

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5553

56th Legislature
1999 Regular Session

Passed by the Senate April 22, 1999
YEAS 43 NAYS 1

President of the Senate

Passed by the House April 16, 1999
YEAS 95 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5553** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5553

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice and Winsley; by request of Department of Licensing)

Read first time 03/03/99.

1 AN ACT Relating to professional athletics licensing, health, and
2 safety standards; amending RCW 67.08.002, 67.08.015, 67.08.050,
3 67.08.080, 67.08.090, 67.08.110, 67.08.120, and 67.08.160; reenacting
4 and amending RCW 67.08.100; adding a new section to chapter 67.08 RCW;
5 and prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 67.08 RCW
8 to read as follows:

9 The department shall set license and renewal fees by rule, but the
10 fees collected do not have to offset the cost of the program as
11 required under RCW 43.24.086.

12 **Sec. 2.** RCW 67.08.002 and 1997 c 205 s 1 are each amended to read
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Amateur" means a person who engages in athletic activities as
17 a pastime and not as a professional.

1 (2) "Boxing" means a contest in which the contestants exchange
2 blows with their fists, but does not include professional wrestling.

3 (3) "Department" means the department of licensing.

4 (4) "Director" means the director of the department of licensing or
5 the director's designee.

6 (5) "Event" includes, but is not limited to, a boxing, wrestling,
7 or martial arts contest, sparring, fisticuffs, match, show, or
8 exhibition.

9 (6) "Event physician" means the physician licensed under RCW
10 67.08.100 and who is responsible for the activities described in RCW
11 67.08.090.

12 (7) "Face value" means the dollar value of a ticket or order, which
13 value must reflect the dollar amount that the customer is required to
14 pay or, for a complimentary ticket, would have been required to pay to
15 purchase a ticket with equivalent seating priority, in order to view
16 the event.

17 ~~((+7))~~ (8) "Gross receipts" means ~~((+))~~ the amount received from
18 ~~((the sale of souvenirs, programs, and other concessions received by~~
19 ~~the promoter; and))~~ the face value of all tickets sold and
20 complimentary tickets redeemed.

21 ~~((+8))~~ (9) "Kickboxing" means a type of boxing in which blows are
22 delivered with the hand and any part of the leg below the hip,
23 including the foot.

24 ~~((+9))~~ (10) "Martial arts" means a type of boxing including sumo,
25 judo, karate, kung fu, tae kwon do, pankration, muay thai, or other
26 forms of full-contact martial arts or self-defense conducted on a full-
27 contact basis.

28 ~~((+10))~~ (11) "Physician" means a person licensed under chapter
29 18.57, 18.36A, or 18.71 RCW as a physician or a person holding an
30 osteopathic or allopathic physician license under the laws of any
31 jurisdiction in which the person resides.

32 (12) "Professional" means a person who has received or competed for
33 money or other articles of value for participating in an event.

34 ~~((+11))~~ (13) "Promoter" means a person, and includes any officer,
35 director, employee, or stockholder of a corporate promoter, who
36 produces, arranges, stages, holds, or gives an event in this state
37 involving a professional boxing, martial arts, or wrestling event, or
38 shows or causes to be shown in this state a closed circuit telecast of

1 a match involving a professional participant whether or not the
2 telecast originates in this state.

3 ~~((12) "Tough man/rough man contest or competition" means an event~~
4 ~~that utilizes unlicensed, untrained, or otherwise licensed participants~~
5 ~~who engage in unsanctioned activities that do not comply with this~~
6 ~~chapter, including a full contact, tournament style martial arts~~
7 ~~contest, match, show, or exhibition in which contestants compete more~~
8 ~~than once per day.~~

9 ~~(13))~~ (14) "Wrestling exhibition" or "wrestling show" means a form
10 of sports entertainment in which the participants display their skills
11 in a physical struggle against each other in the ring and either the
12 outcome may be predetermined or the participants do not necessarily
13 strive to win, or both.

14 **Sec. 3.** RCW 67.08.015 and 1997 c 205 s 3 are each amended to read
15 as follows:

16 (1) In the interest of ensuring the safety and welfare of the
17 participants, the department shall have power and it shall be its duty
18 to direct, supervise, and control all boxing, martial arts, and
19 wrestling events conducted within this state and an event may not be
20 held in this state except in accordance with the provisions of this
21 chapter. The department may, in its discretion, issue and for cause
22 deny, revoke, or suspend a license to promote, conduct, or hold boxing,
23 kickboxing, martial arts, or wrestling events where an admission fee is
24 charged by any person, club, corporation, organization, association, or
25 fraternal society.

