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Short Title: North Carolina Boxing Commission.

(Public)

Sponsors:

Referred to:

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.

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

4 **"§ 143-651. Definitions.**

5 As used in this Article:

- 6 (1) 'Amateur' means a person who has never received or competed for any
7 purse or other article or thing of value for participating in a match.
- 8 (2) 'Announcer' means any person who engages in the act of announcing a
9 boxing match.
- 10 (3) 'Boxer' means any person who engages as a participant in a boxing
11 match.
- 12 (4) 'Boxing match' means a match where the participants engage in the use
13 of boxing techniques (using the fist only), and where the object of a
14 match is to win by decision, knockout (KO), or technical knockout
15 (TKO), and shall include kickboxing matches as defined in this section.
- 16 (5) 'Commission' means the North Carolina State Boxing Commission.
- 17 (6) 'Contest' means a boxing match in which the participants strive earnestly
18 to win.
- 19 (7) 'Contestant' means any person who engages as a participant in a boxing
20 match.
- 21 (8) 'Exhibition' means a boxing match where the participants display their
22 boxing skills and technique without necessarily striving to win.
- 23 (9) 'Judge' means a person who has a vote in determining the winner of any
24 match or contest.
- 25 (10) 'Kickboxer' means any person who engages as a participant in a
26 kickboxing match.
- 27 (11) 'Kickboxing match' means a match in which the participants engage in
28 martial arts fighting techniques using the hands and the feet, and where
29 the object of the match is to win by decision, knockout (KO), or
30 technical knockout (TKO).
- 31 (12) 'Licensee' means any person, club, corporation, organization, or
32 association to whom a license has been issued pursuant to the provisions
33 of this Article.
- 34 (13) 'Manager' means any person, including an officer of a corporate
35 manager and a managing partner of a partnership manager, who controls
36 or administers the boxing affairs of any contestant, and who:
37 a. By contract, agreement, or other arrangement with any person
38 undertakes or has undertaken to represent in any way the interest
39 of the contestant in any professional boxing contest in which the
40 boxer is to participate as a contestant, and is entitled under that
41 contract, agreement, or arrangement to receive monetary or other
42 compensation for his services, without regard to the sources of
43 the compensation, except that the term 'manager' shall not be

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

1 **"§ 143-652. State Boxing Commission.**

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

7 (1) One voting member shall be appointed by the Governor for an initial
8 term of two years.

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

12 (3) One voting member shall be appointed by the General Assembly upon
13 the recommendation of the Speaker of the House of Representatives for
14 an initial term of one year.

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

18 (5) One nonvoting advisory member shall be appointed by the General
19 Assembly upon the recommendation of the Speaker of the House of
20 Representatives for an initial term of one year, in accordance with G.S.
21 120-121, from nominations made by the North Carolina Medical
22 Society, which shall nominate two licensed physicians for the position.

23 (6) One nonvoting advisory member shall be appointed by the General
24 Assembly upon the recommendation of the President Pro Tempore of
25 the Senate for an initial term of one year, in accordance with G.S. 120-
26 121, from nominations made by the North Carolina Medical Society,
27 which shall nominate two licensed physicians for the position.

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

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

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

41 (b) Vacancies. – Members shall serve until their successors are appointed and have
42 been qualified. Any vacancy in the membership of the Commission shall be filled in the
43 same manner as the original appointment. Vacancies for members appointed by the

1 General Assembly shall be filled in accordance with G.S. 120-122. A vacancy in the
2 membership of the Commission other than by expiration of term shall be filled for the
3 unexpired term only.

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

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

- 19 (1) Requirements for issuance of licenses and permits required by this
20 Article.
- 21 (2) Regulation of ticket sales.
- 22 (3) Physical requirements for contestants, including classification by weight
23 and skill.
- 24 (4) Supervision of matches and exhibitions by licensed physicians and
25 referees.
- 26 (5) Insurance and bonding requirements.
- 27 (6) Compensation of participants and licensees.
- 28 (7) Contracts and financial arrangements.
- 29 (8) Prohibition of dishonest, unethical, and injurious practices.
- 30 (9) Facilities.

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

35 (f) Executive Director and Other Staff. – The Secretary of State shall appoint an
36 executive director for the State Boxing Commission chosen from a list of nominees
37 submitted to the Secretary by the Commission. The executive director shall be
38 responsible to and serve at the pleasure of the Secretary of State. The executive director
39 shall perform any duties described in the administrative rules adopted by the
40 Commission. The Secretary of State shall provide such staff assistance as the
41 Commission may require. Commission expenses, including salaries for the executive
42 director, other staff members, and administrative expenses, shall be funded from monies
43 collected pursuant to the provisions of this Article.

1 **"§ 143-653. Ultimate warrior matches prohibited.**

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

6 **"§ 143-654. Licensing and permitting.**

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

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

22 An applicant for a license shall file with the Commission the appropriate
23 nonrefundable fee and any forms, documents, medical examinations, or exhibits the
24 Commission may require in order to properly administer this Article. The information
25 requested shall include the date of birth and social security number of each applicant as
26 well as any other personal data necessary to positively identify the applicant and may
27 include the requirement of verification of any documents the Commission deems
28 appropriate. A person may not participate under a fictitious or assumed name in any
29 match unless the person has first registered the name with the Commission.

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

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

38 **"§ 143-655. Fees; State Boxing Commission Revenue Account.**

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

40 Announcer \$50.00

41 Contestant \$25.00

42 Judge \$50.00

43 Manager \$100.00

1	<u>Matchmaker</u>	<u>\$200.00</u>
2	<u>Promoter</u>	<u>\$300.00</u>
3	<u>Referee</u>	<u>\$50.00</u>
4	<u>Timekeeper</u>	<u>\$50.00</u>
5	<u>Second</u>	<u>\$25.00.</u>

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

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

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

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

18 **"§ 143-656. Contracts and financial arrangements.**

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

24 **"§ 143-657. Kickboxing.**

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

29 **"§ 143-658. Violations.**

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

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

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

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

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

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