

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 625

BY SENATOR BOSO

[Introduced February 15, 2019; Referred to the Committee
on Government Organization]

1 A BILL to amend and reenact §29-5A-3, §29-5A-3a, §29-5A-8, §29-5A-14, §29-5A-20, and §29-
2 5A-24 of the Code of West Virginia, 1931, as amended, all relating to the State Athletic
3 Commission's direction, management, and control over all boxing and mixed martial arts
4 events, contests, and matches in West Virginia; authorizing the commission to promulgate
5 legislative rules regulating said boxing and mixed martial arts events; authorizing the
6 commission to issue, suspend, or revoke the licenses required to promote, contend in,
7 judge, referee, or otherwise participate in said boxing and mixed martial arts events;
8 establishing the requirements for licensure as a promoter, contestant, manager, trainer,
9 judge, matchmaker, or official; establishing restrictions and prohibitions against conflicts
10 of interest; and establishing appropriate rules for regulating and sanctioning amateur
11 boxing events.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5A. STATE ATHLETIC COMMISSION.

**§29-5A-3. Commission to have sole control of boxing, etc., matches; licenses; municipality
not to tax boxing, etc., club.**

1 (a) The commission has sole direction, management, and control of the jurisdiction over
2 all amateur, professional, and semiprofessional boxing, sparring matches, and exhibitions, or any
3 form thereof, to be conducted, held or given within the state by any club, individual, corporation,
4 or association. As used in this article, the term "boxing" includes any fighting event that includes
5 or permits the striking of an opponent with a closed fist, even if wrestling moves, elements of
6 martial arts, or striking an opponent with the feet are also permitted. No boxing, sparring, or
7 exhibition may be conducted, held, or given within the state except pursuant to the commission's
8 authority and held in accordance with this article. The commission may issue and revoke the
9 license to conduct, hold, or give boxing or sparring matches or exhibitions to any club, corporation,
10 association, or individual. Every license is subject to rules the commission may prescribe. Every
11 application for a license shall be on a blank form provided by the commission. ~~No promoter's~~

12 ~~license may be granted to any club, corporation, association or individual unless the signer of the~~
13 ~~application is a bona fide resident of the state of West Virginia.~~ Upon application of the promoter's
14 license, the promoter shall pay a state license fee of \$125 for one year. The fee is nonrefundable
15 and shall be paid in the form of a certified check or money order issued to the Treasurer of the
16 State of West Virginia to be deposited in the fund set forth in §29-5A-3b of this code. Nonprofit
17 chartered and charitable organizations are exempt from this license fee for all amateur events.
18 No municipal corporation may impose any license tax on boxing, sparring, or exhibition clubs,
19 notwithstanding the provisions of any section of the code respecting municipal taxes and licenses.
20 The granting of a license to a club by the commission, or the holding of a license by a club,
21 individual, corporation, or association, does not prevent the commission from canceling or
22 revoking the license to conduct an event as provided in this section.

23 (b) In exercising its jurisdiction over professional and semiprofessional boxing, sparring
24 matches, and exhibitions, the commission shall follow the current unified rules of boxing adopted
25 by the Association of Boxing Commissions and requirements to enable the proper sanctioning of
26 all participants, referees, judges, and matches or exhibitions ~~conducted under the rules described~~
27 ~~in subdivision (1), subsection (c), section twenty-four of this article~~ and shall cooperate fully with
28 the Association of Boxing Commissions in order that the sanctioning be extended to state boxers.
29 The commission shall supervise all amateur boxing conducted in this state and any such contest
30 shall follow the amateur rules for boxing as recommended and adopted by the ~~United States~~
31 ~~Amateur Boxing Authority~~ Association of Boxing Commissions, U.S.A. Boxing, the International
32 Boxing Association, or any other appropriate governing or sanctioning body recognized and
33 accepted by the commission. For full contact boxing events and other boxing events that follow
34 nontraditional rules, the commission may impose any limitations or restrictions reasonably
35 necessary to guarantee the safety of the participants and the fair and honest conducting of the
36 matches or exhibitions and may refuse to license any event that poses an unreasonable degree
37 of risk to the participants.

