

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 499
HOUSE BILL 555

AN ACT TO CREATE A NORTH CAROLINA BOXING COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 68.

"North Carolina State Boxing Commission.

"§ 143-650. Legislative findings and declarations.

The General Assembly finds and declares to be the public policy of this State that it is in the best interest of the public and of boxing that boxing should be subject to an effective and efficient system of strict control and regulation in order to:

- (1) Protect the safety and well-being of participants in boxing; and
- (2) Promote the public confidence and trust in the regulatory process and the conduct of boxing.

To further the public confidence and trust, the provisions of this Article are designed to regulate all persons, practices, and associations related to the operation of any live boxing event, performance, or contest held in North Carolina.

"§ 143-651. Definitions.

As used in this Article:

- (1) 'Amateur' means a person who has never received or competed for any purse or other article or thing of value for participating in a match.
- (2) 'Announcer' means any person who engages in the act of announcing a boxing match.
- (3) 'Boxer' means any person who engages as a participant in a boxing match.
- (4) 'Boxing match' means a match where the participants engage in the use of boxing techniques (using the fist only), and where the object of a match is to win by decision, knockout (KO), or technical knockout (TKO), and shall include kickboxing matches as defined in this section.
- (5) 'Commission' means the North Carolina State Boxing Commission.
- (6) 'Contest' means a boxing match in which the participants strive earnestly to win.
- (7) 'Contestant' means any person who engages as a participant in a boxing match.

- (8) 'Exhibition' means a boxing match where the participants display their boxing skills and technique without necessarily striving to win.
- (9) 'Judge' means a person who has a vote in determining the winner of any match or contest.
- (10) 'Kickboxer' means any person who engages as a participant in a kickboxing match.
- (11) 'Kickboxing match' means a match in which the participants engage in martial arts fighting techniques using the hands and the feet, and where the object of the match is to win by decision, knockout (KO), or technical knockout (TKO).
- (12) 'Licensee' means any person, club, corporation, organization, or association to whom a license has been issued pursuant to the provisions of this Article.
- (13) 'Manager' means any person, including an officer of a corporate manager and a managing partner of a partnership manager, who controls or administers the boxing affairs of any contestant, and who:
 - a. By contract, agreement, or other arrangement with any person undertakes or has undertaken to represent in any way the interest of the contestant in any professional boxing contest in which the boxer is to participate as a contestant, and is entitled under that contract, agreement, or arrangement to receive monetary or other compensation for his services, without regard to the sources of the compensation, except that the term 'manager' shall not be construed to mean any attorney licensed to practice in this State whose participation in the activities is restricted solely to his representing the interests of a professional boxer as his client;
 - b. Directs or controls the professional boxing activities of any professional boxer; or
 - c. Receives or is entitled to receive a percentage of the gross purse or gross income of any professional boxing contest.
- (14) 'Match' means any boxing contest or exhibition, and includes any event, engagement, sparring or practice session, show or program where the public is admitted and in which there is intended to be physical contact, whether an exhibition or contest. This definition does not include training or practice sessions when no admission is charged.
- (15) 'Matchmaker' means a person through whom matches are arranged for participants and who otherwise assists participants in procuring engagement dates for boxing.
- (16) 'Natural person' means an individual.
- (17) 'Participant' means any person who engages in a match or exhibition and performs as a boxer.

- (18) 'Person' means an individual, group of individuals, business, corporation, partnership, or any other individual or collective entity.
- (19) 'Physician' means an individual licensed to practice medicine in this State.
- (20) 'Professional' means any person who has received or competed for any purse or other article or thing of value for participating in a boxing match.
- (21) 'Promoter' means any person, including an officer of a corporate promoter and a managing partner of a partnership promoter, who produces, arranges, stages, holds, or gives any match in North Carolina involving a professional participant.
- (22) 'Referee' means the official who shall enter and remain in the ring for the duration of a match and shall enforce the rules and maintain order in the ring.
- (23) 'Ring official' means any person who performs an official function for the duration of a match.
- (24) 'Second' means any person who will work or be present in the corner of a participant for the duration of a match.
- (25) 'Timekeeper' means any person who will operate the clock or watch for the duration of a match for the purpose of keeping the official time of the match.
- (26) 'Ultimate warrior match' means a match where the participants use any combination of boxing, kicking, wrestling, hitting, punching, or other combative, contact techniques and which combination of techniques is not specifically authorized by and conducted pursuant to this Article.

