

No. 1989-28

AN ACT

HB 1197

Reestablishing the State Athletic Commission; providing for an Executive Director and a Medical Advisory Board; permitting and regulating boxing contests and exhibitions; requiring licenses and permits; providing for the granting, suspension and revocation of licenses and permits issued by the State Athletic Commission; preserving the rights of existing licensees and permittees; prescribing penalties, fines, forfeitures and misdemeanors; requiring bonds and insurance; providing for rules and regulations; imposing a tax on certain receipts; establishing a restricted revenue account for receipts; and making an appropriation.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

CHAPTER 1
PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Athletic Code.

Section 102. Definitions.

The following words and phrases when used in Chapters 1 through 17 shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Amateur.” A person who has never received nor competed for any purse or other article of value, either for participating in any boxing contest or exhibition or for the expenses of training therefor, other than a prize which does not exceed \$50 in value.

“Boxing.” The act of attack and defense with the fists, practiced as a sport, subject to rules adopted by the commission. The term includes all variations of the sport permitting or using other parts of the human body, including, but not limited to, the foot, knee, leg, elbow or head.

“Commission.” The State Athletic Commission.

“Contest.” An engagement in which the boxers strive earnestly in good faith to win.

“Department.” The Department of State of the Commonwealth.

“Executive director.” The Executive Director of the State Athletic Commission.

“Exhibition.” An engagement in which the boxers show or display their skill without necessarily striving to win.

“Foreign copromoter.” A promoter who has no place of business within this Commonwealth.

“Judge.” A person, other than a referee, who has a vote in determining the winner of any boxing contest.

“Manager.” A person who, directly or indirectly, controls or administers the affairs of any boxer.

“Matchmaker.” A person who brings together professional boxers or arranges professional boxing contests or exhibitions.

“Participant.” A boxer who takes part in a boxing contest or exhibition.

“Physician.” An individual licensed to practice medicine and surgery or osteopathy or osteopathic surgery in this Commonwealth.

“Professional.” A person who has received or competed for, or is receiving or competing for, any purse or other article of value, other than a prize which does not exceed \$50 in value, either for participating in any boxing contest or exhibition or for the expenses of training therefor.

“Promoter.” Any person, and in the case of a corporate promoter, any officer, director, employee or stockholder thereof, who produces, arranges or stages any professional boxing contest or exhibition.

“Purse.” The financial guarantee or any other remuneration, or part thereof, for which professional boxers are participating in a contest or exhibition. The term includes the participant’s share of any payment received for radio broadcasting, television and motion picture rights.

“Secretary.” The Secretary of the Commonwealth.

Section 103. Act not to apply to schools.

No provision of this act nor any rule or regulation promulgated hereunder shall apply to any boxing contest or exhibition conducted or sponsored by any university, college, secondary school or group of universities, colleges or secondary schools or the Department of Corrections when all the participants are students regularly enrolled in such institutions or inmates confined within a State or county correctional facility.

CHAPTER 3

COMMISSION; STAFF; MEDICAL ADVISORY BOARD

Section 301. State Athletic Commission.

(a) Composition.—The commission shall be comprised of three members appointed by the Governor with the advice and consent of a majority of the members elected to the Senate, one of whom shall be a medical doctor or doctor of osteopathy licensed to practice in this Commonwealth, with experience in sports medicine. The Governor shall designate one of the members as a chairman for a term of two years. The secretary shall be an ex officio member of the commission.

(b) Appointments.—Each appointment shall be for a term of two years. The terms of the members of the commission appointed prior to the effective date of this act shall terminate on the effective date of this act. Any commissioner so terminated shall continue to hold office until his successor shall be appointed pursuant to subsection (a).

(c) Compensation.—Each commissioner, except the secretary and chairman, shall receive a salary of \$10,000 annually. The chairman shall receive a salary of \$10,500 annually. The commissioners shall also receive reasonable and necessary travel expenses incurred as a direct result of their duties as members of the commission. The expenses incurred by the commissioners shall be allowed and paid on the presentation of itemized vouchers therefor, which vouchers shall be subject to the approval of the secretary.

(d) Removal.—Except as authorized pursuant to this section, no commissioner may be removed from office during his term. The Governor may, upon clear and convincing evidence of misfeasance or malfeasance in office or neglect of duty, remove a commissioner prior to the expiration of his or her term. The Governor shall then provide the commissioner so removed with a detailed written statement of the reasons for his removal.

(e) Quorum requirement.—Two members of the commission shall constitute a quorum.

Section 302. Duties of commission.

(a) Meetings.—The commission shall hold regular monthly meetings to carry out the requirements of this act, which shall include the consideration of any rules, regulations or amendments thereto which are recommended by the executive director. The meetings shall be open to the public. The meeting times shall be scheduled one year in advance, and be published in the Pennsylvania Bulletin.

(b) **General duties.**—Except as provided in section 103, the commission is hereby granted authority to establish policy and shall be directed to promulgate rules and regulations regarding all the true sports of professional boxing and wrestling contests, as distinguished from professional wrestling exhibitions, held within this Commonwealth, except such contests and exhibitions as are specifically exempted from the provisions of this act.

Section 303. Appointment and qualifications of executive director.

The secretary shall appoint an executive director of the commission. The executive director shall have administrative experience and other qualifications indicating he is familiar with the activities to be regulated by this act and shall serve at the pleasure of the secretary. The director's salary shall be fixed by the secretary with the approval of the Governor, and the director shall hold no other paid public position.

Section 304. Powers and duties of executive director.

