

HOUSE BILL ANALYSIS

HB 1536

Brief Description: Regulating professional athletics.

Sponsors: Conway and Clements

Hearing: February 10, 1999

Brief Summary of Bill

Modifying the regulations of boxing, kickboxing, martial arts, and wrestling events.

BACKGROUND:

The Department of Licensing (DOL) regulates boxing, wrestling and martial arts events held within the state. As part of this regulation, DOL licenses individuals to participate in these events, sets and collects fees for licensing, collects taxes on event revenue, controls conduct by participants, sets parameters for events, establishes safety and health requirements for events, and disciplines licensees. The professional athletic division of DOL implements and enforces the statute and its associated rules.

In 1995, an ad hoc advisory committee formed by DOL recommended extensive changes to clarify the law, raise safety and health standards, and update the administration and regulation of participants and events. These recommendations were based on regulations adopted in states such as California and Nevada. Many of the recommendations were enacted by the Legislature in 1997.

In addition to the staff of the professional athletic division, DOL's rules are enforced by inspectors appointed by the department. Inspectors attend professional athletic events to monitor the event and the collection of gate revenues. An inspector's travel expenses and fee are paid by the event's promoter. Currently, DOL staff perform many of the duties of inspectors. DOL hires inspectors as needed.

SUMMARY OF BILL:

The professional athletic program is excluded from the general state requirement that licensing programs be self-supporting.

The sports of pankration and muay thai are included within the scope of the statute and its requirements.

Referees, matchmakers, kickboxers, and martial arts participants are added to the list of people that must be licensed before engaging in a professional sporting event.

The specific authority for DOL to hire inspectors is repealed. The statutory provisions defining inspectors' duties, power and source of compensation are also repealed.

DOL may suspend or fine, in addition to revoke, the license of a licensed participant who is involved in a sham or fake boxing event. Managers who participate in a sham or fake boxing event may be penalized.

License applicants, as well as licensees, may be disciplined for violating a statutory or administrative requirement.

The five hundred dollar maximum fine DOL may assign for a violation of statutory or administrative requirements is raised to five thousand dollars.

The physicians required to monitor events and conduct physical examinations of contestants prior to contests must be event-physicians. Event physicians are defined as a person licensed by DOL to provide these services. Kickboxing and martial arts are added to boxing as sports requiring contestants to submit to a physical examination 24 hours before a fight and have an event physician monitor the fight.

All boxers, wrestlers, kickboxers, martial arts participants, and referees applying for or renewing a license must have had a physical within a time period specified by DOL. The physical must be performed by a state-licensed physician, a licensed osteopath, or a physician licensed by another state or country.

DOL may conduct a random urinalysis or chemical test on any boxing, kickboxing, wrestling and martial arts contestant within 24 hours of a fight. A positive result or a refusal to submit to the test subjects the contestant to current disciplinary provisions. DOL is given authority to determine prohibited substances.

Contests between unlicensed, untrained competitors or by competitors who engage in conduct violating the statute are prohibited. Included within the prohibition are full-contact contests events in which contestants compete more than once per day.

For the purposes of taxing event revenues, the revenue from the sale of souvenirs, programs, and other concessions is not taxed.

To determine whether a complimentary ticket exceeds the limited amount, only the face value of the ticket is considered. Other services provided related to the event, such as parking, food, or surcharges, are not considered.

Kickboxing, martial arts, and wrestling events are not subject to the statutory requirements governing the maximum number of rounds in a contest, sportsmanlike conduct, and the weight of gloves used in events. DOL is given authority to adopt rules to govern these aspects of kickboxing, martial arts, and wrestling. Boxing events are still covered by the statutory requirements.

A promoter must have an ambulance at the location of an event, even if one is on call and located nearby.

RULES AUTHORITY: The bill does not contain provisions addressing the rule making powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.