

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 555

Short Title: North Carolina Boxing Commission.

(Public)

Sponsors: Representatives Black; and Hensley.

Referred to: Business and Labor, if favorable, Finance.

March 27, 1995

A BILL TO BE ENTITLED

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 boxing event, performance, or contest held in North Carolina.

"§ 143-651. Definitions.

As used in this Article:

- 1 (1) 'Announcer' means any person who engages in the act of announcing a
2 boxing match.
- 3 (2) 'Board' means the Medical Advisory Board of the State Boxing
4 Commission.
- 5 (3) 'Boxer' means any person who engages as a participant in a boxing
6 match.
- 7 (4) 'Boxing match' means a match where the participants engage in the use
8 of boxing techniques (using the fist only), and where the object of a
9 match is to win by decision, knockout (KO), or technical knockout
10 (TKO).
- 11 (5) 'Broadcast' means any audio or visual transmission sent by any means of
12 signal within, into, or from this State, whether live, by tape, or time
13 delayed, and includes any replays thereof.
- 14 (6) 'Closed-circuit telecast' means any telecast which is not intended to be
15 available for viewing without the payment of a fee collected for or
16 based upon each event viewed for the privilege of viewing the telecast,
17 and includes the term 'pay per view'. This definition includes, but is not
18 limited to, telecasts to arenas, bars, clubs, entertainment or meeting
19 centers, and private residences.
- 20 (7) 'Commission' means the North Carolina State Boxing Commission.
- 21 (8) 'Contest' means a boxing match in which the participants strive earnestly
22 to win.
- 23 (9) 'Contestant' means any person who engages as a participant in a boxing
24 match.
- 25 (10) 'Exhibition' means a boxing match where the participants display their
26 boxing skills and technique without necessarily striving to win.
- 27 (11) 'He' or 'his' shall also mean 'she' or 'her'.
- 28 (12) 'Judge' means a person who has a vote in determining the winner of any
29 match or contest.
- 30 (13) 'License' means any person, club, corporation, or organization licensed
31 under this Article by the Commission to conduct, hold, or give boxing
32 matches or exhibitions.
- 33 (14) 'Licensee' means a person to whom a license has been issued pursuant to
34 the provisions of this Article.
- 35 (15) 'Manager' means any person and includes any officer, director,
36 employee, or stockholder of a corporate manager who controls or
37 administers the boxing affairs of any contestant, and who:
- 38 a. By contract, agreement, or other arrangement with any person
39 undertakes or has undertaken to represent in any way the interest
40 of the contestant in any professional boxing contest in which the
41 boxer is to participate as a contestant, and is entitled under that
42 contract, agreement, or arrangement to receive monetary or other
43 compensation for his services, without regard to the sources of

- 1 the compensation, except that the term 'manager' shall not be
2 construed to mean any attorney licensed to practice in this State
3 whose participation in the activities is restricted solely to his
4 representing the interests of a professional boxer as his client;
5 b. Directs or controls the professional boxing activities of any
6 professional boxer; or
7 c. Receives or is entitled to receive a percentage of the gross purse
8 or gross income of any professional boxing contest.
9 (16) 'Match' means any boxing contest or exhibition, and includes any event,
10 engagement, sparring or practice session, show or program where the
11 public is admitted and in which there is intended to be physical contact,
12 whether an exhibition or contest. This definition does not include
13 training or practice sessions when no admission is charged.
14 (17) 'Matchmaker' means a person through whom matches are arranged for
15 participants and who otherwise assists participants in procuring
16 engagement dates for boxing.
17 (18) 'Natural person' means an individual.
18 (19) 'Participant' means any person who engages in a match or exhibition and
19 performs as a boxer.
20 (20) 'Person' means an individual, group of individuals, business,
21 corporation, partnership, or any other individual or collective entity.
22 (21) 'Physician' means an individual licensed to practice medicine in this
23 State.
24 (22) 'Professional' means any person who has received or competed for any
25 purse or other article or thing of value for participating in a boxing
26 match.
27 (23) 'Promoter' means any person and includes any officer, director,
28 employee, or stockholder of a corporate promoter who produces,
29 arranges, stages, holds, or gives any match in North Carolina involving
30 a professional participant or shows or causes to be shown in North
31 Carolina a closed-circuit telecast of any match involving any
32 professional participant whether or not the telecast originates in North
33 Carolina.
34 (24) 'Referee' means the official who shall enter and remain in the ring for
35 the duration of a match and shall enforce the rules and maintain order in
36 the ring.
37 (25) 'Ring official' means any person who performs an official function for
38 the duration of a match.
39 (26) 'Second' means any person who will work or be present in the corner of
40 a participant for the duration of a match.
41 (27) 'Timekeeper' means any person who will operate the clock or watch for
42 the duration of a match for the purpose of keeping the official time of
43 the match.

