

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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1

HOUSE BILL 374

Short Title: State Boxing Commission-AB.

(Public)

Sponsors: Representative Culpepper.

Referred to: State Government.

March 1, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO GRANT THE STATE BOXING COMMISSION THE AUTHORITY TO
3 REGULATE WRESTLING AND MIXED MARTIAL ARTS EVENTS, TO
4 AMEND THE LAWS REGULATING BOXING, AND TO ALLOW THE
5 COMMISSION TO INCREASE CERTAIN FEES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 143-650 reads as rewritten:

8 "**§ 143-650. Legislative findings and declarations.**

9 The General Assembly finds and declares to be the public policy of this State that it
10 is in the best interest of the public ~~and of boxing that boxing~~ that professional boxing,
11 kickboxing, toughman, wrestling, and mixed martial arts matches should be subject to
12 an effective and efficient system of strict control and regulation in order to:

- 13 (1) Protect the safety and well-being of participants ~~in boxing; and~~ and the
14 public.
15 (2) Promote the public confidence and trust in the regulatory process and
16 the conduct of ~~boxing~~ these matches.

17 To further the public confidence and trust, the provisions of this Article are designed to
18 regulate all persons, practices, and associations related to the operation of any live
19 ~~boxing~~ boxing, kickboxing, toughman, wrestling, or mixed martial arts event,
20 performance, or contest held in North Carolina."

21 **SECTION 2.** G.S. 143-651 reads as rewritten:

22 "**§ 143-651. Definitions.**

23 The following definitions apply in this Article:

- 24 (1) Amateur. – A person who is not receiving or competing for and has
25 never received or competed for any purse or other article or thing of
26 value for participating in a match.
27 (2) Announcer. – Any person who engages in the act of announcing a
28 ~~boxing~~ match.

- 1 (3) Boxer. – Any person who engages as a participant in a boxing match.
- 2 (4) Boxing match. – A match where the participants engage in the use of
- 3 full contact boxing techniques (using the fist only), and where the
- 4 object of a match is to win by decision, knockout (KO), or technical
- 5 knockout (TKO).
- 6 (5) Commission. – The North Carolina State Boxing Commission.
- 7 (6) Contest. – A ~~boxing~~ match in which the participants strive to win.
- 8 (7) Contestant. – Any person who engages as a participant in a ~~boxing~~
- 9 boxing, kickboxing, toughman, wrestling, or mixed martial arts match.
- 10 (8) Exhibition. – A ~~boxing~~ match where the participants display their
- 11 ~~boxing~~ skills and technique without necessarily striving to win.
- 12 (9) Judge. – A person who has a vote in determining the winner of any
- 13 match or contest.
- 14 (10) Kickboxer. – Any person who engages as a participant in a kickboxing
- 15 match.
- 16 (11) Kickboxing match. – A match in which the participants engage in full
- 17 contact martial arts fighting techniques using the hands and the feet,
- 18 and where the object of the match is to win by decision, knockout
- 19 (KO), or technical knockout (TKO).
- 20 (12) Licensee. – Any person, club, corporation, organization, or association
- 21 to whom a license has been issued pursuant to the provisions of this
- 22 Article.
- 23 (13) Manager. – Any person who controls or administers the ~~boxing~~
- 24 boxing, kickboxing, toughman, wrestling, or mixed martial arts affairs
- 25 of any contestant, and who:
- 26 a. By contract, agreement, or other arrangement with any person
- 27 undertakes or has undertaken to represent in any way the
- 28 interest of the contestant in any ~~professional boxing~~ contest in
- 29 which the ~~boxer~~ boxer, kickboxer, wrestler, or mixed martial
- 30 arts contestant is to participate as a contestant, and is entitled
- 31 under that contract, agreement, or arrangement to receive
- 32 monetary or other compensation for his services, without regard
- 33 to the sources of the compensation. The term "manager" shall
- 34 not be construed to mean any attorney licensed to practice in
- 35 this State whose participation in the activities is restricted solely
- 36 to representing the interests of a ~~professional boxer~~ participant
- 37 as a client.
- 38 b. Directs or controls the ~~professional boxing~~ activities of any
- 39 ~~professional boxer~~ participant.
- 40 c. Receives or is entitled to receive a percentage of the gross purse
- 41 or gross income of any ~~professional boxing contest~~ participant
- 42 in a match.
- 43 (14) Match. – Any ~~boxing or kickboxing~~ boxing, kickboxing, toughman,
- 44 wrestling, or mixed martial arts contest or exhibition, and includes any

