

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

SESSION LAW 1997-504
SENATE BILL 992

AN ACT AMENDING THE LAWS RELATED TO THE NORTH CAROLINA
BOXING COMMISSION AND SUNSETTING THIS ACT ON AUGUST 1, 1998.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-651 reads as rewritten:

"§ 143-651. Definitions.

~~As used in this Article:~~ The following definitions apply in this Article:

- (1) ~~'Amateur' means a~~ Amateur. - A person who is not receiving or competing for and has never received or competed for any purse or other article or thing of value for participating in a match.
- (2) ~~'Announcer' means any~~ Announcer. - Any person who engages in the act of announcing a boxing match.
- (3) ~~'Boxer' means any~~ Boxer. - Any person who engages as a participant in a boxing match.
- (4) ~~'Boxing match' means a~~ Boxing match. - A match where the participants engage in the use of full contact 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. technical knockout (TKO).
- (5) ~~'Commission' means the~~ Commission. - The North Carolina State Boxing Commission.
- (6) ~~'Contest' means a~~ Contest. - A boxing match in which the participants strive earnestly to win.
- (7) ~~'Contestant' means any~~ Contestant. - Any person who engages as a participant in a boxing match.
- (8) ~~'Exhibition' means a~~ Exhibition. - A boxing match where the participants display their boxing skills and technique without necessarily striving to win.
- (9) ~~'Judge' means a~~ Judge. - A person who has a vote in determining the winner of any match or contest.
- (10) ~~'Kickboxer' means any~~ Kickboxer. - Any person who engages as a participant in a kickboxing match.

- (11) ~~'Kickboxing match' means a Kickboxing match.~~ - A match in which the participants engage in full contact 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 Licensee.~~ - 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, Manager.~~ - Any person 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 compensation. 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; a client.
 - b. Directs or controls the professional boxing activities of any professional boxer; or boxer.
 - 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 Match.~~ - Any boxing or kickboxing 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 Matchmaker.~~ - 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 Natural person.~~ - An individual.
- (17) ~~'Participant' means any Participant.~~ - Any person who engages in a match or exhibition and performs as a boxer.
- (18) ~~'Person' means an Person.~~ - An individual, group of individuals, business, corporation, limited liability company, partnership, or any other individual or collective entity.

- (19) ~~'Physician' means an Physician.~~ - 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.~~ Professional. - Any person who is licensed as a professional boxer under the federal Professional Boxing Safety Act of 1996.
- (21) ~~'Promoter' means any person, including an officer of a corporate promoter and a managing partner of a partnership promoter.~~ Promoter. - Any person who produces, arranges, stages, holds, or gives any match in North Carolina involving a professional participant.
- (22) ~~'Referee' means the Referee.~~ - 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 Ring official.~~ - Any person who performs an official function for the duration of a match.
- (23a) Sanctioned amateur. - A person who competes in a sanctioned amateur match.
- (23b) Sanctioned amateur match. - Any boxing or kickboxing match regulated by an amateur sports organization that has been recognized and approved by the North Carolina Boxing Commission.
- (24) ~~'Second' means any Second.~~ - Any person who will work or be present in the corner of a participant for the duration of a match.
- (25) ~~'Timekeeper' means any Timekeeper.~~ - 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.
- (25a) Toughman contestant. - Any person who competes in a toughman event.
- (25b) Toughman event. - An elimination program of matches in which (i) the contestants are not professional boxers, (ii) the finalist receives a purse or other article of value, (iii) the participants engage in the use of full contact boxing techniques, and (iv) the object of each match is to win by decision, knockout (KO), or technical knockout (TKO).
- (26) ~~'Ultimate warrior match' means a~~ Ultimate warrior match. - 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."

Section 2. G.S. 143-652 reads as rewritten:

"§ 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 in North Carolina live boxing and kickboxing matches, whether professional or professional, amateur, sanctioned amateur, or toughman events, in North Carolina, in which admission is charged for viewing, or

the contestants compete for a purse or prize of value greater than twenty-five dollars (\$25.00). The Commission shall consist of five-six voting members and two nonvoting advisory members. All the members shall be residents of North Carolina. Carolina and shall meet requirements for membership under the Professional Boxing Safety Act of 1996.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 member shall be appointed by the Tribal Council of the Eastern Band of the Cherokee for an initial term of three years.
- ~~(5)~~(6) 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)~~(7) 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 member appointed pursuant to subdivision (5) of subsection (a) of this section may serve on the Commission only if an agreement exists and remains in effect between the Tribal Council of the Eastern Band of the Cherokee and the Commission authorizing the Commission to regulate professional boxing matches within the Cherokee Indian Reservation as provided by the Professional Boxing Safety Act of 1996.

The two nonvoting advisory members appointed pursuant to subdivisions (6) and (7) of subsection (a) of this section 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 voting 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 approve and issue rules for the regulation of the conduct, promotion, and performances of live ~~boxing-boxing~~, kickboxing, sanctioned amateur, amateur, and toughman 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.
- (10) Approval of sanctioning amateur sports organizations.
- (11) Procedures and requirements for compliance with the Professional Boxing Safety Act of 1996.

(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 hire a person to serve as Executive Director of the Commission and shall provide staff assistance to the Commission. Executive Director. The Executive Director may train and contract with independent contractors for the purpose of regulating and monitoring events, issuing licenses, collecting fees, and enforcing rules of the Commission. The Executive Director may initiate criminal background checks on persons requesting to work as independent contractors for the Commission or persons applying to be licensed by the Commission."

Section 3. G.S. 143-653 reads as rewritten:

"§ 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."

Section 4. G.S. 143-654 reads as rewritten:

"§ 143-654. Licensing and permitting.

(a) License and Permit Required. - Except for sanctioned amateur matches, it~~is~~ 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~~ State, other than a sanctioned amateur match, 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. All licenses issued under this Article shall be valid only during the calendar year in which they are issued, except contestant licenses shall be valid for one year from the date of issuance.~~ 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~~, exhibits requested by the Commission, a surety bond payable to the Commission for the benefit of any person injured or damaged by (i) the promoter's failure to comply with any provision of this Article or any rules adopted by the Commission or (ii) the promoter's failure to fulfill the obligations of any contract between or among licensees related to the holding of a boxing event. The surety bond shall be issued 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."

Section 5. G.S. 143-656 reads as rewritten:

"§ 143-656. Contracts and financial arrangements.

Any contract between ~~a boxer and any other licensee~~ licensees and ~~any contract involving~~ related to 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."

Section 6. G.S. 143-657 is repealed.

Section 7. Article 68 of Chapter 143 of the General Statutes is amended by adding the following new section:

"§ 143-657.1. Sanctioned amateur matches.

In addition to the other applicable provisions of this Article, a sanctioned amateur match shall be conducted pursuant to the rules of the sports organization sanctioning the boxing match or exhibition."

Section 8. G.S. 143-658 reads as rewritten:

"§ 143-658. Violations.

(a) Civil Penalties. - The ~~Commission~~ Secretary of State 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 giving the licensee or other person 15 days' 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~~ Secretary of State 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~~ Secretary of State 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."

Section 9. Except as otherwise specified herein, this act is effective when it becomes law. This act expires August 1, 1998.

In the General Assembly read three times and ratified this the 28th day of August, 1997.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 4:38 p.m. this 11th day of September, 1997