1 **"§ 143-652. State Boxing Commission: creation; organization.**

2 (a) Creation. – The North Carolina State Boxing Commission is hereby created
3 within the Department of the Secretary of State to regulate the sport of boxing in North
4 Carolina. The Commission shall consist of five members, appointed as follows:

5 (1) One member shall be appointed by the Governor for an initial term of
6 two years;

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

10 (3) One member shall be appointed by the General Assembly upon the
11 recommendation of the Speaker of the House of Representatives for an
12 initial term of one year; and

13 (4) Two members shall be appointed by the Secretary of State. One shall
14 serve for an initial term of three years, and the other shall serve for an
15 initial term of two years.

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

18 The Secretary of State shall designate which member of the Commission is to serve as
19 chairman. A member of the Commission may be removed from office by the Secretary
20 of State for cause. Each member before entering upon his duties shall take and subscribe
21 an oath to perform the duties of his office faithfully, impartially, and justly to the best of
22 his ability. A record of these oaths shall be filed in the Department of the Secretary of
23 State.

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

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

40 (d) Civil Penalties. – The Commission may issue an order against a licensee or
41 other person who willfully violates any provision of this Article, imposing a civil penalty
42 of up to five thousand dollars (\$5,000) for a single violation or of up to twenty-five
43 thousand dollars (\$25,000) for multiple violations in a single proceeding or a series of

1 related proceedings. No order under this subsection may be entered without prior notice
2 and an opportunity for a contested case hearing conducted pursuant to Article 3 of
3 Chapter 150B of the General Statutes.

4 (e) Rule-Making Authority of the Commission. – The Commission shall have the
5 exclusive authority to issue rules for the regulation of the conduct, promotion, and
6 performances of boxing matches and exhibitions in this State and closed-circuit telecast
7 of the events made in, into, or from this State. The rules shall be issued pursuant to the
8 provisions of Chapter 150B of the General Statutes and may include, without limitation,
9 the following subjects:

- 10 (1) Requirements for issuance of licenses and permits required by this
11 Article;
12 (2) Regulation of ticket sales;
13 (3) Physical requirements for contestants, including classification by weight
14 and skill;
15 (4) Supervision of matches and exhibitions by licensed physicians and
16 referees;
17 (5) Collection and payment of gross receipts taxes;
18 (6) Insurance and bonding requirements;
19 (7) Compensation of participants and licensees;
20 (8) Contracts and financial arrangements;
21 (9) Prohibition of dishonest, unethical, and injurious practices; and
22 (10) Facilities.

23 (f) Enforcement of Article. – The Secretary of State in his discretion may assign
24 employees of the Department of the Secretary of State who are sworn law enforcement
25 officers to investigate and assist the Commission with the administration of this Article.
26 These officers shall have jurisdiction throughout the State, and shall have all the power
27 and authority possessed by a law enforcement officer when executing arrest warrants.

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

32 (h) Executive Director. – The Secretary of State shall appoint an executive director
33 for the State Boxing Commission chosen from a list of nominees submitted to him by the
34 Commission who shall be responsible to and serve at the pleasure of the Secretary of
35 State. The executive director shall perform any duties described in the administrative
36 rules adopted by the Commission.

37 (i) State Boxing Commission Revenue Fund. – There is created a special fund to
38 be known as the State Boxing Commission Revenue Fund. Monies collected pursuant to
39 the provisions of this Article shall be deposited into the fund and applied to the
40 administration of the Article.

41 **§ 143-653. Medical Advisory Board.**

42 (a) Creation. – A Medical Advisory Board is established within the Department of
43 the Secretary of State to advise the Commission on matters concerning the health and

1 physical condition of boxers and health issues relating to the conduct of exhibitions and
2 boxing matches. The Medical Advisory Board shall consist of five members, each
3 licensed to practice medicine in this State, appointed as follows:

- 4 (1) One member shall be appointed by the Governor for an initial term of
5 two years;
6 (2) One member shall be appointed by the General Assembly upon the
7 recommendation of the President Pro Tempore of the Senate, in
8 accordance with G.S. 120-121, for an initial term of one year;
9 (3) One member shall be appointed by the General Assembly upon the
10 recommendation of the Speaker of the House of Representatives, in
11 accordance with G.S. 120-121, for an initial term of one year; and
12 (4) Two members shall be appointed by the Secretary of State. One shall
13 be for an initial term of three years, the other shall be for an initial term
14 of two years.

15 Terms of members of the Board other than initial terms shall be for three years. The
16 Secretary of State shall designate which member of the Board is to serve as chairman. A
17 member of the Board may be removed from office by the Secretary of State for cause.
18 Each member before entering upon his duties shall take and subscribe an oath to perform
19 the duties of his office faithfully, impartially, and justly to the best of his ability. A
20 record of these oaths shall be filed in the Department of the Secretary of State.

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

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

35 (d) Responsibilities and Duties of the Board. – The Board shall serve in an
36 advisory capacity to the Commission, and from time to time may prepare and submit to
37 the Commission for its consideration and approval any additional rules, regulations, and
38 standards of examination as in its judgment will safeguard the physical welfare of all
39 participants engaged in a boxing match.

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

43 **"§ 143-654. Licensing and permitting.**

1 (a) The Commission has the exclusive authority to issue, deny, suspend, or revoke
2 any license or permit provided for in this Article.

