

Dear Nurseryman,

There were a number of bills introduced during the 2009 legislative session pertaining to nursery licensing. In the end, two bills, House Bill 478 and Senate Bill 38, were enacted by the legislature and became effective on April 28, 2009. The following summary of changes should aid you in getting or renewing your license:

A “**small plant vendor**” definition was developed for Montana nurseries who sell Montana grown plants.

“Small plant vendor” means a Montana firm engaged in the business of selling or distributing nursery stock that: (a) grows in Montana the nursery stock offered for sale or distribution; and (b) has gross annual sales of less than \$1,000 in a calendar year.”

What this means: if you are a small plant vendor in Montana who sells/distributes Montana grown plants, you are required to have a nursery license but you are exempt from license fees.

A **single license** is now available for those nurseries that have less than \$10,000 in gross annual sales who sell/distribute nursery stock at multiple locations.

For example, if your business sells plants at three farmer’s markets, rather than getting three licenses, you will need only one license if your combined total gross annual sales are less than \$10,000.

For nurseries with gross annual sales of more than \$10,000, you will still need a license for each sale/distribution location.

All **out-of-state firms** (an individual, company, partnership, association, or corporation) selling or distributing nursery stock in Montana are now required to have a nursery license. The license fee will depend on the nursery’s gross annual sales (see below).

A **new, tiered licensing structure** has been established. All nurseries are required to license. The new application fee of \$25 still applies. A late application fee of \$25 still applies, so to avoid the late fee, please make sure you renew your license on time. New license fees are based on your gross annual sales:

If your gross annual sales are:	Your license fee is:
Less than \$1,000	\$0
Between \$1,000 but less than \$3,000	\$50
Between \$3,000 but less than \$10,000	\$125
Greater than \$10,000	\$160

A signed and notarized gross annual sales affidavit needs to be submitted with your application or license renewal. The affidavit is available from the Department of Revenue, One-Stop or the Department of Agriculture.

For more information on nursery laws and administrative rules, including whether you need a license, what exactly nursery stock is, or any other questions, please give us a call at (406) 444-9430 or e-mail us at agr@mt.gov.