The executive director shall supervise the administrative work of the commission. The executive director shall have the power and his duty shall be:

- (1) To attend monthly meetings of the commission.
- (2) To recommend to the commission suspension or revocation of any license or permit issued pursuant to this act for violations of any provisions of this act or the rules and regulations of the commission, or when such action is necessary to protect the public welfare.
- (3) To supervise and direct staff appointed by the secretary engaged in work directly related to the implementation of this act.
- (4) To prepare and recommend to the commission rules and regulations and amendments thereto.
- (5) To implement and supervise a drug testing program of all athletes licensed under this act, in consultation with the Medical Advisory Board and the Secretary of Health or his designee.
- (6) To present the standing committees of both Houses of the General Assembly with an annual review of the commission's rules and regulations.
- (7) To establish and maintain a record of all athletes licensed under this act, showing for each licensee the following: the date licensed, the results of prefight and postfight physicals, any fictitious or assumed names by which the licensee competes, the number and dates of any suspensions of the athlete, the dates when the athlete is knocked out and the athlete's record from other states.
- (8) To administer and make effective the provisions of this act and the rules made thereunder.
- (9) To conduct a substantial portion of the activities required by this act at a single central location, wherein all records of the commission shall be maintained.
- (10) To prepare an annual budget for the consideration of the commission, showing the costs of operation and revenues received in the previous fiscal year and the estimated costs of operations and revenues to be received in the next fiscal year. The budget shall be approved by the commission and forwarded to the secretary in a timely fashion for his review and inclusion in the budget request of the department.

(11) To aid the commission in the promotion of boxing contests in the Commonwealth.

Section 305. Medical Advisory Board.

Within 60 days of the effective date of this act, the commission shall appoint five physicians to serve on a Medical Advisory Board for a term of two years. Each member shall be paid a per diem rate to be established by the secretary, but not in excess of \$150 per day. The Medical Advisory Board shall issue an annual report to the commission which shall include a review of the health status of each boxer who actually competed during the prior fiscal year to identify those who may be at risk of serious physical impairment and a review of the health and safety regulations promulgated by the commission to recommend changes or additions thereto.

CHAPTER 5

REGULATIONS OF BOXING CONTESTS AND EXHIBITIONS

Section 501. Boxing regulated.

Professional boxing contests or exhibitions, including kick boxing, shall be held within this Commonwealth only in accordance with the provisions of this act and the rules and regulations promulgated hereunder. The contests or exhibitions may be held on Sundays.

Section 502. Age of participants.

(a) General rule.—No person under the age of 18 shall be a participant in any boxing contest or exhibition.

(b) Exception.—

(1) Any person between 12 and 17 years of age may participate in amateur boxing contests or exhibitions under such rules and regulations as the commission shall prescribe.

(2) Any person between 12 and 17 years of age may participate after obtaining written permission from a parent or legal guardian, as well as consent by the executive director.

(3) Persons 12 to 16 years of age may only participate in such contests with persons not more than one year older.

(c) Junior Olympics.—The limitations set forth in subsections (a) and (b) shall not apply to sanctioned boxing events for the Junior Olympics under the direction of a national governing organization certified by the commission. For purposes of the Junior Olympic events, participants, with the written permission of a parent or legal guardian, may box only in the following age divisions:

(1) Ten and eleven years of age.

(2) Twelve and thirteen years of age.

(3) Fourteen and fifteen years of age.

Under no circumstances shall any participant take part in any event outside of the approved division for such age group.

Section 503. Fictitious names.

No person shall participate in any amateur boxing contest or exhibition under a fictitious or assumed name, unless such fictitious or assumed name has first been registered with the commission.

Section 504. Physician to be in attendance.

A physician shall be assigned to every boxing contest or exhibition by the executive director. The physician shall observe and continue to observe the physical condition of the participants and is authorized to stop any contest or exhibition at any time to examine a contestant and to terminate a bout when, in the judgment of the physician, severe injury could result to a contestant if the contest or exhibition were to continue. The commission shall establish by rule or regulation a schedule of fees to be paid to physicians for their services. The physician's fee shall be paid by the promoter of the contest or exhibition attended by the physician.

Section 505. Medical training seminars.

The commission shall conduct frequent mandatory medical training seminars at least three times a year for all ring personnel, commission personnel and other designated persons employed by the secretary.

Section 506. Register.

The executive director shall establish and maintain a register for all professional boxers licensed in this Commonwealth. The register shall include a photograph of the boxer. In the register, the executive director shall record the results of each boxing contest or exhibition the boxer is involved in, including technical knockouts, knockouts and other boxing-related injuries, as well as the dates of each contest or exhibition and the record of wins and losses.

Section 507. Medical equipment.

No professional boxing event shall be started unless there is on the premises:

- (1) An ambulance, together with emergency equipment.
- (2) A portable resuscitator with oxygen and appropriate endotracheal tubes and a qualified operator.

Section 508. Suspension.

For sound medical reasons and to protect the individual boxers, the commission shall establish mandatory license suspensions of those persons who sustain certain injuries. The commission may suspend a boxer's license for up to:

- (1) Sixty days for a laceration of the face.
- (2) Thirty days for a technical knockout with minor injuries.
- (3) Forty-five days for head injuries.
- (4) Ninety days for a boxer receiving a knockout. Such boxer shall receive an EEG within 24 hours of the knockout.

Section 509. Examinations.**(a) Prefight physical.—**

(1) In addition to any other examination required by this act or the rules and regulations promulgated hereunder, each boxer must be examined by the attending physician within two hours before he enters the ring. If, in the opinion of the physician, any boxer is physically or mentally unfit to proceed, the physician shall notify the person in charge, who shall immediately cancel the contest or exhibition.