"§ 143-652. State Boxing Commission.

(a) Creation. – The North Carolina State Boxing Commission is created within the Department of the Secretary of State to regulate live boxing matches, whether professional or amateur, in North Carolina. The Commission shall consist of five voting members and two advisory members. All the members shall be residents of North Carolina. The members shall be appointed as follows:

- (1) One voting member shall be appointed by the Governor for an initial term of two years.
- (2) One voting member shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate for an initial term of one year, in accordance with G.S. 120-121.
- (3) One voting member shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives for an initial term of one year.
- (4) Two voting members shall be appointed by the Secretary of State. One shall serve for an initial term of three years, and the other shall serve for an initial term of two years.
- (5) One nonvoting advisory member shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of

- Representatives for an initial term of one year, in accordance with G.S. 120-121, from nominations made by the North Carolina Medical Society, which shall nominate two licensed physicians for the position.
- (6) One nonvoting advisory member shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate for an initial term of one year, in accordance with G.S. 120-121, from nominations made by the North Carolina Medical Society, which shall nominate two licensed physicians for the position.

The two nonvoting advisory members shall advise the Commission on matters concerning the health and physical condition of boxers and health issues relating to the conduct of exhibitions and boxing matches. They may prepare and submit to the Commission for its consideration and approval any rules that in their judgment will safeguard the physical welfare of all participants engaged in boxing.

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

The Secretary of State shall designate which member of the Commission is to serve as chair. A member of the Commission may be removed from office by the Secretary of State for cause. Each member before entering upon the duties of a member shall take and subscribe an oath to perform the duties of the office faithfully, impartially, and justly to the best of the member's ability. A record of these oaths shall be filed in the Department of the Secretary of State.

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

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

(d) Rule-Making Authority of the Commission. – The Commission shall have the exclusive authority to issue rules for the regulation of the conduct, promotion, and performances of live boxing matches and exhibitions in this State. The rules shall be issued pursuant to the provisions of Chapter 150B of the General Statutes and may include, without limitation, the following subjects:

- (1) Requirements for issuance of licenses and permits required by this Article.

- (2) Regulation of ticket sales.
- (3) Physical requirements for contestants, including classification by weight and skill.
- (4) Supervision of matches and exhibitions by licensed physicians and referees.
- (5) Insurance and bonding requirements.
- (6) Compensation of participants and licensees.
- (7) Contracts and financial arrangements.
- (8) Prohibition of dishonest, unethical, and injurious practices.
- (9) Facilities.

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

(f) Staff Assistance. – The Secretary of State shall provide staff assistance to the Commission.

"§ 143-653. Ultimate warrior matches prohibited.

Ultimate warrior matches, whether the participants are professionals or amateurs, are prohibited. No person shall promote, conduct, or engage in ultimate warrior matches. This section shall not preclude boxing and kickboxing as regulated in this Article or professional wrestling.

"§ 143-654. Licensing and permitting.

(a) License and Permit Required. – It is unlawful for any person to act in this State as an announcer, contestant, judge, manager, matchmaker, promoter, referee, timekeeper, or second unless the person is licensed to do so under this Article. It is unlawful for a promoter to present a match in this State unless the promoter has a permit issued under this Article to do so. The Commission has the exclusive authority to issue, deny, suspend, or revoke any license or permit provided for in this Article.

(b) License. – A license issued under this Article must be renewed annually on or before January 1. A license for an announcer, contestant, judge, matchmaker, referee, timekeeper, or second shall be issued only to a natural person. A natural person shall not transfer or assign a license or change it into another name. A license for a manager or promoter may be issued to a corporation or partnership; provided, however, that all officers or partners shall submit an application for individual licensure, and only those officers or partners who are licensed shall be entitled to negotiate or sign contracts. The addition of a new officer or partner during the license period shall necessitate the filing of an application for individual licensure by the new officer or partner.