26 (2) All boxing, kickboxing, martial arts, or wrestling events that:

27 (a) Are conducted by any common school, college, or university,
28 whether public or private, or by the official student association
29 thereof, whether on or off the school, college, or university grounds,
30 where all the participating contestants are bona fide students enrolled
31 in any common school, college, or university, within or without this
32 state; or

33 (b) Are entirely amateur events promoted on a nonprofit basis or
34 for charitable purposes;

35 are not subject to the licensing provisions of this chapter. A boxing,
36 martial arts, kickboxing, or wrestling event may not be conducted
37 within the state except under a license issued in accordance with this

1 chapter and the rules of the department except as provided in this
2 section.

3 (3) The director shall prohibit events unless all of the
4 contestants are either licensed under this chapter or trained by an
5 amateur or professional sanctioning body recognized by the department.

6 **Sec. 4.** RCW 67.08.050 and 1997 c 205 s 6 are each amended to read
7 as follows:

8 (1) Any promoter shall within seven days prior to the holding of
9 any event file with the department a statement setting forth the name
10 of each licensee who is a potential participant, his or her manager or
11 managers, and such other information as the department may require.
12 Participant changes regarding a wrestling event may be allowed after
13 notice to the department, if the new participant holds a valid license
14 under this chapter. The department may stop any wrestling event in
15 which a participant is not licensed under this chapter.

16 (2) Upon the termination of any event the promoter shall file with
17 the designated department representative a written report, duly
18 verified as the department may require showing the number of tickets
19 sold for the event, the price charged for the tickets and the gross
20 proceeds thereof, and such other and further information as the
21 department may require. The promoter shall pay to the department at
22 the time of filing the report under this section a tax equal to five
23 percent of such gross receipts. However, the tax may not be less than
24 twenty-five dollars. The five percent of such gross receipts shall be
25 immediately paid by the department into the state general fund.

26 (3) A complimentary ticket may not have a face value of less than
27 the least expensive ticket available for sale to the general public.
28 ~~((It must include charges and fees, such as dinner, gratuity, parking,~~
29 ~~surcharges, or other charges or fees that are charged to and must be~~
30 ~~paid by the customer in order to view the event.))~~ The number of
31 untaxed complimentary tickets shall be limited to five percent of the
32 total tickets sold per event location, not to exceed three hundred
33 tickets. All complimentary tickets exceeding this exemption shall be
34 subject to taxation.

35 **Sec. 5.** RCW 67.08.080 and 1997 c 205 s 8 are each amended to read
36 as follows:

1 A boxing(~~(, kickboxing, or martial art[s])~~) event held in this
2 state may not be for more than ten rounds and no one round of any bout
3 shall be scheduled for longer than three minutes and there shall be not
4 less than one minute intermission between each round. In the event of
5 bouts involving state, regional, national, or world championships the
6 department may grant an extension of no more than two additional rounds
7 to allow total bouts of twelve rounds. A contestant in any boxing
8 event under this chapter may not be permitted to wear gloves weighing
9 less than eight ounces. The director shall adopt rules to assure clean
10 and sportsmanlike conduct on the part of all contestants and officials,
11 and the orderly and proper conduct of the event in all respects, and to
12 otherwise make rules consistent with this chapter, but such rules shall
13 apply only to events held under the provisions of this chapter. The
14 director may adopt rules with respect to round and bout limitations and
15 clean and sportsmanlike conduct for kickboxing, martial arts, or
16 wrestling events.

17 **Sec. 6.** RCW 67.08.090 and 1997 c 205 s 9 are each amended to read
18 as follows:

19 (1) Each contestant for boxing, kickboxing, or martial arts events
20 shall be examined within twenty-four hours before the contest by ((a
21 competent)) an event physician ((appointed)) licensed by the
22 department. The event physician shall report in writing and over his
23 or her signature before the event the physical condition of each and
24 every contestant to the inspector present at such contest. No
25 contestant whose physical condition is not approved by the
26 ((examining)) event physician shall be permitted to participate in any
27 event. Blank forms ((of)) for event physicians' reports shall be
28 provided by the department and all questions upon such blanks shall be
29 answered in full. The ((examining)) event physician shall be paid a
30 fee and travel expenses by the promoter.

31 (2) The department may require that ((a)) an event physician be
32 present at a wrestling event. The promoter shall pay ((any)) the event
33 physician present at a wrestling event. A boxing, kickboxing, or
34 martial arts event may not be held unless ((a licensed)) an event
35 physician ((of)) licensed by the department ((or his or her duly
36 appointed representative)) is present throughout the event.

37 (3) Any ((practicing)) physician ((and surgeon)) licensed under RCW
38 67.08.100 may be selected by the department as the ((examining)) event

1 physician. (~~Such~~) The event physician present at (~~such~~) any
2 contest shall have authority to stop any event when in the event
3 physician's opinion it would be dangerous to a contestant to continue,
4 and in such event it shall be the event physician's duty to stop the
5 event.

6 (4) The department may have a participant in a wrestling event
7 examined by (~~a~~) an event physician (~~appointed~~) licensed by the
8 department prior to the event. A participant in a wrestling event
9 whose condition is not approved by the (~~examining~~) event physician
10 shall not be permitted to participate in the event.

