

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1340
Committee Substitute Favorable 6/8/05

Short Title: Reestablish Boxing Commission.

(Public)

Sponsors:

Referred to:

April 21, 2005

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 Crime Control and Public Safety.

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 Article 68 of Chapter 143 of the General Statutes is repealed.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) Amateur. – A person who is not receiving or competing for and has never received or competed for any purse or other article or thing of value for participating in a match.

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

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

44 **"§ 143-659.3. State Boxing Commission.**

1 (a) Creation. – The North Carolina State Boxing Commission is created within
2 the Department of Crime Control and Public Safety to regulate in North Carolina live
3 boxing and kickboxing matches, whether professional, amateur, sanctioned amateur, or
4 toughman events, in which admission is charged for viewing, or the contestants compete
5 for a purse or prize of value greater than twenty-five dollars (\$25.00). The Commission
6 shall consist of five voting members and two nonvoting advisory members. All the
7 members shall be residents of this State and meet requirements for membership under
8 the Professional Boxing Safety Act of 1996. The initial members shall be appointed as
9 follows:

- 10 (1) Three voting members appointed by the Governor, one to serve a
11 three-year term, one to serve a two-year term, and one to serve a
12 one-year term.
- 13 (2) One voting member appointed by the General Assembly, upon the
14 recommendation of the President Pro Tempore of the Senate, for a
15 one-year term, in accordance with G.S. 120-121.
- 16 (3) One voting member appointed by the General Assembly, upon the
17 recommendation of the Speaker of the House of Representatives, for a
18 three-year term, in accordance with G.S. 120-121.
- 19 (4) One nonvoting advisory member appointed by the President Pro
20 Tempore of the Senate for a two-year term, from nominations made by
21 the North Carolina Medical Society. The North Carolina Medical
22 Society shall nominate two licensed physicians for the position.
- 23 (5) One nonvoting advisory member appointed by the Speaker of the
24 House of Representatives for a two-year term, from nominations made
25 by the North Carolina Medical Society. The North Carolina Medical
26 Society shall nominate two licensed physicians for the position.

27 The two nonvoting advisory members appointed pursuant to subdivisions (4) and (5)
28 of subsection (a) of this section shall advise the Commission on matters concerning the
29 health and physical condition of boxers and health issues relating to the conduct of
30 exhibitions and boxing matches. The two nonvoting advisory members may prepare and
31 submit to the Commission for its consideration and approval any rules that in their
32 judgment will safeguard the physical welfare of all participants engaged in boxing.

33 Upon the expiration of the terms of the initial Commission members, each member
34 shall be appointed for a term of three years and shall serve until a successor is
35 appointed. The two nonvoting advisory members shall continue to be appointed by the
36 original appointing authority from nominations made by the North Carolina Medical
37 Society, which shall nominate two licensed physicians for each position. The Secretary
38 of Crime Control and Public Safety shall designate which member of the Commission is
39 to serve as chair. A member of the Commission may be removed from office by the
40 Secretary of Crime Control and Public Safety. Each member before entering upon the
41 duties of a member shall take and subscribe an oath to perform the duties of the office
42 faithfully, impartially, and justly to the best of the member's ability. A record of these
43 oaths shall be filed in the Department of the Secretary of Crime Control and Public
44 Safety.

1 **(b) Vacancies.** – Members shall serve until their successors are appointed and
2 have been qualified. Any vacancy in the membership of the Commission shall be filled
3 in the same manner as the original appointment. Vacancies for members appointed by
4 the General Assembly shall be filled in accordance with G.S. 120-122. A vacancy in the
5 membership of the Commission other than by expiration of term shall be filled for the
6 unexpired term only.

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

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

- 23 **(1) Requirements for issuance of licenses and permits required by this**
24 Article.
- 25 **(2) Regulation of ticket sales.**
- 26 **(3) Physical requirements for contestants, including classification by**
27 weight and skill.
- 28 **(4) Supervision of matches and exhibitions by licensed physicians and**
29 referees.
- 30 **(5) Insurance and bonding requirements.**
- 31 **(6) Compensation of participants and licensees.**
- 32 **(7) Contracts and financial arrangements.**
- 33 **(8) Prohibition of dishonest, unethical, and injurious practices.**
- 34 **(9) Facilities.**
- 35 **(10) Approval of sanctioning amateur sports organizations.**
- 36 **(11) Procedures and requirements for compliance with the Professional**
37 Boxing Safety Act of 1996.

38 **(e) Compensation.** – None of the members of the Commission shall receive
39 compensation for serving on the Commission. However, members of the Commission
40 may be reimbursed for their expenses in accordance with the provisions of Chapter 138
41 of the General Statutes.

42 **(f) Staff Assistance.** – The Secretary of Crime Control and Public Safety shall
43 hire a person to serve as Executive Director of the Commission and shall provide staff
44 assistance to the Executive Director. The Executive Director shall enforce this Article

1 through the Department of Crime Control and Public Safety. If necessary, the Executive
2 Director may train and contract with independent contractors for the purpose of
3 regulating and monitoring events, issuing licenses, collecting fees, and enforcing rules
4 of the Commission. The Executive Director may initiate and review criminal
5 background checks on persons requesting to work as independent contractors for the
6 Commission or persons applying to be licensed by the Commission.