38 (c) In exercising jurisdiction over professional, semiprofessional, and amateur boxing as
39 well as any other boxing event over which the commission has jurisdiction under §29-5A-3(b) of
40 this code, the commission may propose rules for legislative approval, in accordance with the
41 provisions of §29A-3-1 et seq. of this code, to implement the provision of this section including:

42 (1) Procedures and requirements for the issuance and renewal of licenses;

43 (2) Exemptions from licensure;

44 (3) Procedures for fining, suspending, or revoking the license of any holder of a license
45 issued under this article;

46 (4) A schedule of licensing fees;

47 (5) Limitations or restrictions necessary to guarantee the safety of the participants;

48 (6) Requirements for fair and honest conducting of contests, matches, or exhibitions; and

49 (7) Any other rules necessary to effectuate the provisions of this article.

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

1 (a) The commission has sole power, direction, management, and control over all
2 professional and amateur mixed martial arts contests, matches, and exhibitions, or any form
3 thereof, to be promoted, conducted, held, or given within the state.

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

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

12 (d) In exercising its jurisdiction over professional and amateur mixed martial arts contests,
13 matches, and exhibitions, the commission shall follow the current unified rules of mixed martial

14 arts as adopted by the Association of Boxing Commissions to enable the proper equipment,
15 fighting area and weight classes to ensure the safety of contestants and ensure the licensing of
16 all participants, referees, and judges, and the approval of contests, matches, or exhibitions
17 conducted under the provisions of this section.

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

22 (f) The commission shall propose rules for legislative approval, in accordance with the
23 provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this section, including:

24 (1) Procedures and requirements for the issuance and renewal of licenses: *Provided*, That
25 the procedures and requirements may not:

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

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

28 (2) Exemptions from licensure;

29 (3) Procedures for ~~revoking licenses~~ fining, suspending, or revoking the license of any
30 holder of a license issued under this article;

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

32 (5) ~~A fee schedule~~ A schedule of licensing fees;

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

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

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

37 (g) Notwithstanding the provisions of this code to the contrary, a municipality may not
38 impose a municipal license tax under §8-13-4 of this code on mixed martial arts clubs. The
39 granting of a license to a club by the commission, or the holding of a license by a club, individual,

40 corporation, or association, does not prevent the commission from revoking the license to conduct
41 an event as provided in this section: *Provided*, That nothing in this subsection limits the authority
42 of a municipality to impose any other taxes or fees on mixed martial arts contests, matches, or
43 exhibitions pursuant to §8-13-1 *et seq.* of this code.

§29-5A-8. Issuance of license; qualification for licenses; application of other provisions of chapter; hearings.

1 (a) The commission may issue a license to promote, conduct, or hold professional,
2 semiprofessional or amateur boxing, or professional or amateur mixed martial arts sparring
3 matches and exhibitions to any person, corporation, association, club, or organization eligible for
4 a license under this ~~chapter~~ article. In the case of a corporate applicant, the requirements for
5 licensure shall pertain to its officers, directors, principal stockholders, and employees.

6 Before being granted a license, or the renewal of ~~the~~ a license under this subsection, the
7 applicant ~~must~~ shall establish to the satisfaction of the commission that he or she:

8 ~~(a) Is skilled, or has knowledge, in the profession of boxing or mixed martial arts;~~

9 (A) Possesses the requisite skill, knowledge, and ability to promote, hold, and conduct a
10 boxing or mixed martial arts contest, exhibition, or match;

11 ~~(b) (B) Is of good moral character;~~

12 ~~(c) Is physically fit and mentally sound;~~

13 (C) Has executed and filed a surety bond with the commission as required in §29-5A-15
14 of this code;

15 ~~(d) (D) Will conduct his or her business in the best interest and welfare of the public~~
16 preserving a manner that furthers the public welfare, preserves the safety and health of
17 participants, and the best interests of professional boxing or professional or amateur mixed martial
18 arts generally advances the reputation and interests of the sports of boxing and mixed martial
19 arts;

20 ~~(e) (E)~~ Will adhere to and comply with all the rules and regulations of the commission
21 pertaining to the license.

22 ~~In the case of a corporate applicant, these factors shall pertain to its officers, directors,~~
23 ~~principal stockholders and employees.~~

24 (b) The commission may issue a license to engage as a combatant in a boxing or mixed
25 martial arts contest, exhibition, or match to any person eligible for a license under this article.

26 Before being granted a license or a renewal of a license issued under this subsection, the
27 applicant shall establish to the satisfaction of the commission that he or she;

28 (A) Possesses the requisite fitness, skill, knowledge, and ability to compete as a
29 professional, semiprofessional or amateur boxer, or a professional or amateur mixed martial artist;

30 (B) Is of good moral character;

31 (C) Will act in a manner that furthers the public welfare and advances the reputation and
32 interests of the sports of boxing and mixed martial arts;

33 (D) Will adhere to and comply with all the rules and regulations of the commission
34 pertaining to the license.

35 (c)(1) The commission may issue any other license required under this article including
36 any license of a referee, judge, other official, manager, matchmaker, or trainer. In the case of a
37 corporate applicant, the requirements for licensure shall pertain to its officers, directors, principal
38 stockholders, and employees.

39 (2) Before being granted a license or the renewal of a license under this subsection, the
40 applicant shall establish to the satisfaction of the commission that he or she:

41 (A) Possesses the requisite skill, knowledge, and ability in boxing and mixed martial arts;

42 (B) Is of good moral character;

43 (C) Will adhere to and comply with all the rules and regulations of the commission
44 pertaining to the license;

45 (D) Will act in a manner that furthers the public welfare, preserves the safety and health
46 of participants, and advances the reputation and interests of the sports of boxing and mixed
47 martial arts.

48 (d) Every license and licensee is subject to such rules, and amendments thereof, as the
49 commission may prescribe.

§29-5A-14. Suspension, revocation, etc., of license.

1 The commission shall have the additional authority and power to suspend, revoke, or
2 place on probation the license of any licensee licensed under this chapter, who in the discretion
3 of the commission:

4 (a) ~~Is guilty of failure~~ Fails to obey any lawful order of the commission, the secretary, or
5 any inspector thereof;

6 (b) Is guilty of gross immorality;

7 ~~(c) Is unfit or incompetent by reason of negligence;~~

8 (c) Lacks the requisite fitness, skill, knowledge, or ability to safely, properly, and
9 competently promote, hold, conduct, engage, act, manage, contend in, judge, referee, officiate,
10 or otherwise participate in a boxing or mixed martial arts contest;

11 ~~(d) Is guilty of violating~~ Violates any provision of this ~~chapter~~ article or the rules and
12 regulations of the commission;

13 ~~(e) Has committed fraud or deceit in securing a license for himself or another;~~

14 (e) Secures any benefit, payment, reimbursement, agreement, contract, license, or title
15 for himself, herself, or another related to a boxing or mixed martial arts contest, exhibition, or
16 match through fraud, deceit, or material misrepresentation;

17 (f) Has a direct or indirect financial interest in the outcome or result of any boxing or mixed
18 martial arts contest, exhibition, or event that he or she promotes, holds, or conducts;

19 (g) Has a direct or indirect financial interest in the outcome or result of any boxing or mixed
20 martial arts contest, exhibition, or event in which he or she acts as a judge, referee, deputy,
21 inspector, timekeeper, scorekeeper, or other official;

22 (h) Contracts, agrees, acts, engages, or attempts to promote, manage, train, or match any
23 boxer or mixed martial artist without disclosing, through a written instrument, any direct or indirect
24 financial interest in conflict with the boxer's or mixed martial artist's health, safety, competitive, or
25 financial interests;

26 (i) Is licensed as a promoter and has a direct or indirect financial interest in the
27 management of any boxer or mixed martial artist licensed by the commission;

28 (j) Is licensed as a manager and has a direct or indirect financial interest in the promotion
29 of any boxing or mixed martial arts contest, exhibition, or match sanctioned by the commission:
30 Provided, That a manager may receive any compensation expressly agreed to and disclosed in
31 a written contract between the boxer and manager: Provided, however, That nothing in this
32 section shall prohibit a boxer or mixed martial artist from acting as his own promoter or manager;

33 (k) Violates any provision of the Muhammad Ali Boxing Reform Act of 2000, 15 U.S.C.
34 §6301 et seq.

35 (f) (l) Has been convicted of a felony or misdemeanor involving moral turpitude in any
36 jurisdiction within one year preceding the suspension or revocation and such conviction not
37 previously reported to the commission by said licensee;

38 ~~(g)~~ (m) Is an habitual drunkard or addicted to the use of narcotics;

39 ~~(h)~~ (n) Is or has become mentally incompetent;

40 ~~(i)~~ (o) Is or has been guilty of unprofessional or unethical conduct, or such conduct as to
41 require a suspension or revocation of license in the interest of the public;

42 ~~(j)~~ (p) Has failed to furnish the proper party a copy of any contract or statement required
43 by this chapter or the rules and regulations promulgated hereunder, or has breached such a
44 contract;

45 ~~(k)~~ (g) Has loaned or permitted another person to use his or her license, or has borrowed
46 or used the license of another;

47 ~~(l)~~ (r) Has failed to maintain in force the bond required by this chapter;

