

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 992

Short Title: NC Boxing Commission.

(Public)

Sponsors: Senators Conder and Forrester.

Referred to: Commerce.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT AMENDING THE LAWS RELATED TO THE NORTH CAROLINA BOXING COMMISSION.

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 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).

- 1           (5) ~~'Commission' means the~~ Commission. – The North Carolina State Boxing  
2           Commission.
- 3           (6) ~~'Contest' means a~~ Contest. – A boxing match in which the participants  
4           strive ~~earnestly~~ to win.
- 5           (7) ~~'Contestant' means any~~ Contestant. – Any person who engages as a  
6           participant in a boxing match.
- 7           (8) ~~'Exhibition' means a~~ Exhibition. – A boxing match where the participants  
8           display their boxing skills and technique without necessarily striving to  
9           win.
- 10          (9) ~~'Judge' means a~~ Judge. – A person who has a vote in determining the  
11          winner of any match or contest.
- 12          (10) ~~'Kickboxer' means any~~ Kickboxer. – Any person who engages as a  
13          participant in a kickboxing match.
- 14          (11) ~~'Kickboxing match' means a~~ Kickboxing match. – A match in which the  
15          participants engage in full contact martial arts fighting techniques using  
16          the hands and the feet, and where the object of the match is to win by  
17          decision, knockout (KO), or technical knockout (TKO).
- 18          (12) ~~'Licensee' means any~~ Licensee. – Any person, club, corporation,  
19          organization, or association to whom a license has been issued pursuant  
20          to the provisions of this Article.
- 21          (13) ~~'Manager' means any person, including an officer of a corporate~~  
22          ~~manager and a managing partner of a partnership manager,~~ Manager. –  
23          Any person who controls or administers the boxing affairs of any  
24          contestant, and who:  
25          a.       By contract, agreement, or other arrangement with any person  
26          undertakes or has undertaken to represent in any way the interest  
27          of the contestant in any professional boxing contest in which the  
28          boxer is to participate as a contestant, and is entitled under that  
29          contract, agreement, or arrangement to receive monetary or other  
30          compensation for his services, without regard to the sources of  
31          the ~~compensation, except that the~~ compensation. The term  
32          'manager' shall not be construed to mean any attorney licensed to  
33          practice in this State whose participation in the activities is  
34          restricted solely to ~~his~~ representing the interests of a professional  
35          boxer as ~~his client,~~ a client.
- 36          b.       Directs or controls the professional boxing activities of any  
37          professional ~~boxer,~~ or boxer.
- 38          c.       Receives or is entitled to receive a percentage of the gross purse  
39          or gross income of any professional boxing contest.
- 40          (14) ~~'Match' means any~~ Match. – Any boxing or kickboxing contest or  
41          exhibition, and includes any event, engagement, sparring or practice  
42          session, show or program where the public is admitted and in which  
43          there is intended to be physical contact, whether an exhibition or

- 1 contest. This definition does not include training or practice sessions  
2 when no admission is charged.
- 3 (15) ~~'Matchmaker' means a Matchmaker.~~ – A person through whom matches  
4 are arranged for participants and who otherwise assists participants in  
5 procuring engagement dates for boxing.
- 6 (16) ~~'Natural person' means an Natural person.~~ – An individual.
- 7 (17) ~~'Participant' means any Participant.~~ – Any person who engages in a match  
8 or exhibition and performs as a boxer.
- 9 (18) ~~'Person' means an Person.~~ – An individual, group of individuals, business,  
10 corporation, limited liability company, partnership, or any other  
11 individual or collective entity.
- 12 (19) ~~'Physieian' means an Physician.~~ – An individual licensed to practice  
13 medicine in this State.
- 14 (20) ~~'Professional' means any person who has received or competed for any  
15 purse or other article or thing of value for participating in a boxing  
16 match.~~ Professional. – Any person who is licensed as a professional  
17 boxer under the Federal Professional Boxing Safety Act of 1996.
- 18 (21) ~~'Promoter' means any person, including an officer of a corporate promoter and  
19 a managing partner of a partnership promoter,~~ Promoter. – Any person who  
20 produces, arranges, stages, holds, or gives any match in North Carolina  
21 involving a professional participant.
- 22 (22) ~~'Referee' means the Referee.~~ – The official who shall enter and remain in  
23 the ring for the duration of a match and shall enforce the rules and  
24 maintain order in the ring.
- 25 (23) ~~'Ring official' means any Ring official.~~ – Any person who performs an  
26 official function for the duration of a match.
- 27 (23a) Sanctioned amateur. – A person who competes in a sanctioned amateur  
28 match.
- 29 (23b) Sanctioned amateur match. – Any boxing or kickboxing match  
30 regulated by an amateur sports organization that has been recognized  
31 and approved by the North Carolina Boxing Commission.
- 32 (24) ~~'Second' means any Second.~~ – Any person who will work or be present in  
33 the corner of a participant for the duration of a match.
- 34 (25) ~~'Timekeeper' means any Timekeeper.~~ – Any person who will operate the  
35 clock or watch for the duration of a match for the purpose of keeping  
36 the official time of the match.
- 37 (25a) Toughman contestant. – Any person who competes in a toughman  
38 event.
- 39 (25b) Toughman event. – An elimination program of matches in which (i) the  
40 contestants are not professional boxers, (ii) the finalist receives a purse  
41 or other article of value, (iii) the participants engage in the use of full  
42 contact boxing techniques, and (iv) the object of each match is to win by  
43 decision, knockout (KO), or technical knockout (TKO).

