

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

4

HOUSE BILL 555
Committee Substitute Favorable 6/15/95
Committee Substitute #2 Favorable 6/29/95
Fourth Edition Engrossed 7/11/95

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.

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.

1 **"§ 143-651. Definitions.**

2 As used in this Article:

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

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

41 **"§ 143-652. State Boxing Commission: creation; organization.**

42 (a) Creation. – The North Carolina State Boxing Commission is created within the
43 Department of the Secretary of State to regulate live boxing matches, whether

1 professional or amateur, in North Carolina. The Commission shall consist of five voting
2 members and two advisory members. All the members shall be residents of North
3 Carolina. The members shall be appointed as follows:

- 4 (1) One voting member shall be appointed by the Governor for an initial
5 term of two years;
- 6 (2) One voting member shall be appointed by the General Assembly upon
7 the recommendation of the President Pro Tempore of the Senate for an
8 initial term of one year, in accordance with G.S. 120-121;
- 9 (3) One voting member shall be appointed by the General Assembly upon
10 the recommendation of the Speaker of the House of Representatives for
11 an initial term of one year;
- 12 (4) Two voting members shall be appointed by the Secretary of State. One
13 shall serve for an initial term of three years, and the other shall serve for
14 an initial term of two years;
- 15 (5) One nonvoting advisory member shall be appointed by the General
16 Assembly upon the recommendation of the Speaker of the House of
17 Representatives for an initial term of one year, in accordance with G.S.
18 120-121, from nominations made by the North Carolina Medical
19 Society, which shall nominate two licensed physicians for the position;
20 and
- 21 (6) One nonvoting advisory member shall be appointed by the General
22 Assembly upon the recommendation of the President Pro Tempore of
23 the Senate for an initial term of one year, in accordance with G.S. 120-
24 121, from nominations made by the North Carolina Medical Society,
25 which shall nominate two licensed physicians for the position.

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

31 Terms for all members of the Commission except for the initial appointments shall be
32 for three years.

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

39 (b) Vacancies. – Members shall serve until their successors are appointed and have
40 been qualified. Any vacancy in the membership of the Commission shall be filled in the
41 same manner as the original appointment. Vacancies for members appointed by the
42 General Assembly shall be filled in accordance with G.S. 120-122. A vacancy in the

1 membership of the Commission other than by expiration of term shall be filled for the
2 unexpired term only.

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

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

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

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

37 (f) Enforcement. – For purposes of enforcing this section, the Department of the
38 Secretary of State's law enforcement agents have statewide jurisdiction. These law
39 enforcement agents may assist local law enforcement agencies in their investigations and
40 may initiate and carry out, in coordination with local law enforcement agencies,
41 investigations of violations of this Article. These law enforcement agents have all the
42 powers and authority of law enforcement officers when executing arrest warrants.

1 (g) The Secretary of State may refer any available evidence concerning violations
2 of this Article to the proper district attorney, who may, with or without such a reference,
3 institute the appropriate criminal proceedings.

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

7 (h) Compensation. – None of the members of the Commission shall receive
8 compensation for serving on the Commission. However, members of the Commission
9 may be reimbursed for their expenses in accordance with the provisions of Chapter 138
10 of the General Statutes.

11 (i) Executive Director. – The Secretary of State shall appoint an executive director
12 for the State Boxing Commission chosen from a list of nominees submitted to him by the
13 Commission. The executive director shall be responsible to and serve at the pleasure of
14 the Secretary of State. The executive director shall perform any duties described in the
15 administrative rules adopted by the Commission. The Secretary of State shall provide
16 such staff assistance as the Commission may require. Commission expenses, including
17 salaries for the executive director, other staff members, and administrative expenses, shall
18 be funded from monies collected pursuant to the provisions of this Article.

19 (j) State Boxing Commission Revenue Fund. – There is created a special fund to
20 be known as the State Boxing Commission Revenue Fund. Monies collected pursuant to
21 the provisions of this Article shall be deposited into the fund and applied to the
22 administration of the Article.

23 **"§ 143-653. Ultimate warrior matches prohibited.**

24 (a) Ultimate warrior matches, whether the participants are professionals or
25 amateurs, are prohibited. No person shall promote, conduct, or engage in ultimate
26 warrior matches. This section shall not preclude boxing and kickboxing as regulated in
27 this Article or professional wrestling.

28 (b) Any person violating this section shall be guilty of a Class 2 misdemeanor
29 punishable as provided by law. The Commission may also impose a civil penalty in an
30 amount not to exceed five thousand dollars (\$5,000) for each separate violation of this
31 section.

32 **"§ 143-654. Licensing and permitting.**

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

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

38 (c) A license for an announcer, contestant, judge, matchmaker, referee,
39 timekeeper, or second shall be issued only to a natural person. A natural person shall not
40 transfer or assign his license or change it into another name. A license for a manager or
41 promoter may be issued to a corporation or partnership; provided, however, that all
42 officers or partners shall submit an application for individual licensure, and only those
43 officers or partners who are licensed shall be entitled to negotiate or sign contracts. The

1 addition of a new officer or partner during the license period shall necessitate the filing of
2 an application for individual licensure by the new officer or partner.

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

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

12 Announcer \$50.00

13 Contestant \$25.00

14 Judge \$50.00

15 Manager \$100.00

16 Matchmaker \$200.00

17 Promoter \$300.00

18 Referee \$50.00

19 Timekeeper \$50.00

20 Second \$25.00.

21 (f) An applicant for a promoter's license must submit, in addition to any other
22 forms, documents, or exhibits, a surety bond in an amount to be no less than five
23 thousand dollars (\$5,000). The amount of the surety bond shall be negotiable upon the
24 sole discretion of the Commission or executive director.

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

27 (h) A willful violation of this section shall constitute a Class 2 misdemeanor.

28 **"§ 143-655. Contracts and financial arrangements.**

29 (a) Any contract between a boxer and any other licensee and any contract
30 involving a boxing match or exhibition held or to be held in this State must meet the
31 requirements of administrative rules as set forth by the Commission. Any contract
32 which does not satisfy the requirements of the administrative rules shall be void and
33 unenforceable. All contracts shall be in writing.

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

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

40 **"§ 143-656. Kickboxing.**

41 In addition to the other applicable provisions of this Article, a kickboxing match shall
42 be conducted pursuant to the rules and regulations in effect for the Professional Karate

1 Association, the International Sport Karate Association, or for any other professional
2 organizations approved by the Commission."

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