

Employment and Workers Compensation MCA 2017 citations (underlining added for clarity).

I. 39-71-118. Employee, worker, volunteer, volunteer firefighter, and volunteer emergency medical technician defined.

http://leg.mt.gov/bills/mca/title_0390/chapter_0710/part_0010/section_0180/0390-0710-0010-0180.html

(8) For purposes of this section, an "employee or worker in this state" means:

(a) a resident of Montana who is employed by an employer and whose employment duties are primarily carried out or controlled within this state;

(b) a nonresident of Montana whose principal employment duties are conducted within this state on a regular basis for an employer;

II. 39-71-401. Employments covered and exemptions -- elections -- notice.

http://leg.mt.gov/bills/mca/title_0390/chapter_0710/part_0040/section_0010/0390-0710-0040-0010.html

(2) Unless the employer elects coverage for these employments under this chapter and an insurer allows an election, the Workers' Compensation Act does not apply to any of the following:

(z) a musician performing under a written contract.

NB: However, according to Montana Department of Revenue, every employer of a Montana resident who is exempt from workers compensation coverage still is responsible for other Montana taxes which include withholding and Unemployment Insurance.

III. Foreign national business registration, corporations only, does not apply to individuals. MCA (2017) 35-1-1026. Authority to transact business required.

http://leg.mt.gov/bills/mca/title_0350/chapter_0010/part_0100/section_0260/0350-0010-0100-0260.html

(1) Requires foreign corporations to obtain Secretary of State "certificate of authority" to do business in Montana, but not required of individuals operating under individual names.

And there are applicable exceptions:

(2) The following activities, among others, do not constitute transacting business within the meaning of subsection (1):

(j) conducting an isolated transaction that is completed within 30 days and that is not a transaction in the course of repeated transactions of a similar nature; or

(k) transacting business in interstate commerce.

(4) This subsection does not apply to goods or services prepared out of state for delivery or use in this state.

Per Margie Thompson who is a lawyer working at Montana Department of Administration (DoA). In Margie's opinion, a Canadian corporation does not have to register with the Secretary of State due to an exception under MCA (2015) 35-1-1026, (2)(j), because the Canadian corporation is clearly conducting an "isolated activity" in "less than 30 days." An example would be conference speakers brought in from an out-of-state corporation for a DoA conference and the DoA does not require them to file with the Secretary of State. Case law cited to back up her opinion is State Exrel American Land and Machine vs District Court, 41 Pacific 2nd 26, 1934. By phone 9/6/2016 approximately 1:30 PM.

