

MONTANA DEPARTMENT OF JUSTICE

Quarterly Certificate of Escrow Deposit Instructions

Non-Participating Manufacturers required to file a Quarterly Certificate of Escrow Deposit include those NPMs that have:

- (a) not previously established and funded a qualified escrow fund in Montana;
- (b) not made any escrow deposits for more than one year;
- (c) failed to make a timely and complete escrow deposit for any prior calendar year;
- (d) failed to pay any judgment, including any civil penalty; or
- (e) sold more than 1,000,000 of their cigarettes in Montana during a quarter.

Additionally, the Montana Attorney General may require quarterly escrow deposits from a NPM if the Attorney General has reasonable cause to believe the NPM may not make its full escrow deposit by April 15 of the year following the sales year.

Please note: All Tobacco Product Manufacturers must file a Tobacco Product Manufacturer Certificate on an annual basis by April 30. The Quarterly Certificate of Escrow Deposit must be submitted in addition to the Montana Tobacco Product Manufacturer Certificate.

Due Date: The Quarterly Certificate of Escrow Deposit must be received on or before 30 days after the end of the quarter indicated.

Deliver To: Mail the original Quarterly Certificate of Escrow Deposit and a complete copy of all supporting documents to:

Montana Attorney General's
Office of Consumer Protection
Attn: Tobacco Enforcement Program
302 N. Roberts
P.O. Box 200151
Helena, MT 59620-0151

AND

Jason Lay
Miscellaneous Tax Unit
Montana Department of Revenue
125 N. Roberts
P.O. Box 5805
Helena, MT 59604-5805

Definitions

- (a) **"Brand Family"** has the same meaning given that term in Mont. Code Ann. § 16-11-502(1).
- (b) **"Cigarette"** has the same meaning given that term in Mont. Code Ann. § 16-11-402(4).
- (c) **"Directory"** means the Montana Tobacco Product Directory, as provided for by Mont. Code Ann. § 16-11-504.
- (d) **"Master Settlement Agreement"** has the same meaning given that term in Mont. Code Ann. § 16-11-402(5).
- (e) **"Non-Participating Manufacturer"** means any tobacco product manufacturer that is not a Participating Manufacturer. Mont. Code Ann § 16-11-502(5).
- (f) **"Participating Manufacturer"** has the same meaning given that term in Mont. Code Ann. § 16-11-502(6).
- (g) **"Qualified Escrow Fund"** has the same meaning given that term in Mont. Code Ann. § 16-11-402(6).
- (h) **"Sales year"** means the calendar year from January 1 through December 31 during which the NPM's cigarettes were sold.

- (i) **"Tobacco Product Manufacturer"** has the same meaning given that term in Mont. Code Ann. § 16-11-402(9).
- (j) **"Units Sold"** has the same meaning given that term in Mont. Code Ann. § 16-11-402(10).

Specific Instructions

Part 1: Non-Participating Manufacturer Identification

Identify the NPM's name; physical, mailing, e-mail, and website addresses; and telephone and fax numbers. Also identify the name and title of the person completing the Quarterly Certificate of Escrow Deposit who will serve as the contact person for the manufacturer.

Part 2: Quarter Being Reported

The quarter must be indicated.

Part 3: Units Sold for the Quarter Indicated

Write the number of cigarettes sold in Montana for the quarter indicated.

Part 4: Quarterly Escrow Deposit Amount

Multiply the number of cigarettes listed in Part 3 A by the indicated escrow deposit rate per cigarette. This is the deposit to be paid into the NPM's escrow account for the quarter indicated.

Part 5: Financial Institution

The NPM must identify:

- (i) the name, address, telephone, and fax number of the financial institution where the NPM has established a qualified escrow fund; and
- (ii) the account number of such qualified escrow fund and the sub-account number for Montana.

A copy of the receipt or other proof of deposit from the financial institution must be provided to the Office of the Montana Attorney General.

Part 6: Certification

The NPM must certify that:

- (i) It has previously submitted a Montana Certificate of Escrow Deposit to the Office of the Attorney General.
- (ii) Its qualified escrow fund complies with Mont. Code Ann. § 16-11-403;
- (iii) Any escrow funds held or to be held in its qualified escrow fund on behalf of the State of Montana are or will be held in a separate segregated account, separate and apart from escrow funds held on behalf of any other beneficiary; **and**
- (iv) There is no security interest that has been granted in or has attached or is otherwise applicable to any escrow funds held or to be held in the above-named NPM's qualified escrow fund on behalf of the State of Montana.

Part 7: Authorized Designee and Representation

The person executing the Quarterly Certificate of Escrow Deposit must be authorized to bind the NPM identified in Part 1. The authorized designee's name and title must be printed clearly, and the Quarterly Escrow Certificate of Escrow Deposit must be executed in the presence of an authorized notary.