- 1 event, engagement, sparring or practice session, show or program
2 where the public is admitted and in which there is intended to be
3 physical contact, whether an exhibition or contest. This definition does
4 not include training or practice sessions when no admission is charged.
- 5 (15) Matchmaker. – A person through whom matches are arranged for
6 participants and who otherwise assists participants in procuring
7 engagement dates for ~~boxing-a match.~~
- 8 (15a) Mixed martial arts contestant. – Any person who competes or
9 participates in a mixed martial arts match.
- 10 (15b) Mixed martial arts match. – A match where the participants engage in
11 full contact martial arts techniques and a fee for viewing the match is
12 charged or solicited or a purse or prize is awarded to the contestant.
- 13 (16) Natural person. – An individual.
- 14 (17) Participant. – Any person who engages in a ~~match or exhibition and~~
15 ~~performs as a boxer.~~match.
- 16 (18) Person. – An individual, group of individuals, business, corporation,
17 limited liability company, partnership, or any other individual or
18 collective entity.
- 19 (19) Physician. – An individual licensed to practice medicine in this State.
- 20 (20) Professional. – Any person who is licensed as a professional boxer
21 under the federal Professional Boxing Safety Act of 1996.
- 22 (21) Promoter. – Any person who produces, arranges, stages, holds, or
23 gives any match in North Carolina involving a professional participant.
- 24 (22) Referee. – The official who shall enter and remain in the ring for the
25 duration of a match and shall enforce the rules and maintain order in
26 the ring.
- 27 (23) Ring official. – Any person who performs an official function for the
28 duration of a match.
- 29 (23a) Sanctioned amateur. – A person who competes in a sanctioned amateur
30 match.
- 31 (23b) Sanctioned amateur match. – Any boxing or kickboxing match
32 regulated by an amateur sports organization that has been recognized
33 and approved by the North Carolina Boxing Commission.
- 34 (24) Second. – Any person who will work or be present in the corner of a
35 participant for the duration of a match.
- 36 (25) Timekeeper. – Any person who will operate the clock or watch for the
37 duration of a match for the purpose of keeping the official time of the
38 match.
- 39 (25a) Toughman contestant. – Any person who competes in a toughman
40 event.
- 41 (25b) Toughman event. – An elimination program of matches in which (i)
42 the contestants are not professional boxers, (ii) the finalist receives a
43 purse or other article of value, (iii) the participants engage in the use of

1 full contact boxing techniques, and (iv) the object of each match is to
2 win by decision, knockout (KO), or technical knockout (TKO).

3 (25c) Wrestling contestant. – Any person who competes or participates in a
4 wrestling event.

5 (25d) Wrestling match. – A match where the participants engage in full
6 contact wrestling techniques and a fee for viewing the match is
7 charged or solicited or a purse or prize is awarded to the contestant.

8 (26) Ultimate warrior match. – A match where the participants use any
9 combination of boxing, kicking, wrestling, hitting, punching, or other
10 combative, contact techniques and which combination of techniques is
11 not specifically authorized by and conducted pursuant to this Article."

12 **SECTION 3.** G.S. 143-652 reads as rewritten:

13 **"§ 143-652. State Boxing Commission.**

14 (a) Creation. – The North Carolina State Boxing Commission is created within
15 the Department of Crime Control and Public Safety to regulate in North Carolina live
16 ~~boxing and kickboxing~~boxing, kickboxing, wrestling, or mixed martial arts matches,
17 whether professional, amateur, sanctioned amateur, or toughman events, in which
18 admission is charged for viewing, or the contestants compete for a purse or prize of
19 value greater than twenty-five dollars (\$25.00). The Commission shall consist of six
20 voting members and two nonvoting advisory members. All the members shall be
21 residents of North Carolina and shall meet requirements for membership under the
22 Professional Boxing Safety Act of 1996. The members shall be appointed as follows:

23 (1) One voting member shall be appointed by the Governor for an initial
24 term of two years.