(2) This required examination shall conform to the rules and regulations promulgated by the commission.

(b) Postfight physical.—In addition to the examination required in this act, every boxer shall be examined by a physician designated by the executive director during the five days following every contest or exhibition in which he was a participant. Such examination shall be performed at the expense of the promoter.

(c) Filing of results of physicals.—The results of the examinations required by this section shall be reduced to writing by the physician, signed by him and filed with the commission within 48 hours after they have been performed.

Section 510. Weights and classes.

The commission shall establish classes of boxers by rules and regulations promulgated under this act. Such classes shall be based upon weights.

Section 511. Limitation on difference in weights.

No contest or exhibition shall be lawful in which the difference in weight of the participants exceeds ten pounds. This limitation shall not apply to contests or exhibitions between participants in the light-heavyweight and heavyweight classes, as defined by the commission, nor to exhibitions held solely for training purposes.

Section 512. Gloves.

(a) General rule.—All boxers licensed under this act shall be required to use thumbless or thumb-attached gloves. The appropriate weight boxing gloves shall be worn by boxers as follows:

(1) One hundred thirty-five pounds or under, boxing gloves weighing not less than five ounces each.

(2) Over 135 pounds but not exceeding 160 pounds, boxing gloves weighing not less than six ounces each.

(3) Over 160 pounds, boxing gloves weighing not less than ten ounces each.

(b) Violation.—A violation of this section may subject the participant, promoter and/or manager to suspension of not less than 30 days or revocation of their licenses, at the discretion of the commission, pursuant to section 1504.

Section 513. Duration of boxing bouts; length of rounds.

(a) Length of contest.—No boxing contest or exhibition shall be more than 12 rounds in length, except for championship contests sanctioned by recognized international or national authorities, which may be up to 15 rounds in length.

(b) Duration of round.—No round shall be more than three minutes in duration.

(c) Mandatory rest period.—There shall be at least a one minute rest between consecutive rounds.

(d) Limitation on participation.—No boxer shall participate in, nor be scheduled to participate in, more than 15 rounds within 72 consecutive hours.

(e) **Limitation on rounds.**—The commission may, in respect to any contest or exhibition or in respect to any class of participants, limit the number of rounds in a contest or exhibition to less than the maximum of 15 rounds.

Section 514. Attendance of referee and judges; scoring.

(a) **Referee.**—At each professional boxing contest or exhibition, except an exhibition held solely for training purposes, there shall be in attendance, at the expense of the promoter, a duly licensed referee designated by the executive director, who shall direct and control the contest or exhibition.

(b) **Judges.**—There shall also be in attendance at every boxing contest, at the expense of the promoter, two licensed judges, each of whom shall, together with the referee, render his individual decision, in writing, on a scorecard supplied by the executive director at the end of every boxing contest which continues for the scheduled number of rounds. Each judge and the referee shall have one vote, and a majority of the votes cast shall determine the winner.

(c) **Scoring.**—The commission shall by rule or regulation prescribe the methods of scoring.

Section 515. Seconds.

Before the start of any boxing contest or exhibition, the referee shall ascertain from each participant the name of the chief second. The chief second shall be held responsible for the conduct of his assistants during the contest or exhibition.

Section 516. Duty of disclosure.

Every licensee shall, immediately after learning thereof, disclose to the executive director or his designee, or to the official in charge or the attending physician or referee if one of these persons is in attendance at any contest or exhibition, all knowledge or information in his possession concerning any mental or physical disability, injury, illness or incapacity of any boxer.

Section 517. Sham or collusive contest prohibited.

(a) **General rule.**—No licensee or other person shall knowingly conduct, give, participate in or be in any way connected with any sham or collusive boxing contest.

(b) **Reports.**—Any licensee who knows or has reason to suspect that a boxing contest is, was or is going to be a sham or collusive contest shall have a duty to promptly report this to the executive director or his designee. Such a report shall be in writing or, if oral, shall be reduced to writing and shall contain all of the reporter's reasons for the conclusions set forth in his report.

(c) **Definition.**—A sham or collusive contest is one in which one or both of the participants does not use his best efforts and skill or does not strive earnestly in good faith to win. It includes, but is not limited to, any pseudo contest, the result of which has been prearranged or any pseudo contest in which either participant does not, is not going to or is unable to use or is prevented from using his best efforts and skill as a result of coercion, bribery, duress, threats, reward or promise thereof, physical incapacity or disability, suggestion or agreement, or any other improper or unlawful means.

(d) **Penalty.**—A violation of this section shall constitute a misdemeanor of the third degree.

Section 518. Minimum purses for boxers.

No purse less than \$50 shall be paid by the promoter to any professional boxer for any contest or exhibition, other than a training exhibition.

Section 519. Distribution of purses to boxers; statements.

(a) **Promoter distribution.**—Unless otherwise directed by the executive director, all boxing purses shall be distributed by the promoter not later than 24 hours after the conclusion of the contest or exhibition for which the purse is being paid. A written statement showing the distribution of the purse, including each item of receipt and each expenditure or deduction, shall be furnished to the boxer and his manager, together with his share of the purse, and a copy thereof, certified by the promoter to be true and correct, shall be filed in the office of the executive director. Receipted vouchers for every expenditure or deduction shall be attached to the copy filed with the department.

(b) **Manager distribution.**—Unless otherwise directed by the executive director, every manager shall furnish a statement of distribution to the boxer he manages, together with the boxer's share of the purse, not later than 24 hours after he receives the purse and statement from the promoter. A copy thereof, certified by the manager to be true and correct, shall be filed in the office of the department, and it shall have attached to it receipted vouchers for every expenditure or deduction made by the manager.