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

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

7   "**§ 143-652. State Boxing Commission.**

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

- 17       (1)   One voting member shall be appointed by the Governor for an initial  
18       term of two years.
- 19       (2)   One voting member shall be appointed by the General Assembly upon  
20       the recommendation of the President Pro Tempore of the Senate for an  
21       initial term of one year, in accordance with G.S. 120-121.
- 22       (3)   One voting member shall be appointed by the General Assembly upon  
23       the recommendation of the Speaker of the House of Representatives for  
24       an initial term of one year.
- 25       (4)   Two voting members shall be appointed by the Secretary of State. One  
26       shall serve for an initial term of three years, and the other shall serve for  
27       an initial term of two years.
- 28       (5)   One nonvoting advisory member shall be appointed by the General  
29       Assembly upon the recommendation of the Speaker of the House of  
30       Representatives for an initial term of one year, in accordance with G.S.  
31       120-121, from nominations made by the North Carolina Medical  
32       Society, which shall nominate two licensed physicians for the position.
- 33       (6)   One nonvoting advisory member shall be appointed by the General  
34       Assembly upon the recommendation of the President Pro Tempore of  
35       the Senate for an initial term of one year, in accordance with G.S. 120-  
36       121, from nominations made by the North Carolina Medical Society,  
37       which shall nominate two licensed physicians for the position.

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

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

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

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

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

25 (d) Rule-Making Authority of the Commission. – The Commission shall have the  
26 exclusive authority to approve and issue rules submitted by the Executive Director for the  
27 regulation of the conduct, promotion, and performances of live ~~boxing~~ boxing,  
28 kickboxing, sanctioned amateur, amateur, and toughman matches and exhibitions in this  
29 State. The rules shall be issued pursuant to the provisions of Chapter 150B of the General  
30 Statutes and may include, without limitation, the following subjects:

- 31 (1) Requirements for issuance of licenses and permits required by this  
32 Article.
- 33 (2) Regulation of ticket sales.
- 34 (3) Physical requirements for contestants, including classification by weight  
35 and skill.
- 36 (4) Supervision of matches and exhibitions by licensed physicians and  
37 referees.
- 38 (5) Insurance and bonding requirements.
- 39 (6) Compensation of participants and licensees.
- 40 (7) Contracts and financial arrangements.
- 41 (8) Prohibition of dishonest, unethical, and injurious practices.
- 42 (9) Facilities.
- 43 (10) Approval of sanctioning amateur sports organizations.

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

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

7           (f) Staff Assistance. – The Secretary of State shall hire a person to serve as  
8 Executive Director of the Commission and shall provide staff assistance to the  
9 Commission. Executive Director. The Executive Director may train and contract with  
10 independent contractors for the purpose of regulating and monitoring events, issuing  
11 licenses, collecting fees, and enforcing rules of the Commission. The Executive Director  
12 may initiate criminal background checks on persons requesting to work as independent  
13 contractors for the Commission or persons applying to be licensed by the Commission."

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

15 **"§ 143-653. Ultimate warrior matches prohibited.**

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

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

21 **"§ 143-654. Licensing and permitting.**

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

28           (b) License. – ~~A license issued under this Article must be renewed annually on or before~~  
29 ~~January 1.~~ All licenses issued under this Article shall be valid only during the calendar  
30 year in which they are issued, except contestant licenses shall be valid for one year from  
31 the date of issuance. A license for an announcer, contestant, judge, matchmaker, referee,  
32 timekeeper, or second shall be issued only to a natural person. A natural person shall not  
33 transfer or assign a license or change it into another name. A license for a manager or  
34 promoter may be issued to a corporation or partnership; provided, however, that all  
35 officers or partners shall submit an application for individual licensure, and only those  
36 officers or partners who are licensed shall be entitled to negotiate or sign contracts. The  
37 addition of a new officer or partner during the license period shall necessitate the filing of  
38 an application for individual licensure by the new officer or partner.

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

1 include the requirement of verification of any documents the Commission deems  
2 appropriate. A person may not participate under a fictitious or assumed name in any  
3 match unless the person has first registered the name with the Commission.

4 (c) Surety Bond. – An applicant for a promoter's license must submit, in addition  
5 to any other forms, documents, or ~~exhibits~~, exhibits requested by the Commission, a  
6 surety bond payable to the Commission for the benefit of any person injured or damaged  
7 by (i) the promoter's failure to comply with any provision of this Article or any rules  
8 adopted by the Commission or (ii) the promoter's failure to fulfill the obligations of any  
9 contract between or among licensees related to the holding of a boxing event. The surety  
10 bond shall be issued in an amount to be no less than five thousand dollars (\$5,000). The  
11 amount of the surety bond shall be negotiable upon the sole discretion of the  
12 Commission. All surety bonds shall be upon forms approved by the Secretary of State  
13 and supplied by the Commission.

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

17 Section 5. G.S. 143-655 reads as rewritten:

18 **"§ 143-655. Fees; State Boxing Commission Revenue Account.**

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

20	Announcer	\$50.00
21	Contestant	\$25.00
22	Judge	\$50.00
23	Manager	\$100.00
24	Matchmaker	\$200.00
25	Promoter	\$300.00
26	Referee	\$50.00
27	Timekeeper	\$50.00
28	Second	\$25.00.

29 The annual license renewal fees shall ~~not exceed~~ be the same as the initial license fees.

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

34	Seating Capacity	Fee Amount
35	Less than 2,000	\$100.00
36	2,000 – 5,000	\$200.00
37	Over 5,000	\$300.00.

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