25 (2) One voting member shall be appointed by the General Assembly upon
26 the recommendation of the President Pro Tempore of the Senate for an
27 initial term of one year, in accordance with G.S. 120-121.

28 (3) One voting member shall be appointed by the General Assembly upon
29 the recommendation of the Speaker of the House of Representatives
30 for an initial term of one year.

31 (4) Two voting members shall be appointed by the Secretary of Crime
32 Control and Public Safety. One shall serve for an initial term of three
33 years, and the other shall serve for an initial term of two years.

34 (4a) One member shall be appointed by the Tribal Council of the Eastern
35 Band of the Cherokee for an initial term of three years.

36 (5) One nonvoting advisory member shall be appointed by the General
37 Assembly upon the recommendation of the Speaker of the House of
38 Representatives for an initial term of one year, in accordance with G.S.
39 120-121, from nominations made by the North Carolina Medical
40 Society, which shall nominate two licensed physicians for the position.

41 (6) One nonvoting advisory member shall be appointed by the General
42 Assembly upon the recommendation of the President Pro Tempore of
43 the Senate for an initial term of one year, in accordance with G.S.

1 120-121, from nominations made by the North Carolina Medical
2 Society, which shall nominate two licensed physicians for the position.

3 The member appointed pursuant to subdivision (5) of subsection (a) of this section
4 may serve on the Commission only if an agreement exists and remains in effect between
5 the Tribal Council of the Eastern Band of the Cherokee and the Commission authorizing
6 the Commission to regulate professional boxing matches within the Cherokee Indian
7 Reservation as provided by the Professional Boxing Safety Act of 1996.

8 The two nonvoting advisory members appointed pursuant to subdivisions (6) and (7)
9 of subsection (a) of this section shall advise the Commission on matters concerning the
10 health and physical condition of boxers and health issues relating to the conduct of
11 exhibitions and boxing matches. They may prepare and submit to the Commission for
12 its consideration and approval any rules that in their judgment will safeguard the
13 physical welfare of all participants engaged in boxing.

14 Terms for all members of the Commission except for the initial appointments shall
15 be for three years.

16 The Secretary of Crime Control and Public Safety shall designate which member of
17 the Commission is to serve as chair. A member of the Commission may be removed
18 from office by the Secretary of Crime Control and Public Safety. Each member before
19 entering upon the duties of a member shall take and subscribe an oath to perform the
20 duties of the office faithfully, impartially, and justly to the best of the member's ability.
21 A record of these oaths shall be filed in the Department of the Secretary of Crime
22 Control and Public Safety.

23 (b) Vacancies. – Members shall serve until their successors are appointed and
24 have been qualified. Any vacancy in the membership of the Commission shall be filled
25 in the same manner as the original appointment. Vacancies for members appointed by
26 the General Assembly shall be filled in accordance with G.S. 120-122. A vacancy in the
27 membership of the Commission other than by expiration of term shall be filled for the
28 unexpired term only.

29 (c) Meetings. – Meetings of the Commission shall be called by the chair or by
30 any two members of the Commission, and meetings shall be held at least quarterly. Any
31 three voting members of the Commission shall constitute a quorum at any meeting.
32 Action may be taken and motions and resolutions adopted by the Commission at any
33 meeting by the affirmative vote of a majority of the members of the Commission
34 present at a meeting at which a quorum exists. Any or all members may participate in a
35 regular or special meeting by, or conduct the meeting through the use of, any means of
36 communication by which all members participating may simultaneously hear each other
37 during the meeting. A member participating in the meeting by this means is deemed to
38 be present in person at the meeting.