Section 520. Withholding of moneys.

(a) **General rule.**—The commission shall have the power to order the promoter to withhold any purse, or any part thereof, or any receipts or other funds belonging to or payable to any contestant or for which any contestant is competing or of any manager's share of, if it should appear that such contestant is not competing honestly or is intentionally not competing to the best of his ability and skill or if it should appear that the contestant, his manager or any of his seconds has violated any provision of this act or the rules and regulations promulgated under this act.

(b) **Escrow.**—The commission shall have the power to order that the gross receipts shall be withheld and placed in escrow if it should appear that the act has been violated.

Section 521. Hearing regarding withheld purse.

(a) **Delivery to commission.**—Any purse, or portion thereof, so withheld shall be delivered by the promoter to the commission within 48 hours after the end of the contest.

(b) **Request for hearing.**—Within ten days after the end of the contest, the licensee from whom the sum was withheld shall have the right to apply in writing to the commission for a hearing. Upon receipt of such application, the commission shall fix a date for a hearing.

Section 522. Hearing, disposition of withheld purse.

(a) **General rule.**—Within a reasonable time after the hearing or after the expiration of ten days following the contest, if no application for a hearing is filed, the commission shall determine the disposition to be made of the withheld purse.

(b) **Withholding.**—If the commission finds the charge or charges upon which the withholding order was based to be true and to be sufficient lawful reason upon which to base such an order, it may, in its discretion, declare the funds withheld, or any part thereof, forfeited.

(c) **Distribution.**—If the commission finds the charge or charges to be untrue or not to be sufficient lawful reason upon which to base a withholding order, it shall distribute the withheld funds to the persons entitled thereto.
Section 523. Payments regulated.

(a) **General rule.**—No promoter or foreign copromoter shall pay, lend or give any money to a contestant before any boxing contest as an advance against his purse or for a similar purpose. A promoter may, with the prior written permission of the commission, pay or advance to a contestant necessary expenses for transportation and maintenance in preparation for a contest.

(b) **Forfeiture of purse.**—If a contestant’s purse is forfeited, the commission may include such payments or advances as part of the forfeiture, and, if he does not forward such amount to the department, it may be recovered in the same manner as a debt due the Commonwealth.

Section 524. Insurance.

The commission may, by rules and regulations, require licensed boxers to be covered by insurance for:

(1) Medical, surgical and hospital care resulting from injuries sustained while preparing for or engaged in boxing contests or exhibitions with the insured being the beneficiary of such policies.

(2) Life, providing for payments to the estates or beneficiaries of deceased boxers where death was caused by injuries received while preparing for or engaged in boxing contests or exhibitions.

The premiums for such insurance shall be paid by the insured’s manager.

CHAPTER 7
SAFETY REGULATIONS

Section 701. Mandatory eight count.

Whenever a boxer is knocked down, the boxer shall be required to take a count of eight. The referee shall not permit the contest or exhibition to be resumed until the count of eight has actually been reached, except in professional championship boxing contests and exhibitions.

Section 702. Knockout.

When a boxer is actually knocked out, the referee shall count to ten and shall not stop the count earlier and record a technical knockout.

Section 703. Physician at knockout.

When a boxer has been knocked out, no one shall touch him, except to remove his mouth protector, until after the attending physician has entered the ring and issued such instructions as he deems necessary.

Section 704. Ring padding.

All ring padding shall be subject to approval of the commission. All padding shall be of soft felt, foam rubber or similar material and shall be at least two inches thick.

Section 705. Boxer knocked unconscious.

A boxer who has been knocked unconscious or who has received a concussion shall not be allowed to box again for 90 days, and then only after having been pronounced fit after a thorough physical examination by a physician.

Section 706. Boxer repeatedly knocked out.

A boxer who has been knocked out or severely beaten shall be retired and not permitted to box again if, after subjecting him to a thorough examination by a physician, the commission decides such action is necessary in order to protect the health and welfare of the boxer.

Section 707. Six consecutive defeats.

A boxer who has suffered six consecutive defeats shall be investigated by the commission and examined by a physician.

CHAPTER 9 LICENSES AND PERMITS

Section 901. Power of commission to issue, withhold, suspend or revoke licenses and permits.

The commission is hereby granted sole control, authority and jurisdiction to issue, withhold, suspend or revoke any license or permit provided for in this act.

Section 902. Promoters' licenses.

No promoter shall, either directly or indirectly, conduct, hold or promote any professional boxing contest or exhibition unless he has first procured a promoter's license from the commission. A violation of this section may subject the promoter to suspension of not less than 30 days or revocation of his license at the discretion of the commission pursuant to section 1504.

Section 903. Representative managers' licenses.

(a) General rule.—Before acting as such, every representative manager shall procure a manager's license. He shall file with the department the name of each boxer whom he represents, together with a written consent from each such boxer and his manager authorizing him to transact business for such manager or boxer or to act as or for the manager of such boxer.

(b) Presumption.—Every person other than the manager of a professional boxer who performs any of the acts usually performed by the manager or who aids, assists or substitutes for the manager or who uses a licensed manager to conceal his own actions as a manager shall be considered a representative manager.

(c) Penalty.—A violation of this section may subject the manager to suspension of not less than 30 days or revocation of his license at the discretion of the commission pursuant to section 1504.

Section 904. Foreign copromoters to procure permits.

(a) General rule.—No foreign copromoter shall directly or indirectly participate in the promotion of or receive any remuneration from or render any services in connection with any professional boxing contest or exhibition held within this Commonwealth unless he has first been granted a permit therefor by the commission. No promoter shall be associated with any

foreign copromoter in promoting any contest or exhibition unless the foreign copromoter has first secured a permit. A foreign copromoter by accepting a permit agrees to be subject to all the provisions of this act and the rules and regulations promulgated under this act.