An applicant for a license shall file with the Commission the appropriate nonrefundable fee and any forms, documents, medical examinations, or exhibits the Commission may require in order to properly administer this Article. The information requested shall include the date of birth and social security number of each applicant as well as any other personal data necessary to positively identify the applicant and may include the requirement of verification of any documents the Commission deems

appropriate. A person may not participate under a fictitious or assumed name in any match unless the person has first registered the name with the Commission.

(c) Surety Bond. – An applicant for a promoter's license must submit, in addition to any other forms, documents, or exhibits, a surety bond in an amount to be no less than five thousand dollars (\$5,000). The amount of the surety bond shall be negotiable upon the sole discretion of the Commission. All surety bonds shall be upon forms approved by the Secretary of State and supplied by the Commission.

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

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

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

<u>Announcer</u>	<u>\$50.00</u>
<u>Contestant</u>	<u>\$25.00</u>
<u>Judge</u>	<u>\$50.00</u>
<u>Manager</u>	<u>\$100.00</u>
<u>Matchmaker</u>	<u>\$200.00</u>
<u>Promoter</u>	<u>\$300.00</u>
<u>Referee</u>	<u>\$50.00</u>
<u>Timekeeper</u>	<u>\$50.00</u>
<u>Second</u>	<u>\$25.00.</u>

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

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

<u>Seating Capacity</u>	<u>Fee Amount</u>
<u>Less than 2,000</u>	<u>\$100.00</u>
<u>2,000 - 5,000</u>	<u>\$200.00</u>
<u>Over 5,000</u>	<u>\$300.00.</u>

(c) State Boxing Commission Revenue Account. – There is created the State Boxing Commission Revenue Account within the Department of the Secretary of State. Monies collected pursuant to the provisions of this Article shall be credited to the Account and applied to the administration of the Article.

"§ 143-656. Contracts and financial arrangements.

Any contract between a boxer and any other licensee and any contract involving a boxing match or exhibition held or to be held in this State must meet the requirements of administrative rules as set forth by the Commission. Any contract which does not satisfy the requirements of the administrative rules shall be void and unenforceable. All contracts shall be in writing.

"§ 143-657. Kickboxing.

In addition to the other applicable provisions of this Article, a kickboxing match shall be conducted pursuant to the rules and regulations in effect for the Professional Karate Association, the International Sport Karate Association, or for any other professional organizations approved by the Commission.

"§ 143-658. Violations.

(a) Civil Penalties. – The Commission may issue an order against a licensee or other person who willfully violates any provision of this Article, imposing a civil penalty of up to five thousand dollars (\$5,000) for a single violation or of up to twenty-five thousand dollars (\$25,000) for multiple violations in a single proceeding or a series of related proceedings. No order under this subsection may be entered without prior notice and an opportunity for a contested case hearing conducted pursuant to Article 3 of Chapter 150B of the General Statutes.

(b) Criminal Penalties. – A willful violation of any provision of this Article shall constitute a Class 2 misdemeanor. The Secretary of State may refer any available evidence concerning violations of this Article to the proper district attorney, who may, with or without such a reference, institute the appropriate criminal proceedings.

The attorneys employed by the Secretary of State shall be available to prosecute or assist in the prosecution of criminal cases when requested to do so by a district attorney and the Secretary of State approves.

(c) Injunction. – Whenever it appears to the Commission that a person has engaged or is about to engage in an act or practice constituting a violation of any provision of this Article or any rule or order hereunder, the Commission may in its discretion bring an action in any court of competent jurisdiction to enjoin those acts or practices and to enforce compliance with this Article or any rule or order issued pursuant to this Article.

(d) Enforcement. – For purposes of enforcing this Article, the Department of the Secretary of State's law enforcement agents have statewide jurisdiction. These law enforcement agents may assist local law enforcement agencies in their investigations and may initiate and carry out, in coordination with local law enforcement agencies, investigations of violations of this Article. These law enforcement agents have all the powers and authority of law enforcement officers when executing arrest warrants."

Sec. 2. This act becomes effective January 1, 1996.

In the General Assembly read three times and ratified this the 27th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives