

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH10242-LU-102 (04/05)

Short Title: Reestablish Boxing Commission.

(Public)

Sponsors: Representative Faison.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REESTABLISH THE NORTH CAROLINA STATE BOXING
COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. The regulation of boxing under the authority of the Alcohol Law Enforcement Division of the Department of Crime Control and Public Safety is transferred to the North Carolina State Boxing Commission reestablished pursuant to Article 68A of Chapter 143 of the General Statutes, as enacted in Section 3 of this act, within the Department of Commerce, Division of Tourism, Film, and Sports Development by a Type II transfer, as defined by G.S. 143A-6(b).

SECTION 2. Article 68 of Chapter 143 of the General Statutes is repealed.

SECTION 3. Chapter 143 of the General Statutes is amended by adding the following new Article to read:

"Article 68A.

"North Carolina State Boxing Commission.

"§ 143-659.1. 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.

"§ 143-659.2. Definitions.

The following definitions apply in this Article:

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

- 1 b. Directs or controls the professional boxing activities of any
2 professional boxer.
- 3 c. Receives or is entitled to receive a percentage of the gross purse
4 or gross income of any professional boxing contest.
- 5 (15) Match. – Any boxing or kickboxing contest or exhibition, and includes
6 any event, engagement, sparring or practice session, show or program
7 where the public is admitted and in which there is intended to be
8 physical contact, whether an exhibition or contest. This definition
9 does not include training or practice sessions when no admission is
10 charged.
- 11 (16) Matchmaker. – A person through whom matches are arranged for
12 participants and who otherwise assists participants in procuring
13 engagement dates for boxing.
- 14 (17) Natural person. – An individual.
- 15 (18) Participant. – Any person who engages in a match or exhibition and
16 performs as a boxer.
- 17 (19) Person. – An individual, group of individuals, business, corporation,
18 limited liability company, partnership, or any other individual or
19 collective entity.
- 20 (20) Physician. – An individual licensed to practice medicine in this State.
- 21 (21) Professional. – Any person who is licensed as a professional boxer
22 under the federal Professional Boxing Safety Act of 1996.
- 23 (22) Promoter. – Any person who produces, arranges, stages, holds, or
24 gives any match in North Carolina involving a professional participant.
- 25 (23) Referee. – The official who shall enter and remain in the ring for the
26 duration of a match and shall enforce the rules and maintain order in
27 the ring.
- 28 (24) Ring official. – Any person who performs an official function for the
29 duration of a match.
- 30 (25) Sanctioned amateur. – A person who competes in a sanctioned amateur
31 match.
- 32 (26) Sanctioned amateur match. – Any boxing or kickboxing match
33 regulated by an amateur sports organization that has been recognized
34 and approved by the North Carolina Boxing Commission.
- 35 (27) Second. – Any person who will work or be present in the corner of a
36 participant for the duration of a match.
- 37 (28) Timekeeper. – Any person who will operate the clock or watch for the
38 duration of a match for the purpose of keeping the official time of the
39 match.
- 40 (29) Toughman contestant. – Any person who competes in a toughman
41 event.
- 42 (30) Toughman event. – An elimination program of matches in which: (i)
43 the contestants are not professional boxers; (ii) the finalist receives a
44 purse or other article of value; (iii) the participants engage in the use of

1 full contact boxing techniques; and (iv) the object of each match is to
2 win by decision, knockout (KO), or technical knockout (TKO).

- 3 (31) Ultimate warrior match. – A match where the participants use any
4 combination of boxing, kicking, wrestling, hitting, punching, or other
5 combative, contact techniques and which combination of techniques is
6 not specifically authorized by and conducted pursuant to this Article.