(b) Penalty.—A violation of this section may subject the promoter and/or foreign copromoter to suspension of not less than 30 days or revocation of his license or permit at the discretion of the commission pursuant to section 1504.

Section 905. Other licenses required.

(a) Other licenses.—No professional boxer, manager, second, trainer, matchmaker, timekeeper, referee, judge, announcer, physician, booking agent or agency or representative of a booking agent or agency shall directly or indirectly act in such capacity in connection with any professional boxing contest or exhibition unless he has first procured a license to act in such a capacity from the commission.

(b) Penalty.—A violation of this section may subject the boxer, manager, second, trainer, matchmaker, timekeeper, referee, judge, announcer, physician, booking agent or agency or representative of a booking agent or agency to suspension of not less than 30 days or revocation of their licenses at the discretion of the commission pursuant to section 1504.

Section 906. Permits required.

In addition to the promoter's license, each promoter shall be required to procure a permit for each program of contests or exhibitions before presenting that program. Each application for a permit shall specify the premises where and time when the program is to be held.

Section 907. Permits for amateurs.

(a) Permit required.—Except as otherwise provided in this act, no amateur boxing contest or exhibition shall be held without a permit having been first secured from the department.

(b) Eligibility.—Permits for amateur boxing contests or exhibitions shall be issued only to bona fide recognized amateur athletic associations, non-profit organizations or other groups or individuals approved by the commission.

(c) Miscellaneous.—Permits under this section may be issued for a single contest or exhibition, a series of contests or exhibitions, or for a period not exceeding one year. The commission may issue amateur permits without charging any fee or for a fee of \$5 per permit.

Section 908. Restrictions.

No officer, director, stockholder or employee of a licensed promoter shall have any other interest in any professional boxer or professional contests or exhibitions except as a matchmaker.

Section 909. Permits not to be issued.

No permit shall be issued for the holding of any boxing contest or exhibition within any political subdivision of this Commonwealth which has adopted, or which adopts, any local ordinance or resolution prohibiting such contests or exhibitions within its limits.

Section 910. Standards for the issuance of licenses and permits.

(a) **Consideration.**—In determining whether to issue or renew any license or permit, the commission shall consider the best interest and welfare of the public, the preservation of the safety and health of participants and the best interests of boxing generally.

(b) **Prerequisites.**—Before being granted any permit or license, the applicant must establish that the applicant is:

- (1) Of a good moral character.
- (2) Of good reputation.
- (3) Physically fit and mentally sound.
- (4) Skilled in his profession.
- (5) Of requisite age and experience.
- (6) Not addicted to the intemperate use of alcohol or to the use of narcotic drugs.

In the case of a corporate applicant, these factors shall be considered with reference to its officers, directors, employees and principal stockholders.

Section 911. Duration of license.

Each license issued under this act shall expire on December 31 next following the date on which it was issued.

Section 912. Applications for licenses and permits.

Every application for a license or a permit shall:

- (1) Be in writing on a form supplied by the commission.
- (2) Be verified by the applicant.
- (3) Set forth such information and have attached thereto such photographs and other exhibits as are required by this act, the rules and regulations promulgated under this act, and the form of application.

Section 913. Oral examinations.

The commission shall have the right to require any applicant for a license or permit, or in the case of a corporate applicant, any officer, director, employee or stockholder thereof, to appear before the commission for an oral examination, under oath, as to qualifications of the applicant before taking actions on that application.

Section 914. License fees.

The annual license fees which shall accompany each application for a license or the renewal of a license shall be fixed by commission regulation.

Section 915. Permit fees.

(a) **General rule.**—The required fees, based upon the seating capacity of the premises where the program is to be presented, shall accompany each application for a permit to present a program of contests or exhibitions. The amount of the fee shall be fixed by commission regulation.

(b) **Foreign copromoter permit.**—The fee for the issuance of a foreign copromoter's permit for each program of contests or exhibitions shall be fixed by commission regulation.

Section 916. Additional license fees; penalties.

(a) **Gross receipts fees.**—In addition to the payment of any other fees and moneys due under this act, every promoter shall pay an additional license fee of 5% of the total gross receipts of any boxing contest or exhibi-

tion, exclusive of any Federal tax or any tax imposed by any political subdivision of this Commonwealth which was paid thereon. For the purposes of this section, total gross receipts of every promoter upon which the 5% is to be computed shall include the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of such contest or exhibition without any deductions whatsoever for commissions, brokerage fees, distribution fees, advertising or other expenses or charges in respect thereto. Gross receipts, for the purposes of this section, shall also include the face value of all tickets sold and complimentary tickets issued.

(b) Time period for payment.—The payment of the additional license fee provided for in this section shall be made within 48 hours after the contest or exhibition and shall be accompanied by a form prescribed by the Department of Revenue setting forth the gross receipts received from the contest or exhibition, together with such other information as the Department of Revenue may require.

(c) Collection of fee.—The additional license fee provided for in this section shall be collected by the department and transmitted to the Department of Revenue, together with the reports filed therewith.

(d) Penalties.—

(1) Any promoter who willfully makes a false and fraudulent report under this section commits perjury and shall, upon conviction, be subject to punishment as provided by law. Such penalty shall be in addition to any other penalties imposed by this act.

(2) Any promoter who willfully fails, neglects or refuses to make a report, or to pay the license fees as herein prescribed, or who refuses to permit the department to examine the books, papers and records of any promotion commits a misdemeanor of the third degree and may be subject to suspension or loss of his license at the discretion of the commission.

