

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2562**

5 (By Delegates Morgan, Stephens, Hartman,  
6 Manypenny, Martin, Staggers, Swartzmiller,  
7 Talbott and Azinger)

8 [Passed March 12, 2011; in effect ninety days from passage.]

9  
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §29-5A-3a, relating  
12 to the State Athletic Commission; authorizing the commission  
13 to regulate mixed martial arts; providing for use of the  
14 unified rules of mixed martial arts; stating powers of the  
15 commission; defining terms; creating licensing requirements;  
16 providing for rule-making authority; and prohibiting  
17 municipalities from imposing a license tax on mixed martial  
18 arts clubs.

19 *Be it enacted by the Legislature of West Virginia:*

20 That the Code of West Virginia, 1931, as amended, be amended  
21 by adding thereto a new section, designated §29-5A-3a, to read as  
22 follows:

23 **ARTICLE 5A. STATE ATHLETIC COMMISSION.**

24 **§29-5A-3a. Power to regulate mixed martial arts.**

25 (a) The commission has sole power, direction, management and  
26 control over all professional mixed martial arts contests, matches

1 and exhibitions, or any form thereof, to be promoted, conducted,  
2 held or given within the state.

3 (b) As used in this article, the term "mixed martial arts"  
4 means a combative sporting contest, the rules of which allow two  
5 competitors to attempt to achieve dominance over one another by  
6 utilizing a variety of techniques including, but not limited to,  
7 striking, grappling and the application of submission holds.

8 (c) A mixed martial arts contest, match or exhibition  
9 promoted, conducted, held or given within the state shall be under  
10 the commission's authority and be in accordance with the provision  
11 of this section. The provisions of this article that apply to  
12 boxing shall also apply to mixed martial arts as appropriate.

13 (d) In exercising its jurisdiction over professional mixed  
14 martial arts contests matches and exhibitions, the commission shall  
15 follow the current unified rules of mixed martial arts as adopted  
16 by the Association of Boxing Commissions, to enable the proper  
17 licensing of all participants, referees and judges, and the  
18 approval of contests, matches or exhibitions conducted under the  
19 provisions of this section.

20 (e) The commission may issue and revoke a license to promote,  
21 conduct, hold or give mixed martial arts contests, matches or  
22 exhibitions and may issue and revoke a license to be a contestant.  
23 Each license is subject to the provisions of this section and  
24 article, and the rules of the commission.

25 (f) The commission shall propose rules for legislative  
26 approval, in accordance with the provisions of article three,

1 chapter twenty-nine-a of this code, to implement the provisions of  
2 this section, including:

3 (1) Procedures and requirements for the issuance and renewal  
4 of licenses: *Provided*, That the procedures and requirements shall  
5 not:

6 (A) Limit or prohibit mixed martial arts contests, matches or  
7 exhibitions; nor

8 (B) Include a provision that a licensee be a West Virginia  
9 resident;

10 (2) Exemptions from licensure;

11 (3) Procedures for revoking licenses;

12 (4) Adopting the unified rules of mixed martial arts;

13 (5) A fee schedule;

14 (6) Limitations or restrictions necessary to guarantee the  
15 safety of the participants;

16 (7) The requirements for fair and honest conducting of the  
17 contests, matches or exhibitions; and

18 (8) Any other rules necessary to effectuate the provisions of  
19 this section.

20 (g) Notwithstanding the provisions of this code to the  
21 contrary, a municipality may not impose a municipal license tax  
22 under section four, article thirteen, chapter eight of this code on  
23 mixed martial arts clubs. The granting of a license to a club by  
24 the commission, or the holding of a license by a club, individual,  
25 corporation or association, does not prevent the commission from  
26 revoking the license to conduct an event, as provided in this

1 section: *Provided*, That nothing in this subsection limits the  
2 authority of a municipality to impose any other taxes or fees on  
3 mixed martial arts contests, matches or exhibitions, pursuant to  
4 article thirteen, chapter eight of this code.