7 **"§ 143-659.3. State Boxing Commission.**

8 (a) Creation. – The North Carolina State Boxing Commission is created within
9 the Division of Tourism, Film, and Sports Development of the Department of
10 Commerce to regulate in North Carolina live boxing and kickboxing matches, whether
11 professional, amateur, sanctioned amateur, or toughman events, in which admission is
12 charged for viewing, or the contestants compete for a purse or prize of value greater
13 than twenty-five dollars (\$25.00). The Commission shall consist of seven members. All
14 the members shall be residents of this State and meet requirements for membership
15 under the Professional Boxing Safety Act of 1996. The initial Commission members
16 shall be appointed as follows:

- 17 (1) The General Assembly, upon the recommendation of the Speaker of
18 the House of Representatives, shall appoint two Commission
19 members, one to serve a two-year term and one to serve a three-year
20 term.
21 (2) The General Assembly, upon the recommendation of the President Pro
22 Tempore of the Senate, shall appoint two Commission members, one
23 to serve a one-year term and one to serve a two-year term.
24 (3) The Governor shall appoint two Commission members, one to serve a
25 one-year term and one to serve a three-year term.
26 (4) The Lieutenant Governor shall appoint one Commission member to
27 serve a two-year term.

28 Upon the expiration of the terms of the initial Commission members, each member
29 shall be appointed for a term of three years and shall serve until a successor is
30 appointed. The Governor shall designate which member of the Commission is to serve
31 as chair. A member of the Commission may be removed from office by the Division.
32 Each member before entering upon the duties of a member shall take and subscribe an
33 oath to perform the duties of the office faithfully, impartially, and justly to the best of
34 the member's ability. A record of these oaths shall be filed in the Division.

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

41 (c) Meetings. – Meetings of the Commission shall be called by the chair or by
42 any two members of the Commission, and meetings shall be held at least quarterly.
43 Any three members of the Commission shall constitute a quorum at any meeting.
44 Action may be taken and motions and resolutions adopted by the Commission at any

1 meeting by the affirmative vote of a majority of the members of the Commission
2 present at a meeting at which a quorum exists. Any or all members may participate in a
3 regular or special meeting by, or conduct the meeting through the use of, any means of
4 communication by which all members participating may simultaneously hear each other
5 during the meeting. A member participating in the meeting by this means is deemed to
6 be present in person at the meeting.

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

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

15 (2) Regulation of ticket sales.

16 (3) Physical requirements for contestants, including classification by
17 weight and skill.

18 (4) Supervision of matches and exhibitions by licensed physicians and
19 referees.

20 (5) Insurance and bonding requirements.

21 (6) Compensation of participants and licensees.

22 (7) Contracts and financial arrangements.

23 (8) Prohibition of dishonest, unethical, and injurious practices.

24 (9) Facilities.

25 (10) Approval of sanctioning amateur sports organizations.

26 (11) Procedures and requirements for compliance with the Professional
27 Boxing Safety Act of 1996.

28 (e) 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 (f) Staff Assistance. – The Division shall hire a person to serve as Executive
33 Director of the Commission and shall provide staff assistance to the Executive Director.
34 The Executive Director shall enforce this Article through the Division. If necessary, the
35 Executive Director may train and contract with independent contractors for the purpose
36 of regulating and monitoring events, issuing licenses, collecting fees, and enforcing
37 rules of the Commission. The Executive Director may initiate and review criminal
38 background checks on persons requesting to work as independent contractors for the
39 Commission or persons applying to be licensed by the Commission.

40 **"§ 143-659.4. Licensing and permitting.**

41 (a) License and Permit Required. – Except for sanctioned amateur matches, it is
42 unlawful for any person to act in this State as an announcer, contestant, judge, manager,
43 matchmaker, promoter, referee, timekeeper, or second unless the person is licensed to
44 do so under this Article. It is unlawful for a promoter to present a match in this State,

1 other than a sanctioned amateur match, unless the promoter has a permit issued under
 2 this Article to do so. The Commission has the exclusive authority to issue, deny,
 3 suspend, or revoke any license or permit provided for in this Article.