48 ~~(m)~~ (s) Has by act or omission conducted himself or herself in a manner which would tend
49 to be detrimental to the best interests of boxing generally, or to the public interest and general
50 welfare;

51 ~~(n)~~ (t) Has been disciplined in any manner by the boxing commission or similar agency or
52 body of any jurisdiction;

53 ~~(o)~~ (u) Has failed to pay a fine or forfeiture imposed by this chapter;

54 ~~(p)~~ (v) Has, either within or without this state, by any act, threat, statement, or otherwise,
55 restrained, hindered, interfered with, or prevented another promoter, club, association, or booking
56 agent, or has attempted, either within or without this state, in any such manner to restrain, hinder,
57 interfere with, or prevent another promoter, club, association, or booking agent from presenting
58 any boxing match or exhibition within or without the State of West Virginia;

59 ~~(q)~~ (w) Has, either within or without this state, engaged, directly or indirectly, in restraints
60 or monopolies or taken any action tending to create or establish restraints or monopolies or
61 conspired with others to restrain any person or persons from participating or competing in any
62 boxing match or exhibition for any promoter, club, association or booking agent.

§29-5A-20. Licenses for contestants, referees and managers.

1 No contestant, trainer, inspector, referee, other official, matchmaker, or professional
2 manager may take part in any boxing or mixed martial arts contest or exhibition unless holding a
3 license from the state that is issued by the commission upon payment of the following annual
4 license fee schedule: Professional contestant \$25; amateur contestant \$20; trainer \$20; inspector
5 \$30; referee or other official, \$30; matchmaker \$50; and professional manager \$50.
6 Semiprofessional contestants shall pay a license fee of \$10 for each event. Such fees shall
7 accompany the application and shall be in the form of a certified check or money order and shall

8 be issued to the Treasurer of the State of West Virginia to be deposited in the State Athletic
9 Commission Fund. If a license is not granted, the Treasurer shall refund the full amount.

§29-5A-24. Rules governing contestants and matches.

1 (a) The commission shall propose rules for legislative approval in accordance with the
2 provisions of §29A-3-1 *et seq.* of this code.

3 (b) The commission shall propose such rules to regulate professional and
4 semiprofessional boxers, professional or amateur mixed martial artists, professional and
5 semiprofessional boxing matches and exhibitions and professional or amateur mixed martial arts
6 matches and exhibitions: *Provided*, That for professional boxers and boxing matches and
7 exhibitions, the commission rules shall comply with the current unified rules of boxing as adopted
8 by the Association of Boxing Commissions; for professional mixed martial artists and mixed
9 martial arts matches and exhibitions, the commission rules shall comply with the current unified
10 rules of mixed martial arts as adopted by the Association of Boxing Commissions; for amateur
11 boxers and boxing matches or exhibitions, the commission rules shall comply with the amateur
12 rules for boxing as adopted by the ~~United States Amateur Boxing Authority~~ Association of Boxing
13 Commissions, U.S.A. Boxing, the International Boxing Association, or any other appropriate
14 governing or sanctioning body recognized and accepted by the commission; and for amateur
15 mixed martial artists and mixed martial arts matches or exhibitions, the commission rules shall
16 comply with the current unified rules of mixed martial arts as recommended and/or adopted by
17 the Association of Boxing Commissions. For full contact boxing and other boxing events that
18 follow nontraditional rules, rules guaranteeing the safety of the participants and the fair and honest
19 conducting of the matches or exhibitions are authorized.

20 (c) The commission shall propose separate rules for amateur boxers and amateur boxing,
21 sparring matches and exhibitions as follows:

22 Rules which comply with the requirements of the rules ~~of the current United States~~
23 ~~Amateur Boxing Authority~~ recommended or adopted by the Association of Boxing Commissions,

24 U.S.A. Boxing, the International Boxing Association, or any other appropriate governing or
25 sanctioning body recognized and accepted by the commission to the extent that any boxer
26 complying with them will be eligible to participate in any ~~state, national or international~~ state,
27 nationally, or internationally sanctioned boxing match, ~~sanctioned by the current United States~~
28 ~~Amateur Boxing Authority or the International Amateur Boxing Association.~~

NOTE: The purpose of this bill is to clarify and define the authority of the State Athletic Commission to issue, suspend, or revoke various licenses related to boxing and mixed martial arts events; to clarify the appropriate rules for sanctioning amateur boxing events; to define the authority of the commission to promulgate legislative rules; and to require a license to act as a boxing or mixed martial arts matchmaker.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.