_____ BILL NO. _____

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALCOHOLIC BEVERAGE LAWS RELATING TO TEMPORARY OPERATING AUTHORITY; ALLOWING THE DEPARTMENT TO EXTEND TEMPORARY OPERATING AUTHORITY IF PROTESTS REMAIN PENDING; AMENDING SECTION 16-4-433, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-4-433, MCA, is amended to read:

"**16-4-433. Temporary operating authority.** (1) (a) The department may grant temporary operating authority to an applicant for a license issued under this code for a period not to exceed 180 days. Except as provided in subsection (1)(b), ~~The~~ the department may not extend the period of temporary operating authority beyond 180 days and may not grant temporary operating authority more than once for the same application.

(b) If a protest under 16-4-207 remains pending before the department for more than 180 days, the department may extend temporary operating authority for the duration of the protest process.

(2) To be eligible to obtain temporary operating authority, and in addition to application requirements established by the department, the following requirements must be met:

(a) the license applied for must be currently operated at the proposed premises and the premises must not have been altered from the last approved floor plan; or

(b) the applicant must be a current licensee in good standing.

(3) An applicant is eligible to exercise all of the privileges of the license if temporary operating authority is granted by the department.

(4) The department may refuse to grant temporary operating authority if the department believes that the applicant is not qualified to hold a license, the applicant's proposed premises are not suitable for the operation of the business, or the department has adverse information about the applicant or the applicant's

owners, officers, or managers. The department may immediately revoke temporary operating authority if the applicant or applicant's employees violate any provision of this code or any rules adopted under it. The refusal to grant temporary operating authority is not a contested case under the Montana Administrative Procedure Act.

(5) The granting of temporary operating authority is not a temporary license or a permit. It does not guarantee that the department will grant the application if it finds that the applicant is not qualified to hold a license or the premises are not suitable for the operation of the business."

NEW SECTION. **Section 2. Applicability.** [This act] applies to the department's grant of temporary operating authority in instances in which protests are filed on or after October 1, 2027.

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