4 (b) License. – All licenses issued under this Article shall be valid only during the
 5 calendar year in which they are issued, except contestant licenses shall be valid for one
 6 year from the date of issuance. A license for an announcer, contestant, judge,
 7 matchmaker, referee, timekeeper, or second shall be issued only to a natural person. A
 8 natural person shall not transfer or assign a license or change it into another name. A
 9 license for a manager or promoter may be issued to a corporation or partnership;
 10 provided, however, that all officers or partners shall submit an application for individual
 11 licensure, and only those officers or partners who are licensed shall be entitled to
 12 negotiate or sign contracts. The addition of a new officer or partner during the license
 13 period shall necessitate the filing of an application for individual licensure by the new
 14 officer or partner.

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

23 (c) Surety Bond. – An applicant for a promoter's license must submit, in addition
 24 to any other forms, documents, or exhibits requested by the Commission, a surety bond
 25 payable to the Commission for the benefit of any person injured or damaged by (i) the
 26 promoter's failure to comply with any provision of this Article or any rules adopted by
 27 the Commission or (ii) the promoter's failure to fulfill the obligations of any contract
 28 related to the holding of a boxing event. The surety bond shall be issued in an amount
 29 to be no less than five thousand dollars (\$5,000). The amount of the surety bond shall
 30 be negotiable upon the sole discretion of the Commission. All surety bonds shall be
 31 upon forms approved by the Division and supplied by the Commission.

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

35 **§ 143-659.5. Fees; State Boxing Commission Revenue Account.**

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

| | | |
|----|-------------------|-----------------|
| 37 | <u>Announcer</u> | <u>\$50.00</u> |
| 38 | <u>Contestant</u> | <u>\$25.00</u> |
| 39 | <u>Judge</u> | <u>\$50.00</u> |
| 40 | <u>Manager</u> | <u>\$100.00</u> |
| 41 | <u>Matchmaker</u> | <u>\$200.00</u> |
| 42 | <u>Promoter</u> | <u>\$300.00</u> |
| 43 | <u>Referee</u> | <u>\$50.00</u> |
| 44 | <u>Timekeeper</u> | <u>\$50.00</u> |

1 (a) Authority. – To procure evidence of violations of the ABC law, alcohol
2 law-enforcement agents, employees of the Commission, local ABC officers, and
3 officers of local law-enforcement agencies that have contracted to provide ABC
4 enforcement under G.S. 18B-501(f) shall have authority to investigate the operation of
5 each licensed premises for which an ABC permit has been issued, to make inspections
6 that include viewing the entire premises, and to examine the books and records of the
7 permittee. The inspection authorized by this section may be made at any time it
8 reasonably appears that someone is on the premises. Alcohol law-enforcement agents
9 are also authorized to be on the premises to the extent necessary to enforce the
10 provisions of ~~Article 68~~Article 68A of Chapter 143 of the General Statutes."

11 **SECTION 5.** G.S. 90-18.3 reads as rewritten:

12 **"§ 90-18.3. Physical examination by nurse practitioners and physician assistants.**

13 (a) Whenever a statute or State agency rule requires that a physical examination
14 shall be conducted by a physician, the examination may be conducted and the form
15 signed by a nurse practitioner or a physician's assistant, and a physician need not be
16 present. Nothing in this section shall otherwise change the scope of practice of a nurse
17 practitioner or a physician's assistant, as defined by G.S. 90-18.1 and G.S. 90-18.2,
18 respectively.

19 (b) This section shall not apply to physical examinations conducted pursuant to
20 G.S. 1A-1, Rule 35; G.S. 15B-12; ~~G.S. 90-14~~G.S. 90-14; or any rules adopted by the
21 North Carolina Boxing Commission requiring physical examinations unless those
22 statutes or rules are amended to make the provisions of this section applicable."

23 **SECTION 6.** This act is effective when it becomes law.