7 **"§ 143-659.4. Ultimate warrior matches prohibited.**

8 Ultimate warrior matches, whether the participants are professional or amateurs, are
9 prohibited. No person shall promote, conduct, or engage in ultimate warrior matches.
10 This section shall not preclude boxing and kickboxing as regulated in this Article or
11 professional wrestling.

12 **"§ 143-659.5. Licensing and permitting.**

13 (a) License and Permit Required. – Except for sanctioned amateur matches, it is
14 unlawful for any person to act in this State as an announcer, contestant, judge, manager,
15 matchmaker, promoter, referee, timekeeper, or second unless the person is licensed to
16 do so under this Article. It is unlawful for a promoter to present a match in this State,
17 other than a sanctioned amateur match, unless the promoter has a permit issued under
18 this Article to do so. The Commission has the exclusive authority to issue, deny,
19 suspend, or revoke any license or permit provided for in this Article.

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

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

39 (c) Surety Bond. – An applicant for a promoter's license must submit, in addition
40 to any other forms, documents, or exhibits requested by the Commission, a surety bond
41 payable to the Commission for the benefit of any person injured or damaged by (i) the
42 promoter's failure to comply with any provision of this Article or any rules adopted by
43 the Commission or (ii) the promoter's failure to fulfill the obligations of any contract
44 related to the holding of a boxing event. The surety bond shall be issued in an amount to

1 be no less than five thousand dollars (\$5,000). The amount of the surety bond shall be
 2 negotiable upon the sole discretion of the Commission. All surety bonds shall be upon
 3 forms approved by the Secretary of Crime Control and Public Safety and supplied by
 4 the Commission.

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

8 **"§ 143-659.6. Fees; State Boxing Commission Revenue Account.**

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

10	<u>Announcer</u>	<u>\$50.00</u>
11	<u>Contestant</u>	<u>\$25.00</u>
12	<u>Judge</u>	<u>\$50.00</u>
13	<u>Manager</u>	<u>\$100.00</u>
14	<u>Matchmaker</u>	<u>\$200.00</u>
15	<u>Promoter</u>	<u>\$300.00</u>
16	<u>Referee</u>	<u>\$50.00</u>
17	<u>Timekeeper</u>	<u>\$50.00</u>
18	<u>Second</u>	<u>\$25.00.</u>

19 The annual license renewal fees shall not exceed the initial license fees.

20 (b) Permit Fees. – The Commission may establish a fee schedule for permits
 21 issued under this Article. The fees may vary depending on the seating capacity of the
 22 facility to be used to present a match. The fee may not exceed the following amounts:

23	<u>Seating Capacity</u>	<u>Fee Amount</u>
24	<u>Less than 2,000</u>	<u>\$100.00</u>
25	<u>2,000-5,000</u>	<u>\$200.00</u>
26	<u>Over 5,000</u>	<u>\$300.00.</u>

27 (c) State Boxing Commission Revenue Account. – There is created the State
 28 Boxing Commission Revenue Account within the Department of Crime Control and
 29 Public Safety. Moneys collected pursuant to the provisions of this Article shall be
 30 credited to the Account and applied to the administration of the Article.

31 **"§ 143-659.7. Contracts and financial arrangements.**

32 Any contract between licensees and related to a boxing match or exhibition held or
 33 to be held in this State must meet the requirements of administrative rules as set forth by
 34 the Commission. Any contract which does not satisfy the requirements of the
 35 administrative rules shall be void and unenforceable. All contracts shall be in writing.

36 **"§ 143-659.8. Sanctioned amateur matches.**

37 In addition to the other applicable provisions of this Article, a sanctioned amateur
 38 match shall be conducted pursuant to the rules of the sports organization sanctioning the
 39 boxing match or exhibition.

40 **"§ 143-659.9. Violations.**

41 (a) Civil Penalties. – The Secretary of Crime Control and Public Safety may
 42 issue an order against a licensee or other person who willfully violates any provision of
 43 this Article, imposing a civil penalty of up to five thousand dollars (\$5,000) for a single
 44 violation or of up to twenty-five thousand dollars (\$25,000) for multiple violations in a

1 single proceeding or a series of related proceedings. No order under this subsection may
2 be entered without giving the licensee or other person 15 days' prior notice and an
3 opportunity for a contested case hearing conducted pursuant to Article 3 of Chapter
4 150B of the General Statutes.

5 The clear proceeds of civil penalties imposed pursuant to this subsection shall be
6 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

7 (b) Criminal Penalties. – A willful violation of any provision of this Article shall
8 constitute a Class 2 misdemeanor. The Secretary of Crime Control and Public Safety
9 may refer any available evidence concerning violations of this Article to the proper
10 district attorney, who may, with or without such a reference, institute the appropriate
11 criminal proceedings.

12 (c) Injunction. – Whenever it appears to the Secretary of Crime Control and
13 Public Safety that a person has engaged or is about to engage in an act or practice
14 constituting a violation of any provision of this Article or any rule or order hereunder,
15 the Secretary of Crime Control and Public Safety may bring an action in any court of
16 competent jurisdiction to enjoin those acts or practices and to enforce compliance with
17 this Article or any rule or order issued pursuant to this Article."

18 **SECTION 4.** G.S. 18B-502(a) reads as rewritten:

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

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

30 "**§ 90-18.3. Physical examination by nurse practitioners and physician assistants.**

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

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

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