

No. 1989-29

AN ACT

HB 1198

Providing for the licensing of promoters of professional wrestling exhibitions; imposing a tax on certain receipts; requiring the posting of performance bonds; and providing penalties.

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

Section 1. Short title.

This act shall be known and may be cited as the Professional Wrestling Act.

Section 2. Definitions.

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

“Commission.” The State Athletic Commission.

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

“Promoter.” Any person, and in the case of a corporation, an officer, director, employee or shareholder thereof, who produces, arranges or stages any professional wrestling exhibition.

“Wrestling event.” One or more wrestling exhibitions conducted at the same location on the same day.

“Wrestling exhibition.” An engagement in which the participants display their skills in a struggle against each other in the ring, with or without the use of accessories, without necessarily striving to win, provided that contests prohibited by law shall not be considered exhibitions.

Section 3. Promoter's license.

(a) Required.—No promoter shall conduct, hold or promote any wrestling exhibition unless the promoter has first obtained a promoter's license from the commission. A promoter licensed on December 31, 1987, under the act of August 31, 1955 (P.L.531, No.131), known as the Pennsylvania Athletic Code, shall be deemed licensed under this act. A promoter's license shall be issued by the commission upon the filing by an applicant of the following:

(1) A license fee of \$100.

(2) A notarized copy of a surety bond for the first planned exhibition, as required under section 4.

(3) An application form stating the name, address, phone number, taxpayer identification number and the nature of the entity applying for the license.

(b) Prohibition.—The commission shall not issue or renew a promoter's license to a person who has been convicted of or pleaded guilty or nolo contendere to any of the following offenses during the ten years preceding the application date:

(1) Bribery.

(2) Corrupt solicitations.

(3) Extortion.

(4) Perjury and subornation of perjury.

(5) Carrying deadly weapons.

(6) All offenses set forth in 18 Pa.C.S. Chs. 43 Subch. A, 55, 59 and 63.

(7) Bribery in athletic contests.

(8) Soliciting or accepting a bribe in athletic contests.

(9) Blackmail.

(10) Professional theft.

(11) Murder.

(12) Administering drugs.

(13) Rape.

(14) Indecent assault.

(15) Kidnapping.

(16) All offenses involving the use, sale or delivery of narcotics.

(c) Renewal.—A promoter's license shall be renewed annually upon payment of a license fee of \$100 to the Athletic Commission Augmentation Account.

(d) Reports.—At least ten days before the scheduled date of any professional wrestling exhibition, the promoter of the exhibition shall notify the commission in writing of the date, time and location of such event.

(e) Suspension.— Upon conviction of a promoter for any violation of this act, the department shall suspend such promoter's license for a period as follows:

(1) For an offense other than as provided in paragraph (2), 30 days.

(2) For an offense committed within 12 months after conviction of a prior offense, 90 days.

(f) **Revocation.**—Upon conviction of a promoter for a violation of this act committed within 12 months after conviction for a violation as defined under subsection (e)(2), the department shall revoke the promoter's license. The license shall not be reissued prior to the expiration of one year from the effective date of revocation.

Section 4. Promoter's bonding requirements.

(a) **General rule.**—Before the scheduled date of any professional wrestling exhibition, the promoter of the exhibition shall be required to execute a surety bond with the entity operating the arena or other facility in a reasonable amount, but not less than \$10,000, as the parties shall agree.

(b) **Conditions of bond.**—The surety bond shall be conditioned upon the faithful performance by the promoter of his obligations under this act and the contract with the entity in charge of the arena or other facility.

Section 5. Admissions gross receipts tax.

(a) **Imposition of tax.**—In addition to any Federal tax or tax imposed by any political subdivision of the Commonwealth to be paid on gross receipts, every promoter shall pay a State tax of 5% of the total gross receipts of any wrestling exhibition.

(b) **Payment of tax.**—The tax payment shall be made to the commission within five days after the exhibition. The payment shall be accompanied by a form prescribed by the commission setting forth the gross receipts received from the exhibition, together with such other information the department may require. All of the moneys received by the Commonwealth for payment of the gross receipts tax enumerated in this section are hereby appropriated to the commission to be placed in the Athletic Commission Augmentation Account.

(c) **Computation.**—As used in this section, the total gross receipts of every promoter upon which the tax levied in subsection (a) is to be charged or to be computed shall include only the face value of all the tickets sold.

Section 6. Physician to be in attendance.

The promoter and the operator of the arena or facility shall be responsible to employ a physician from a list approved by the Department of Health to be present at every wrestling exhibition. The physician shall observe the physical condition of the participants throughout the exhibition and shall be authorized to terminate an exhibition when, in his judgment, severe injury would result if the exhibition were to continue. The physician's fee shall be paid by the promoter of the exhibition.

Section 7. Ambulance available.

The promoter and the operator of the arena or facility shall be responsible to have an ambulance or paramedical unit present at the arena in case a serious injury were to occur. Where the ambulance or paramedical unit is located within five miles of the arena and that unit has been notified to be on call by the promoter, the unit need not be present at the arena.

Section 8. Crowd control.

The promoter and the operator of the arena or facility shall be responsible for ensuring that adequate security personnel are in attendance at the wrestling exhibition to control fans in attendance. The size of the security force is

at the discretion of the promoter and the owner or operator of the arena or facility, as they shall agree.

Section 9. Offenses.

(a) Arena owners or operators.—It shall be unlawful for an owner or operator of an arena, hall or other facility at which a professional wrestling exhibition takes place to destroy any ticket or ticket stub, whether sold or unsold, within three months after the date of any exhibition.

(b) Wrestlers.—It shall be unlawful for any wrestler to deliberately cut or otherwise mutilate himself while participating in a wrestling exhibition.

(c) Promoter.—It shall be unlawful for any promoter to:

(1) conduct any professional wrestling exhibition without satisfying the bond requirements specified in section 4; and

(2) employ as a participant in a wrestling exhibition any individual who is under 18 years of age.

Section 10. Enforcement.

(a) General rule.—The police chief of any municipal police department, the troop commander of any Pennsylvania State Police troop or the Attorney General or his designee may assign an on-duty police officer, detective or investigator under his jurisdiction to be present at any professional wrestling exhibition within his respective jurisdiction. The police officer, detective or investigator, upon display of a written order of assignment, shall be admitted by the promoter without fee or hindrance and shall monitor compliance with this act. The attending police officer, detective or investigator shall then be responsible for reporting any unlawful incident at the event to the department within 48 hours after the event.

(b) Municipal fee.—The promoter shall pay a fee of \$100 for each wrestling event to the municipality to cover the costs of enforcement of this act.

Section 11. Penalties.

Except for a violation of section 3 or 10, a knowing or reckless violation of any provision of this act shall be a summary offense. A knowing or reckless violation of section 3 or 10 shall be a misdemeanor of the third degree.

Section 12. Repeals.

The act of August 31, 1955 (P.L.531, No.131), known as the Pennsylvania Athletic Code, is repealed insofar as it applies to professional wrestling exhibitions.

Section 13. Effective date.

This act shall take effect immediately.

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

ROBERT P. CASEY