3 (b) It is unlawful for any person to act in this State as an announcer, contestant,
4 judge, manager, matchmaker, promoter, referee, timekeeper, or second unless he is
5 licensed to do so under this Article.

6 (c) A license for an announcer, contestant, judge, matchmaker, referee,
7 timekeeper, or second shall be issued only to a natural person. A natural person shall not
8 transfer or assign his license or change it into another name. A license for a manager or
9 promoter may be issued to a corporation or partnership; provided however, that all
10 officers or partners shall submit an application for individual licensure, and only those
11 officers or partners who are licensed shall be entitled to negotiate or sign contracts. The
12 addition of a new officer or partner during the license period shall necessitate the filing of
13 an application for individual licensure by the new officer or partner.

14 (d) Any applicant for a license under this Article shall file with the Commission
15 the appropriate nonrefundable fee, and any forms, documents, medical examinations, or
16 exhibits as the Commission may require in order to properly administer this Article. The
17 information requested shall include the date of birth and social security number of each
18 applicant as well as any other personal data necessary to positively identify the applicant
19 and may include the requirement of verification of any documents the Commission
20 deems appropriate. A person may not participate under a fictitious or assumed name in
21 any match unless he has first registered the name with the Commission.

22 (e) The Commission shall collect the following license fees:

23 Announcer \$50.00

24 Contestant \$25.00

25 Judge \$50.00

26 Manager \$100.00

27 Matchmaker \$200.00

28 Promoter \$300.00

29 Referee \$50.00

30 Timekeeper \$50.00

31 Second \$25.00.

32 (f) An applicant for a promoter's license must submit, in addition to any other
33 forms, documents, or exhibits, a surety bond in an amount to be no less than five
34 thousand dollars (\$5,000). The Commission may also require an additional surety bond
35 be filed when the projected liability for the taxes specified in G.S. 143-656 for any match
36 could exceed five thousand dollars (\$5,000) or a base amount set by the Commission.
37 The amount of the surety bond shall be negotiable upon the sole discretion of the
38 Commission or executive director.

39 (g) All surety bonds shall be upon forms approved by the Secretary of State and
40 supplied by the Commission.

41 (h) It is unlawful for any person to hold a boxing match or exhibition to be held in
42 this State or act as promoter of a closed-circuit telecast unless the person first applies for
43 a permit for each match or exhibition or telecast on forms provided by the Commission.

1 The Commission must issue a permit before any match or exhibition or telecast can be
2 lawfully held or telecast. The Commission shall set the requirements and standards for
3 the issuance of the permits.

4 (i) A willful violation of this section shall constitute a Class 2 misdemeanor.

5 **"§ 143-655. Contracts and financial arrangements.**

6 (a) Any contract between a boxer and any other licensee, any contract involving a
7 boxing match or exhibition held or to be held in this State, and any contract involving the
8 broadcast or telecast by radio, television, or motion picture of matches which originate in
9 North Carolina or are telecast via closed circuit, including pay-per-view, in, from, or into
10 North Carolina must meet the requirements of administrative rules as set forth by the
11 Commission. Any contract which does not satisfy the requirements of the administrative
12 rules shall be void and unenforceable. All contracts shall be in writing.

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

18 (c) A willful violation of this section shall constitute a Class 2 misdemeanor.

19 **"§ 143-656. Gross receipts; closed-circuit television.**

20 (a) The promoter of a boxing match or exhibition in this State or closed-circuit
21 telecast of a boxing match or exhibition from, in, or into this State shall collect and pay
22 six percent (6%) of the total gross receipts from ticket sales and closed-circuit telecast
23 sales in North Carolina to the event, exclusive of any federal, State, or local taxes, to the
24 State Boxing Commission Revenue Fund.

25 (b) Within eight calendar days following a boxing match or exhibition held in this
26 State or the closed-circuit telecast of a boxing match or exhibition from, in, or into this
27 State, the promoter of the event shall file with the Commission a written report, on a form
28 prescribed by the Commission, identifying the date and location of the event, the name of
29 the promoter of the event, and the gross receipts from sales in North Carolina of tickets to
30 the event or from closed-circuit telecast sales. The promoter shall deliver to the
31 Commission along with the report the gross receipts tax collected pursuant to subsection
32 (a) of this section.

33 (c) Any promoter who willfully makes a false and fraudulent report under this
34 section is guilty of perjury and, upon conviction, is subject to punishment as provided by
35 law. Any promoter who willfully fails or refuses to make a report or to collect and pay
36 over the taxes required by subsection (a) of this section or who refuses to permit the
37 Commission to examine the books and records relating to any boxing match or exhibition
38 or closed-circuit telecast is guilty of a Class 2 misdemeanor.

39 (d) No closed-circuit telecast of a boxing match or exhibition shall be made in,
40 into, or from this State except under the direction and control of a promoter licensed by
41 the Commission.

1 (e) The Commission, by rule, shall establish procedures for the payment of taxes
2 and filing of reports, and shall prescribe penalties for late filing of reports and late
3 payment of taxes."

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