INSTRUCTIONS

**Applications must be complete and include all required supplemental documentation**

**before a license can be issued. Allow three weeks for processing.**

1. Completing the application:
   1. Indicate the amount of Declared Purchases in the provided box;
   2. If you are a non-resident company, complete the Registered Agent box as outlined below.
   3. List the names/titles of business officers, directors or partners as applicable, or provide a separate list;
   4. List the person who should be contacted for any follow-up questions and sign the application;
   5. Please use the Application Checklist to assure you have included all the required documentation.
2. Forms and more detailed instructions pertaining to the application requirements can be found on the department’s website at <http://agr.mt.gov>.
3. A separate license and fee is required for each location and each business component, whether dealer, warehouse, or both.

DEFINITIONS

**"Commodity dealer"** means a person who engages in a business involving or, as part of the business, participates in buying, exchanging, negotiating, or soliciting the sale, resale, exchange, bailment, or transfer of any agricultural commodity in the state of Montana.

The term does not include:

* + - * a person engaged solely in storing, shipping, or handling agricultural commodities for hire;
      * a person who buys agricultural commodities from a licensed commodity dealer;
      * a person who does not purchase more than $30,000 worth of agricultural commodities from Montana producers during a licensing year; however, once a person exceeds the $30,000 exemption, the person shall obtain a license and is not eligible for the exemption for the succeeding year;
      * a person who is the producer of agricultural commodities that the person actually plants, nurtures, and harvests;
      * a person whose trading in agricultural commodities is limited to trading in commodity futures on a recognized futures exchange; or
      * a person who buys agricultural commodities used exclusively for the feeding of livestock.

**"Public warehouse"** or **"warehouse"** means an elevator, mill, warehouse, sub-terminal grain warehouse, public warehouse, or other structure or facility in which, for compensation, agricultural commodities are received for storage, handling, processing, or shipment. The term includes facilities that commingle commodities belonging to different lots of agricultural commodities.

If you are storing, handling, processing, conditioning or shipping agricultural commodities for compensation, you are operating as a commodity warehouse and must obtain a warehouse license. This includes, but is not limited to seed cleaners, conditioners, feed manufacturers, and individuals who trans-load. If you do not take title of the commodity, but are liable for it while in your possession, you need a commodity warehouse license.

“**Delayed Payment Contract**” means the written contract for the sale of an agricultural commodity when the purchase price is to be paid at a date after the delivery of the agricultural commodity to the buyer and includes but is not limited to those contracts commonly referred to as deferred payment contracts, deferred pricing contracts, no-price-established contacts, or price-later contracts. A delayed payment contract does not include those contracts in which the parties intend payment to be made immediately upon determination of weights and grades.

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| **APPLICANT INFORMATION** | | | | | | | |
| Business Name | | | dba | | | | |
| Last Name | | First Name | | | | MI | Title |
| Mailing Address | | | | | | | Suite |
| City | | | | State | | | ZIP |
| Phone | FAX | | | Email | | | |
| **LOCATION INFORMATION** | | | | | | | |
| Physical Address | | | | | | | Suite |
| City | | | | | State | | ZIP |

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Physical Address | License Number | **Commodity Dealer** | **Commodity Warehouse** | | Rail Access (Y/N) | Siding Capacity (# of cars) | Business Operations\* |
| License Fee | Storage Capacity (cwt) | License Fee |
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| Total Storage Capacity: | | |  | Total Licensing Fees: | | |  |
| \* Business Operations: Elevator, Seed, Feed Lot/Plant, Processor, Contract Buyer, or Out-of-state Buyer | | | | | | | |

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| **Commodity Dealer Declaration of Purchases** | |
| For determining the correct bond amount, please declare the gross dollar value of all agricultural commodities purchased from Montana producers during the previous consecutive 12 month period. If new applicant, estimate the dollar value during the coming 12 month period. | $ |

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| **List of Corporate Officers, Directors or Business Partners (attach additional sheets as needed)** | |
| Name: | Title: |
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| **NON-RESIDENT COMPANIES ONLY** – Section 80-4-406, MCA requires that each non-resident company designate a registered agent.  Companies purchasing commodities directly from Montana produces are required to be registered with the Montana Secretary of State. Please submit a copy of your Secretary of State Business Registration and list your Registered Agent’s name and address below. Only after your Registered Agent has been confirmed can the department issue the appropriate license(s). |
| Name: |
| Address: |

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| **CONTACT INFORMATION and SIGNATURE BOX**  I hereby declare that the information presented to the Montana Department of Agriculture is accurate and  correct to the best of my knowledge. | | |
| Phone: | Fax: | |
| Name (print): | Title: | Date: |
| Signature: | Email: | |

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| Checklist – The following documentation must be submitted each year, unless indicated otherwise below. | | | | | | | |
| **Commodity Dealers:** | | | | **Commodity Warehouse:** | | | |
|  | License fee | | |  | License Fee | | |
|  | Proof of current and valid bond | | |  | Proof of current and valid bond | | |
|  | A complete financial statement prepared by a licensed accountant in accordance with generally accepted accounting principles is due no later than 90 days after the close of your business year. | | |  | A complete financial statement prepared by a licensed accountant in accordance with generally accepted accounting principles is due no later than 90 days after the close of your business year. | | |
|  | Seed Affidavit (if requesting fee reduction due to the majority of annual expenditures of commodities being for agricultural seed intended for resale as agricultural seed). | | |  | Current Certificate(s) of Insurance indicating coverage for all commodities insured at full market value and insured property classified as assets | | |
|  | Copy of SOS Business Registration and Proof of Montana Registered Agent |  | No Changes |  | Copy of SOS Business Registration and Proof of Montana Registered Agent |  | No Changes |
|  | N/A |  | N/A |
|  | Attach a list of all location Managers and their mailing addresses |  | No Changes |  | Attach a list of all location Managers and their mailing addresses |  | No Changes |
|  | Current copy of all “Deferred Payment Contracts”. If you are not submitting a new contract please indicate the reason to the right. |  | No Changes |  | Photocopy of warehouse receipt and scale ticket |  | No Changes |
|  | Do Not Use |  | Current drawing of warehouse (dimensions, volume, bu. per foot) |  | No Changes |
|  | Schedule of storage charges and other services |  | No Changes |