39 (d) Rule-Making Authority of the Commission. – The Commission shall have the
40 exclusive authority to approve and issue rules for the regulation of the conduct,
41 promotion, and performances of live boxing, kickboxing, wrestling, mixed martial arts,
42 sanctioned amateur, amateur, and toughman matches and exhibitions in this State. The
43 rules shall be issued pursuant to the provisions of Chapter 150B of the General Statutes
44 and may include, without limitation, the following subjects:

- 1 (1) Requirements for issuance of licenses and permits required by this
- 2 Article.
- 3 (2) Regulation of ticket sales.
- 4 (3) Physical requirements for contestants, including classification by
- 5 weight and skill.
- 6 (4) Supervision of matches and exhibitions by licensed physicians and
- 7 referees.
- 8 (5) Insurance and bonding requirements.
- 9 (6) Compensation of participants and licensees.
- 10 (7) Contracts and financial arrangements.
- 11 (8) Prohibition of dishonest, unethical, and injurious practices.
- 12 (9) Facilities.
- 13 (10) Approval of sanctioning amateur sports organizations.
- 14 (11) Procedures and requirements for compliance with the Professional
- 15 Boxing Safety Act of 1996.

16 (e) Compensation. – None of the members of the Commission shall receive
17 compensation for serving on the Commission. However, members of the Commission
18 may be reimbursed for their expenses in accordance with the provisions of Chapter 138
19 of the General Statutes.

20 (f) Staff Assistance. – The Secretary of Crime Control and Public Safety shall
21 hire a person to serve as Executive Director of the Commission and shall provide staff
22 assistance to the Executive Director. The Executive Director shall enforce this Article
23 through the Department of Crime Control and Public Safety. If necessary, the Executive
24 Director may train and contract with independent contractors for the purpose of
25 regulating and monitoring events, issuing licenses, collecting fees, and enforcing rules
26 of the Commission. The Executive Director may initiate and review criminal
27 background checks on persons requesting to work as independent contractors for the
28 Commission or persons applying to be licensed by the Commission."

29 **SECTION 4.** G.S. 143-654 reads as rewritten:

30 **"§ 143-654. Licensing and permitting.**

31 (a) License and Permit Required. – Except for sanctioned amateur matches, it is
32 unlawful for any person to act in this State as an announcer, contestant, judge, manager,
33 matchmaker, promoter, referee, timekeeper, or second unless the person is licensed to
34 do so under this Article. It is unlawful for a promoter to present a match in this State,
35 other than a sanctioned amateur match, unless the promoter has a permit issued under
36 this Article to do so. The Commission has the exclusive authority to issue, deny,
37 suspend, or revoke any license or permit provided for in this Article.

38 (b) License. – All licenses issued under this Article shall be valid only during the
39 calendar year in which they are issued, except contestant licenses shall be valid for one
40 year from the date of issuance. A license for an announcer, contestant, judge,
41 matchmaker, referee, timekeeper, or second shall be issued only to a natural person. A
42 natural person shall not transfer or assign a license or change it into another name. A
43 license for a manager or promoter may be issued to a corporation or partnership;
44 provided, however, that all officers or partners shall submit an application for individual

1 licensure, and only those officers or partners who are licensed shall be entitled to
2 negotiate or sign contracts. The addition of a new officer or partner during the license
3 period shall necessitate the filing of an application for individual licensure by the new
4 officer or partner.

5 An applicant for a license shall file with the Commission the appropriate
6 nonrefundable fee and any forms, documents, medical examinations, or exhibits the
7 Commission may require in order to properly administer this Article. The information
8 requested shall include the date of birth and social security number of each applicant as
9 well as any other personal data necessary to positively identify the applicant and may
10 include the requirement of verification of any documents the Commission deems
11 appropriate. A person may not participate under a fictitious or assumed name in any
12 match unless the person has first registered the name with the Commission. Any
13 applicant seeking licensure as a promoter shall provide major medical coverage from an
14 insurance company licensed by the State Department of Insurance to provide medical
15 insurance in this State in an amount not to exceed two thousand five hundred dollars
16 (\$2,500) for each fighter.

17 (b1) Upon payment of the required fee as provided in G.S. 143-655(a), the
18 Commission shall issue a federal identification card to each boxer. All promoters are
19 required to report to the Commission all bout agreements and payments to officials.