CHAPTER 11

CONTRACTS, ADVERTISING, TICKETS AND SPECTATORS

Section 1101. Commission control of contracts.

The commission, with the approval of the department, is required to promulgate rules and regulations governing the form and content of all contracts entered into between or among promoters and foreign copromoters and professional boxers and managers and all contracts between managers and professional boxers. All contracts required under the provisions of this act shall be in writing.

Section 1102. Contracts subject to law.

Every contract subject to the provisions of this chapter shall contain the following clause:

This agreement is subject to the provisions of this act and to the rules and regulations of the Department of State, and to any future amendments of either of them.

Section 1103. Provisions in contracts between managers and professional boxers.

(a) General provisions.—Every contract between a manager and a professional boxer shall contain provisions governing its duration, division of the boxer's purses and the minimum sum to be guaranteed annually to the boxer by the manager.

(b) Termination of contract.—Each contract shall further provide that the contract shall be automatically terminated if the license of either party is revoked by the commission or if the manager fails to renew his license within 30 days after its expiration. If the license of either party is suspended, the contract shall not be binding upon the other party during the period of such suspension.

Section 1104. Approval of contracts.

No contract between a manager and a professional boxer shall be legally valid and binding until both parties to the contract have appeared before the commission and have received its approval which shall be endorsed on the contract.

Section 1105. Tickets.

(a) Scheduled date and price.—Every ticket of admission to a boxing contest or exhibition shall clearly show on its face the scheduled date of the contest or exhibition and its purchase price, including any taxes thereon.

(b) Price limitation.—No ticket shall be sold by any promoter or foreign copromoter for more than the price printed thereon.

(c) Anti-scalping provision.—No other person shall sell any ticket for more than 50¢ in excess of the price printed on the ticket. No licensee under this act shall directly or indirectly receive any part of any excess price.

(d) Numbering of tickets.—Tickets in each price range shall be consecutively numbered, and the number of each ticket shall be clearly printed on both the stub and main portion of the ticket.

(e) Schedule of tickets.—A schedule of the numbers of all tickets in each price range shall be furnished to the department.

Section 1106. Misdemeanor to destroy tickets.

Except upon receipt of prior written authorization from the department, it shall be a misdemeanor of the second degree for any promoter or person associated with or employed by any promoter to destroy any ticket or ticket stub, whether sold or unsold, within six months after the date of any contest or exhibition.

Section 1107. Ticket refunds.

(a) Full refund.—Upon postponement or cancellation of the main event or the entire program of contests or exhibitions, the promoter shall refund the full purchase price of each ticket to any person who presents such ticket for a refund within 30 days after the scheduled date of the event. Within 10 days after the expiration of this 30-day period, the promoter shall pay all unclaimed ticket receipts to the department. The department shall hold these funds for a period of one year for the purpose of making additional refunds. Thereafter, the department shall pay all remaining moneys from such ticket sale to the State Treasurer for deposit into the General Fund, without escheat.

(b) Forfeiture of security.—Failure of any promoter or foreign copromoter to comply with the provisions of subsection (a) shall be sufficient cause to warrant a forfeiture of his bond, or other security, and an imposition of a penalty or suspension or revocation of his license by the department as provided in this act.

(c) Pro rata refunds.—From the fund produced by the forfeiture, pro rata refunds shall be made by the department to persons who purchased tickets, in accordance with the provisions of subsection (a).

Section 1108. Advertising matter to state admission price.

Each showcard, bill, poster, newspaper or any other advertisement of any contest or exhibition shall contain a schedule of admission prices and a conspicuous statement of whether a contest or exhibition is being presented. Failure to comply with the provisions of this section shall constitute grounds for the suspension or revocation of the promoter's license.

Section 1109. Admissions not to exceed seating capacity.

It shall be a misdemeanor of the third degree for any promoter to admit to any contest or exhibition more persons than there are seats in the place where the contest or exhibition is being held.

Section 1110. Age of spectators.

No minor 16 years of age or under shall be permitted to attend any boxing contest or exhibition unless accompanied by an adult.

CHAPTER 13 BONDS

Section 1301. Promoters and foreign copromoters required to file bonds.

(a) General rule.—Before any license or renewal of a license is issued to a promoter and before any permit is issued to a foreign copromoter, he shall be required to execute and file a surety bond with the department in such reasonable amount, but not less than \$3,000, as the department shall determine.

(b) Form of bond.—All such bonds shall be upon forms supplied by the department, which shall have first adopted them with the approval of the Office of Attorney General.

(c) Approval of sureties.—The sufficiency of the sureties shall be subject to approval of the department and the Office of Attorney General.

(d) Conditions.—The surety bond shall be conditioned upon the faithful performance by the promoter or foreign copromoter of his obligations under this act and the rules and regulations promulgated pursuant hereto, including, but not limited to, the fulfillment of his contractual obligations to contestants, managers and other licensees, and the payment of all license and permit fees provided for in this act. The aggregate annual liability of the surety for all obligations and fees shall in no event exceed the amount of the bond.

Section 1302. Deposit in lieu of surety bond.

In lieu of the surety bond required by section 1101, the promoter may deposit with the department cash, a certified check or direct obligations of the United States or the Commonwealth of Pennsylvania acceptable to the department, in an equivalent amount and subject to the same conditions.

Such security shall not be returned to the promoter until one year after the date on which it was deposited with the department, unless a surety bond is substituted for the security. After the expiration of one year from the date on which the security was deposited, if no claim against the deposit is outstanding, it shall be returned to the depositor.

