Mr. Lawlor commented on his observations that SB 75 (2023) amended 16-4-401, MCA, so that an out-of-state brewer or beer importer no longer needs a "license." Mr. Lawlor states that the \$500 annual license renewal fee that previously applied to out-of-state

breweries and beer importers comes from 16-4-501(1), MCA, and although this subsection uses the phrase “wherever located,” it expressly only applies to licensees. So he believes the \$500 annual registration fee described in NEW RULE 1(1) may not be authorized by statute.

Response 1: SB 75’s thrust for foreign breweries was to achieve parity with foreign wineries for vetting of ownership interests in accordance with 16-4-401, MCA, and the registration fee is the same as the previous license fee for foreign breweries, so there is no change in economic impact for the registrants.

The registration fee also fits squarely within the department’s rulemaking authority as it can make rules “not inconsistent with this code necessary to efficiently administer this code.” 16-1-303(1), MCA. Although NEW RULE 1’s fee pertains to a “registration,” 16-1-303(2)(j), MCA, authorizes the department to “prescribe fees payable for permits and licenses issued under this code for which fees are not prescribed in this code and prescribing the fees for anything done or permitted to be done under the rules.”

Clearly, setting fees is something the legislature contemplated the department doing and on this basis the department declines to change the rule upon adoption based on Mr. Lawlor’s assertions.

Contact

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Approval

Brendan Beatty, Director of Revenue