

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

2019 MAR 25 P 2:37

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Enrolled

Senate Bill 625

BY SENATOR BOSO

[Passed March 7, 2019; in effect 90 days from passage]

SB 625

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

2019 MAR 25 P 2:37

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Enrolled

Senate Bill 625

BY SENATOR BOSO

[Passed March 7, 2019; in effect 90 days from passage]

1 AN ACT 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. Upon application

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

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

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

- 38 (1) Procedures and requirements for the issuance and renewal of licenses;
39 (2) Exemptions from licensure;
40 (3) Procedures for fining, suspending, or revoking the license of any holder of a license
41 issued under this article;
42 (4) A schedule of licensing fees;
43 (5) Limitations or restrictions necessary to guarantee the safety of the participants;
44 (6) Requirements for fair and honest conducting of contests, matches, or exhibitions; and
45 (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 fining, suspending, or revoking the license of any holder of a license
30 issued under this article;

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

32 (5) 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 article. In the case of a corporate applicant, the requirements for licensure
5 shall pertain to its officers, directors, principal stockholders, and employees.

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

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

10 (B) Is of good moral character;

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

13 (D) Will conduct his or her business in a manner that furthers the public welfare, preserves
14 the safety and health of participants, and advances the reputation and interests of the sports of
15 boxing and mixed martial arts;

16 (E) Will adhere to and comply with all the rules of the commission pertaining to the license.

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

19 Before being granted a license or a renewal of a license issued under this subsection, the
20 applicant shall establish to the satisfaction of the commission that he or she:

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

23 (B) Is of good moral character;

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

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

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

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

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

35 (B) Is of good moral character;

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

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

41 (d) Every license and licensee is subject to such rules, and amendments thereof, as the
42 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) Fails to obey any lawful order of the commission, the secretary, or any inspector
5 thereof;

6 (b) Is guilty of gross immorality;

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

10 (d) Violates any provision of this article or the rules of the commission;

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

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

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

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

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

25 (j) Is licensed as a manager and has a direct or indirect financial interest in the promotion
26 of any boxing or mixed martial arts contest, exhibition, or match sanctioned by the commission:

27 *Provided*, That a manager may receive any compensation expressly agreed to and disclosed in
28 a written contract between the boxer and manager: *Provided, however*, That nothing in this
29 section shall prohibit a boxer or mixed martial artist from acting as his own promoter or manager;

30 (k) Violates any provision of the Muhammad Ali Boxing Reform Act of 2000, 15 U.S.C.
31 §6301 *et seq.*;

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

35 (m) Is an habitual drunkard or addicted to the use of narcotics;

36 (n) Is or has become mentally incompetent;

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

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

41 (q) Has loaned or permitted another person to use his or her license, or has borrowed or
42 used the license of another;

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

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

47 (t) Has been disciplined in any manner by the boxing commission or similar agency or
48 body of any jurisdiction;

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

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

55 (w) Has, either within or without this state, engaged, directly or indirectly, in restraints or
56 monopolies or taken any action tending to create or establish restraints or monopolies or

57 conspired with others to restrain any person or persons from participating or competing in any
58 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 Association of Boxing Commissions, U.S.A. Boxing, the
13 International Boxing Association, or any other appropriate governing or sanctioning body

14 recognized and accepted by the commission; and for amateur mixed martial artists and mixed
15 martial arts matches or exhibitions, the commission rules shall comply with the current unified
16 rules of mixed martial arts as recommended and/or adopted by the Association of Boxing
17 Commissions. For full contact boxing and other boxing events that follow nontraditional rules,
18 rules guaranteeing the safety of the participants and the fair and honest conducting of the matches
19 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 recommended or adopted by the
23 Association of Boxing Commissions, U.S.A. Boxing, the International Boxing Association, or any
24 other appropriate governing or sanctioning body recognized and accepted by the commission to
25 the extent that any boxer complying with them will be eligible to participate in any state, nationally,
26 or internationally sanctioned boxing match.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

FILED

2019 MAR 25 P 2:37

Mark R. Masnam
.....
Chairman, Senate Committee

Steve Caputo
.....
Chairman, House Committee

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Originated in the Senate.

In effect 90 days from passage.

Joe Lavin
.....
Clerk of the Senate

Steve Hannon
.....
Clerk of the House of Delegates

Mike B. Combs
.....
President of the Senate

Ray Hulse
.....
Speaker of the House of Delegates

The within *is approved* this the *25th*
March
Day of 2019.

James Owens
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2019

Time 3:33pm