Section 1303. Filing fee.

A filing fee fixed by the department shall accompany each bond filed or cash or security deposited in lieu of the bond under the provisions of this act.

Section 1304. Recovery on bond.

Recovery may be had on such bond or against such deposit of cash or security in the same manner as penalties are recoverable at law.

Section 1305. Application and fees.

(a) Fee.—An application for a permit or license shall be accompanied by a nonrefundable application fee in an amount established by the commission by regulation, which fee shall be subject to review in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. If the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of this act are not sufficient to match expenditures over a two-year period, the commission shall increase those fees by regulation, subject to review in accordance with the Regulatory Review Act, such that the projected revenues will meet or exceed projected expenditures. If the department determines that fees and/or fines established by the commission are inadequate to meet the minimum enforcement efforts required by this act, then the department, after consultation with the commission, shall increase the fees and/or fines by regulations, subject to review in accordance with the Regulatory Review Act, such that adequate revenues are raised to meet the minimum enforcement efforts required under this act.

(b) Affidavit.—Each application shall be accompanied by an affidavit or affirmation of the applicant as to its verity.

(c) Disposition and use of fees.—Fees shall be collected by the commission and shall be paid into the Athletic Commission Augmentation Account.

CHAPTER 15 HEARINGS AND TEMPORARY SUSPENSIONS

Section 1501. Commission hearings.

The commission shall conduct all hearings under the provisions of Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure) and must conduct a hearing within ten business days from the time any recommendation is made by the executive director that a permit or license be suspended or revoked.

Section 1502. Subpoenas.

The commission may issue subpoenas in connection with the investigations, requiring the attendance and testimony of or the production of books and papers by any licensee or other person whom the commission believes to have information, books or papers of importance to it in making the investigation.

Section 1503. Temporary suspension of licenses or permits.

(a) General rule.—The commission shall have the power, upon its own motion or upon the verified written complaint of any person charging a licensee or permittee with violating any provision of this act or the rules and regulations promulgated under this act, to suspend temporarily any license or permit until final determination by the commission, when such action is necessary to protect the public welfare and the best interests of boxing.

(b) Meetings.—Upon the oral or written agreement of two members of the commission, the commission may conduct meetings under subsection (a) by voice or video electronic means, if the subject matter of the meeting is so compelling or timely that considering the matter at the commission's next regular meeting would render any decision moot, adversely affect the rights of the aggrieved parties under this act or threaten the safety or physical health of participants. A stenographic record of such meetings shall be made and maintained by the commission and be made available to the parties upon request. The subject matter of any such meeting shall then become the first item on the commission's agenda for its next regularly scheduled meeting.

(c) Hearing date.—The commission shall hold a hearing within ten business days after the date on which the license or permit was suspended temporarily, at which time reasonable efforts shall be made for the affected parties and the commission to be physically present.

Section 1504. Suspension or revocation of licenses.

(a) General rule.—The commission shall have the power to suspend or revoke a license or permit in any case where the commission finds that the licensee or permittee:

- (1) Is guilty of gross immorality.
- (2) Is unfit or incompetent by reason of negligence or habits.
- (3) Is guilty of violating any provision of this act or of the rules and regulations of the department.
- (4) Has committed fraud or deceit in securing his or another's license or permit.
- (5) Has been convicted of, or pleaded guilty or entered a plea of nolo contendere to, or has been found guilty by a judge or jury of, a crime in any jurisdiction within ten days preceding the suspension or revocation.
- (6) Is an habitual drunkard, or is addicted to the use of morphine, cocaine or other drugs having a similar effect.
- (7) Is or has become mentally incompetent.
- (8) Has been guilty of unprofessional or unethical conduct, or such conduct as to require a suspension or revocation in the public interest.
- (9) Has made a misstatement of a material fact or fraudulently concealed a material fact, or has induced, aided or abetted any other person in misstating or concealing any material fact in any application or other proceeding under this act.
- (10) Has failed to account for or pay over moneys belonging to others which have come into his possession in connection with a boxing contest or exhibition.

(11) Has failed to furnish to the proper party a copy of any contract or statement required by this act or the rules and regulations promulgated under this act, or has breached such a contract.

(12) Has paid or agreed to pay any money or article of value to any person not having a license or a permit for soliciting or for business secured or for rendering of any service or the doing of any of the acts forbidden by this act and the rules and regulations promulgated under this act.

(13) Has loaned his license or permit to another person or has borrowed or used the license or permit of another.

(14) Is guilty of any form of pretense which might induce the public or citizens to become a prey to professional exploitation.

(15) Has employed a person who has not been issued a license or permit when so required by law.

(16) Has failed to maintain in force the bond required by this act or has failed to deposit with the department the required cash, check or securities required in lieu of the bond.

(17) Has by act or omission conducted himself in a manner detrimental to the best interests of boxing generally or to the public interest and general welfare.

(18) Is associating or consorting with criminals, bookmakers, gamblers or persons of similar ill repute, or with persons of no known or visible means of livelihood, or is himself engaged or engaging in similar pursuits or conduct.

(19) Has been disciplined in any manner by the department or similar agency or body of any jurisdiction.

(20) Has failed to pay a fine or any part thereof imposed by this act.

(b) Hearings.—Any licensee or permittee whose license or permit is suspended or revoked pursuant to the provisions of this section shall have a right to a hearing before the commission within ten business days after the date on which the license or permit was suspended or revoked.

CHAPTER 17 PENALTIES

Section 1701. Misdemeanors.

Any person convicted of any misdemeanor under Chapters 1 through 19 of this act shall be sentenced to pay a fine of not more than \$5,000, or to imprisonment for not more than three years, or both.

