



Montana Independent Contractor Exemption Certificate Program

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Requirements and Application Checklist Independent Contractor Exemption Certificate (ICEC)

Requirements for ICEC

Below are the minimum requirements you must meet in order to be eligible for the ICEC in the state of Montana.

1. Secretary of State (SOS) Registration: All persons using a business name other than their personal name are required to register with the MT SOS at sosmt.gov/business. [[MCA 30-13-203](#) and [MCA 30-13-201](#)]
2. Applicant has been and will continue to be free from control or direction over the performance of the person's own services. [[MCA 39-71-417\(4\)\(a\)\(i\)](#) and [ARM 24.35.302](#)]
3. Applicant is engaged in an independently established trade, occupation, profession, or business and will provide sufficient documentation of that fact to the department. [[MCA 39-71-417\(4\)\(a\)\(ii\)](#) and [ARM 24.35.303](#)]
4. List each occupation for which the applicant is seeking independent contractor certification. [[MCA 39-71-417\(5\)\(a\)\(iii\)](#)]

Checklist of Required Documents to Submit for Application for ICEC

The following documents and additional forms are required in addition to the basic application.

- ☐ SOS Registration (if applicable)
- ☐ Business documentation totaling 15 points for your established occupation, trade, profession, or business. See attached points list. [[MCA 39-71-417\(5\)\(a\)\(iv\)](#) and [ARM 24.35.112](#)]

Application Fee(s) for ICEC

The following fee(s) must be submitted with your application. You can apply and pay online using a debit/credit card or bank account.

- ☐ \$125 ICEC Application – Valid for two (2) years

All applications expire within 6 months of initial submission to the department.

You can apply online at: aca-prod.accela.com/POL.

Please include a valid email address with your application. Email is the Department's primary form of communication.

INSTRUCTIONS:	Visit us online at mtcontractor.mt.gov or call (406) 444-7734 for assistance.
- The following is a list of suggested business documentation with possible point values considered by the Montana Department of Labor and Industry (Department) to demonstrate each applicant is truly established in a trade, occupation, profession, or business and qualifies for an independent contractor exemption certificate (ICEC). - You must score 15 points of business documentation for each trade, occupation, profession, or business listed on your ICEC application. - Each item of documentation must be complete, valid, and current – it cannot be incomplete, outdated, or expired. - Each item of documentation may count toward points in more than one trade, occupation, profession, or business. - The Department has the discretion to assess the reliability of the business documentation in order to award points for the items submitted.	
Incomplete and/or inaccurate applications may be denied	

MAX POINT VALUE	
6 (or more) POINT CATEGORY	
Workers' Compensation, Unemployment Insurance, and Revenue accounts for employees (all three)	10
Memo of Understanding or contract evidencing independent contractor status or Emergency Equipment Rental Agreement - payment based on a completed project basis - beginning and ending date of the contract - liability for failure to complete the project - identifies who provides the materials and supplies - a defined body of work, complete project, or end result - signatures by all parties	6
General commercial liability insurance or insurance bond certificate (must contain agent contact information and current effective dates)	6
List of tools and equipment owned and controlled by the applicant with approximate value (must be signed and dated)	6
Business tax forms or records - IRS Schedules C, E, F, or K (must be within the past three years)	6
Form 1099s - two different hiring agents or two quarterly self-employment tax payments (IRS form 1040ES) within the past three years	6
Trucking company lease agreement	6
Certification for Indian Preference by a federally recognized Indian tribe under the laws of that tribe	6
MAX POINT VALUE	
3 POINT CATEGORY	
Partnership agreement (must be provided if marking partnership business structure) - intent to form the partnership - contribution by all partners - a proprietary interest and right of control by the working partner - the sharing of profit/loss - applicant's role as a working partner - signatures by all parties	3
Professional license relevant to your trade, occupation, or profession	3
Educational certification relevant to your unlicensed trade, occupation, or profession	3
City or county business license or permit	3
Registration of business name and structure with Montana Secretary of State	3
Articles of incorporation, organization, or annual report (which reflects officers/managers/members for LLCs and Corporations only)	3
Business location documentation (lease or rental agreement, business property tax statement, or IRS 8829)	3
Bank account for your business (cannot be personal)	3
Professional membership or affiliation	3
Advertising (internet website, newspaper, phone book, or magazine)	3
MAX POINT VALUE	
1.5 POINT CATEGORY	
Construction Contractor Registration	1.5
Pre-printed forms, business card, or brochure	1.5
Invoices billed to your business name	1.5
Advertising for your business using sign on vehicle, yard, bulletin board, flyer, or social media	1.5
Orders receipt for printed hats, shirts or other apparel, pens or pencils for your business	1.5
Documented proof of federal employer identification number (FEIN, TEIN or TIN)	1.5
Credit card or purchasing account for your business (cannot be personal)	1.5
Telephone or utility bill for business (cannot be personal)	1.5
Vehicle registration for your business (cannot be personal)	1.5
International fuel tax account number (IFTA)	1.5
USDOT number	1.5
Dunn and Bradstreet number	1.5

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