20 (c) Surety Bond. – An applicant for a promoter's license must submit, in addition
21 to any other forms, documents, or exhibits requested by the Commission, a surety bond
22 payable to the Commission for the benefit of any person injured or damaged by (i) the
23 promoter's failure to comply with any provision of this Article or any rules adopted by
24 the Commission or (ii) the promoter's failure to fulfill the obligations of any contract
25 related to the holding of a ~~boxing event match~~. The surety bond shall be a cash bond or
26 be issued by a company licensed by the State Department of Insurance to do bond
27 business in this State in an amount to be no less than five thousand dollars (\$5,000). The
28 amount of the surety bond shall be negotiable upon the sole discretion of the
29 Commission. All surety bonds shall be upon forms approved by the Secretary of Crime
30 Control and Public Safety and supplied by the Commission.

31 (d) Permit. – A permit issued to a promoter under this Article is valid for a single
32 match. An applicant for a permit shall file with the Commission the appropriate
33 nonrefundable fee and any forms or documents the Commission may require."

34 **SECTION 5.** G.S. 143-655 reads as rewritten:

35 **"§ 143-655. Fees; State Boxing Commission Revenue Account.**

36 (a) License Fees. – The Commission shall collect the following license fees:

37		
38	Announcer	\$ 50.00
39	Contestant	\$ 25.00
40	Judge	\$ 50.00
41	Manager	\$100.00
42	Matchmaker	\$200.00
43	Promoter	\$300.00
44	Referee	\$ 50.00

1	Timekeeper	\$ 50.00
2	Second	\$ 25.00 \$ 25.00
3	Federal I.D. card	<u>\$25.00.</u>

4 The annual license renewal fees shall not exceed the initial license fees.

5 (b) Permit Fees. – The Commission may establish a fee schedule for permits
 6 issued under this Article. The fees may vary depending on the seating capacity of the
 7 facility to be used to present a match. The fee may not exceed the following amounts:

8		
9	Seating Capacity	Fee Amount
10	Less than 2,000	\$100.00 \$150.00
11	2,000 – 5,000	\$200.00 \$250.00
12	Over For each additional 5,000	\$300.00 \$350.00.

13 In addition to the permit fees required in this subsection, the Commission may charge a
 14 fee equal to ten percent (10%) of the total purse of each professional boxing event.

15 (c) State Boxing Commission Revenue Account. – There is created the State
 16 Boxing Commission Revenue Account within the Department of Crime Control and
 17 Public Safety. Monies [moneys] collected pursuant to the provisions of this Article shall
 18 be credited to the Account and applied to the administration of the Article."

19 **SECTION 6.** G.S. 143-658 reads as rewritten:

20 "**§ 143-658. Violations.**

21 (a) Civil Penalties. – The Secretary of Crime Control and Public Safety may
 22 issue an order against a licensee or other person who willfully violates any provision of
 23 ~~this Article,~~ Article or rules adopted by the Commission, imposing a civil penalty of up
 24 to five thousand dollars (\$5,000) for a single violation or of up to twenty-five thousand
 25 dollars (\$25,000) for multiple violations in a single proceeding or a series of related
 26 proceedings. No order under this subsection may be entered without giving the licensee
 27 or other person 15 days' prior notice and an opportunity for a contested case hearing
 28 conducted pursuant to Article 3 of Chapter 150B of the General Statutes.

29 The clear proceeds of civil penalties imposed pursuant to this subsection shall be
 30 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

31 (b) Criminal Penalties. – A willful violation of any provision of this Article or
 32 rules adopted by the Commission shall constitute a Class 2 misdemeanor. The Secretary
 33 of Crime Control and Public Safety may refer any available evidence concerning
 34 violations of this Article to the proper district attorney, who may, with or without such a
 35 reference, institute the appropriate criminal proceedings.

36 (c) Injunction. – Whenever it appears to the Secretary of Crime Control and
 37 Public Safety that a person has engaged or is about to engage in an act or practice
 38 constituting a violation of any provision of this Article or any rule or order hereunder,
 39 the Secretary of Crime Control and Public Safety may bring an action in any court of
 40 competent jurisdiction to enjoin those acts or practices and to enforce compliance with
 41 this Article or any rule or order issued pursuant to this Article.

42 (d) Repealed by Session Laws 1998-212, s. 19.11(e)."

43 **SECTION 7.** This act is effective when it becomes law.