Section 1702. Fines.

The commission shall have the right to impose a fine of not more than \$5,000 for any violation of Chapters 1 through 19 of this act or the rules and regulations promulgated under Chapters 1 through 19 of this act, or in addition to any other punishment herein provided for such violation. Any licensee or permittee upon whom a fine is imposed under this section shall have a right to a hearing before the commission within ten days after the date on which the fine was imposed.

CHAPTER 19 FINANCIAL INTERESTS

Section 1901. Financial interest in boxer prohibited.

No licensed physician, referee, judge or promoter shall have any direct or indirect financial or pecuniary interest in any boxer. A violation of this section shall constitute a misdemeanor of the third degree.

Section 1902. Financial interest in opponent prohibited.

No manager, trainer or second of any boxer shall have any direct or indirect financial or pecuniary interest in the opponent in any contest in which his own boxer participates. No boxer shall have any direct or indirect financial or pecuniary interest in his opponent in any contest. A violation of this section shall constitute a misdemeanor.

Section 1903. Financial interest of matchmaker.

No matchmaker or promoter shall have any direct or indirect financial or pecuniary interest in any boxer who is engaging in a contest arranged by that matchmaker or promoter. A violation of this section shall constitute a misdemeanor.

Section 1904. Fees, fines and forfeitures.

All fees, fines, forfeitures and other moneys collected under the provisions of this act and the rules and regulations promulgated under this act shall be collected by the commission and transmitted to the Department of Revenue.

Section 1905. Rules and regulations.

The commission is hereby granted the power to promulgate rules and regulations governing the presentation of professional boxing and all matters pertaining thereto. Such rules and regulations shall include those rules and regulations specifically required by this act, together with such others as the commission shall consider necessary in order to carry out the provisions of this act.

CHAPTER 21 PROHIBITED COMPETITIONS

Section 2101. Prohibited competitions.

(a) Offense defined.—A person commits a misdemeanor of the first degree if he promotes, sponsors or participates in any manner in the staging of, or the conduct of, any tough guy contest or battle of the brawlers or in any similar competition.

(b) Application of section.—

(1) This section shall not apply to the news media, including, but not limited to, television, radio, newspapers and periodicals, for their reporting activities relating to tough guy contests or battles of the brawlers.

(2) This section shall not apply to amateur or professional contests or exhibitions for which a permit has been issued under Chapter 7 nor to professional wrestling exhibitions nor to contests staged in connection with athletic training programs nor to amateur or professional contests of the martial arts nor to any collegiate or scholastic boxing, wrestling or martial arts contests.

(c) Definition.—As used in this section, the term “tough guy contest” or “battle of the brawlers” means any competition which involves any physical contact bout between two or more individuals who attempt to knock out their opponent by employing boxing, wrestling, martial arts tactics or any combination thereof and by using techniques, including, but not limited to, punches, kicks and choking.

CHAPTER 31 MISCELLANEOUS PROVISIONS

Section 3101. Repeals.

(a) Specific repeals.—The following acts and parts of acts are repealed:

(1) Sections 427 and 2503 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(2) Act of August 31, 1955 (P.L.531, No.131), known as the Pennsylvania Athletic Code.

(b) Partial repeals.—Sections 202 and 207.1(d) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, are repealed insofar as they relate to the State Athletic Commission.

Section 3102. Status of existing licenses.

All licenses and permits issued pursuant to any act repealed by this act, except with respect to professional and amateur wrestling, shall continue with the same force and effect as if such act had not been repealed, subject, however, to the power of the department, as provided in this act, to suspend or revoke the license or permit of any such person for any of the causes or reasons set forth in this act and subject to the power of the commission to require any such person to obtain a license or permit pursuant to this act.

Section 3103. Effect of prior rules and regulations.

All rules and regulations made pursuant to any act repealed by this act, except with respect to professional and amateur wrestling, shall continue in full force and effect.

Section 3104. Saving clause.

The provisions of this act, so far as they are the same as those of existing law, except with respect to professional and amateur wrestling, are intended to be a continuation of such existing law and not as new enactments. The provisions of this act shall not affect any act done, liability incurred, right accrued or vested or suit or prosecution pending as of the effective date of this act, or any action to enforce any right or penalty or punish any offense under authority of such repealed laws.

Section 3105. Reestablishment of commission.

This act, with respect to the State Athletic Commission, constitutes the legislation required to reestablish an agency under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 3106. Athletic Commission Augmentation Account.

Beginning July 1, 1989, and thereafter, all funds collected by the commission shall be paid into the Athletic Commission Augmentation Account, which is hereby created and which shall be a special restricted receipts account within the General Fund. This account shall be used only for the

support and operation of the commission unless a surplus arises after two consecutive years, at which time the secretary shall transfer any amount in excess of the commission's budget into the General Fund.

Section 3107. Appropriation.

The sum of \$350,000, or as much thereof as may be necessary, is hereby appropriated from the Professional Licensure Augmentation Account to the State Athletic Commission for the payment of costs of processing permits, licenses and renewals, for the operation of the commission and for other general costs of the commission's operations relating to this act. The appropriation granted shall be repaid by the commission within three years of the beginning of issuance of licenses and permits under this act.

Section 3108. Joint State Government Commission.

The Joint State Government Commission shall establish a task force to conduct a study on boxing in this Commonwealth and shall communicate its findings and recommendations to the General Assembly, the Governor and the commission on or before April 1, 1990.

Section 3109. Retroactivity.

Section 3105 of this act shall be retroactive to December 31, 1988.

Section 3110. Effective date.

This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1989.

ROBERT P. CASEY