11 (5) Each contestant for boxing, kickboxing, martial arts, or
12 wrestling events may be subject to a random urinalysis or chemical test
13 within twenty-four hours before or after a contest. An applicant or
14 licensee who refuses or fails to submit to the urinalysis or chemical
15 test is subject to disciplinary action under RCW 67.08.240. If the
16 urinalysis or chemical test is positive for substances prohibited by
17 rules adopted by the director, disciplinary action shall be taken under
18 RCW 67.08.240.

19 **Sec. 7.** RCW 67.08.100 and 1997 c 205 s 10 and 1997 c 58 s 864 are
20 each reenacted and amended to read as follows:

21 (1) The department upon receipt of a properly completed application
22 and payment of a nonrefundable fee, may grant an annual license to an
23 applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d)
24 second; (e) wrestling participant; (f) inspector(~~s~~); (g) judge; (h)
25 timekeeper; (i) announcer(~~s~~); (~~and~~) (j) event physician(~~s~~); (k)
26 referee; (l) matchmaker; (m) kickboxer; and (n) martial arts
27 participant.

28 (2) The application for the following types of licenses shall
29 include a physical performed by a physician, as defined in RCW
30 67.08.002, which was performed by the physician with a time period
31 preceding the application as specified by rule: (a) Boxer; (b)
32 wrestling participant; (c) kickboxer; (d) martial arts participant; and
33 (e) referee.

34 (3) Any license may be revoked, suspended, or denied by the
35 director for a violation of this chapter or a rule adopted by the
36 director.

37 (~~4~~) (4) No person shall participate or serve in any of the
38 above capacities unless licensed as provided in this chapter.

1 (~~(4)~~) (5) The referees, judges, timekeepers, event physicians,
2 and inspectors for any boxing event shall be designated by the
3 department from among licensed officials.

4 (~~(5)~~) (6) The referee for any wrestling event shall be provided
5 by the promoter and shall be licensed as a wrestling participant.

6 (~~(6)~~) (7) The department shall immediately suspend the license or
7 certificate of a person who has been certified pursuant to RCW
8 74.20A.320 by the department of social and health services as a person
9 who is not in compliance with a support order (~~(or a residential or~~
10 ~~visitation order)~~). If the person has continued to meet all other
11 requirements for reinstatement during the suspension, reissuance of the
12 license or certificate shall be automatic upon the department's receipt
13 of a release issued by the department of social and health services
14 stating that the licensee is in compliance with the order.

15 (~~(7)~~) (8) A person may not be issued a license if the person has
16 an unpaid fine outstanding to the department.

17 (~~(8)~~) (9) A person may not be issued a license unless they are at
18 least eighteen years of age.

19 (~~(9)~~) (10) This section shall not apply to contestants or
20 participants in events at which only amateurs are engaged in contests
21 and/or fraternal organizations and/or veterans' organizations chartered
22 by congress or the defense department or any recognized amateur
23 sanctioning body recognized by the department, holding and promoting
24 athletic events and where all funds are used primarily for the benefit
25 of their members. Upon request of the department, a promoter,
26 contestant, or participant shall provide sufficient information to
27 reasonably determine whether this chapter applies.

28 **Sec. 8.** RCW 67.08.110 and 1997 c 205 s 11 are each amended to read
29 as follows:

30 (1) Any person or any member of any group of persons or corporation
31 promoting boxing events who shall participate directly or indirectly in
32 the purse or fee of any manager of any boxers or any boxer and any
33 licensee who shall conduct or participate in any sham or fake boxing
34 event shall be subject to license suspension, revocation, or fine and
35 such revoked, suspended, or fined licensee shall not be entitled to
36 receive any license issued under this chapter.

37 (2) A manager of any boxer, kickboxer, or martial arts participant
38 who allows any person or any group of persons or corporation promoting

1 boxing, kickboxing, or martial arts events to participate directly or
2 indirectly in the purse or fee, or any boxer, kickboxer, or martial
3 arts participant or other licensee who conducts or participates in any
4 sham or fake boxing, kickboxing, or martial arts event is subject to
5 disciplinary action under RCW 67.08.240.

6 **Sec. 9.** RCW 67.08.120 and 1997 c 205 s 12 are each amended to read
7 as follows:

8 Any (~~unlicensed participant contestant~~) applicant or licensee who
9 violates any rule of the department shall be fined, suspended, revoked,
10 or any combination thereof, by order of the director. Assessed fines
11 shall not exceed five (~~hundred~~) thousand dollars for each violation
12 of this chapter or any rule of the department.

13 **Sec. 10.** RCW 67.08.160 and 1989 c 127 s 2 are each amended to read
14 as follows:

15 A promoter shall have an ambulance or paramedical unit present at
16 the (~~arena in case a serious injury occurs unless an ambulance or~~
17 ~~paramedical unit is located within five miles of the arena and that~~
18 ~~unit is on call for such an occurrence~~) event location.

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