



CITY OF HELENA

ACCOUNTING DIVISION

316 N. Park Avenue, Room 150
Helena MT 59623

citywater@helenamt.gov

PHONE (406) 447-8450 FAX (406) 447-8377



City of Helena

AUCTIONEER LICENSE - APPLICATION

BOND # _____ STATE & COUNTY BOND FILED _____

PLEASE INDICATE WITH AN "X" THE LICENSE YOU ARE APPLYING FOR

ANNUAL LICENSE FEE \$45.00

72-Hour License Fee \$15.00

Auction Date(s) _____

Auction Location: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

FEDERAL ID #: _____

BUSINESS PHONE: _____

OWNER/MANAGER: _____ Owner Manager

ADDRESS: _____

PHONE: _____

(Print Form, Sign, and Submit with Payment)

APPLICANT SIGNATURE

DATE

MONTANA CODE ANNOTATED (2015)

30-11-502. Sale by auction.

(1) In a sale by auction of goods by lot, each lot is the subject of a separate sale.

(2) A sale by auction is complete when the auctioneer announces the sale by the fall of the hammer or other customary manner. When a bid is made while the hammer is falling in acceptance of a prior bid, the auctioneer may reopen the bidding or declare the goods sold under the bid on which the hammer was falling.

(3) An auction sale is with reserve unless the goods are in explicit terms put up without reserve. In an auction with reserve, the auctioneer may withdraw the goods at any time until the auctioneer announces completion of the sale. In an auction without reserve, after the auctioneer calls for bids on an article or lot, that article or lot cannot be withdrawn unless a bid is not made within a reasonable time. In either case a bidder may retract a bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(4) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures a bid and notice has not been given that liberty for the bidding is reserved, the buyer may avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale. This subsection does not apply to any bid at a forced sale.

30-11-508. Auctioneer -- authority and bond.

A citizen of this state may become an auctioneer and be authorized to sell real or personal property at public auction in any county in this state after giving a bond in accordance with the provisions of this part for the faithful performance of the citizen's duties.

30-11-510. Bond and sureties -- approval -- filing.

(1) **Bond must be payable to the state, with one or more sureties, in the sum of \$5,000** and approved by the county clerk of the county in which the auctioneer resides and filed in the clerk's office.

(2) If the auctioneer is not a resident, the bond must be filed with the county clerk of the county of this state in which the auctioneer carries on the auctioneer's principal auction business.

30-11-511. Auctioneers ex officio.

(1) In any county without an auctioneer, the sheriff or a constable is ex officio auctioneer and is permitted to sell any property at public auction.

(2) The sheriff or constable is liable on the sheriff's or constable's official bond for any delinquency as the ex officio auctioneer.

30-11-512. Assistant -- who may act and when.

(1) An auctioneer, in the event of inability to attend an auction by reason of sickness, the performance of a duty imposed by law, or during a temporary absence from the city or county within which the individual is auctioneer, may employ an agent or employee to hold the auction in the auctioneer's name and behalf.

(2) The employee shall file with the county clerk of the county an affidavit swearing to faithfully perform the duties of auctioneer.

(3) An auctioneer may employ a crier at any sale, for whose acts the auctioneer is responsible.