
SUBSTITUTE HOUSE BILL 2301

State of Washington 62nd Legislature 2012 Regular Session

By House Business & Financial Services (originally sponsored by Representatives Green, Kirby, Pettigrew, Condotta, and Jenkins)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to boxing, martial arts, and wrestling; amending
2 RCW 67.08.002, 67.08.015, 67.08.017, 67.08.110, 67.08.170, and
3 67.08.240; and reenacting and amending RCW 67.08.090 and 67.08.100.

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

5 **Sec. 1.** RCW 67.08.002 and 2004 c 149 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Amateur" means a person who has never received nor competed
10 for any purse or other article of value, either for expenses of
11 training or for participating in an event, other than a prize of fifty
12 dollars in value or less.

13 (2) "Boxing" means the sport of attack and defense which uses the
14 contestants fists and where the contestants compete with the intent not
15 to injure or disable an opponent, but to win by decision, knockout, or
16 technical knockout, but does not include professional wrestling.

17 (3) "Chiropractor" means a person licensed under chapter 18.25 RCW
18 as a doctor of chiropractic or under the laws of any jurisdiction in
19 which that person resides.

1 (4) "Department" means the department of licensing.

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

4 (6) "Event" includes, but is not limited to, a professional boxing,
5 wrestling, or martial arts or an amateur mixed martial arts contest,
6 sparring, fisticuffs, match, show, or exhibition.

7 (7) "Event physician" means the physician licensed under RCW
8 67.08.100 and who is responsible for the activities described in RCW
9 67.08.090.

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

15 (9) "Gross receipts" means the amount received from the face value
16 of all tickets sold and complimentary tickets redeemed.

17 (10) "Kickboxing" means a type of boxing in which blows are
18 delivered with the fist and any part of the leg below the hip,
19 including the foot and where the contestants compete with the intent
20 not to injure or disable an opponent, but to win by decision, knockout,
21 or technical knockout.

22 (11) "Martial arts" means a type of boxing including sumo, judo,
23 karate, kung fu, tae kwon do, pankration, muay thai, or other forms of
24 full-contact martial arts or self-defense conducted on a full-contact
25 basis where weapons are not used and the participants utilize kicks,
26 punches, blows, or other techniques with the intent not to injure or
27 disable an opponent, but to defeat an opponent or win by decision,
28 knockout, technical knockout, or submission.

29 (12) "No holds barred fighting," also known as "frontier fighting"
30 and "extreme fighting," means a contest, exhibition, or match between
31 contestants where any part of the contestant's body may be used as a
32 weapon or any means of fighting may be used with the specific purpose
33 to intentionally injure the other contestant in such a manner that they
34 may not defend themselves and a winner is declared. Rules may or may
35 not be used.

36 (13) "Combative fighting," also known as "toughman fighting,"
37 "toughwoman fighting," "badman fighting," and "so you think you're
38 tough," means a contest, exhibition, or match between contestants who

1 use their fists, with or without gloves, or their feet, or both, and
2 which allows contestants that are not trained in the sport to compete
3 and the object is to defeat an opponent or to win by decision,
4 knockout, or technical knockout.

5 (14) "Physician" means a person licensed under chapter 18.57,
6 18.36A, or 18.71 RCW as a physician or a person holding an osteopathic
7 or allopathic physician license under the laws of any jurisdiction in
8 which the person resides.

9 (15) "Professional" means a person who has received or competed for
10 any purse or other articles of value greater than fifty dollars, either
11 for the expenses of training or for participating in an event.

12 (16) "Promoter" means a person, and includes any officer, director,
13 employee, or stockholder of a corporate promoter, who produces,
14 arranges, stages, holds, or gives an event in this state involving a
15 professional boxing, martial arts, or wrestling event or amateur mixed
16 martial arts event, or shows or causes to be shown in this state a
17 closed circuit telecast of a match involving ((a)) professional or
18 amateur mixed martial arts participants whether or not the telecast
19 originates in this state.

20 (17) "Wrestling exhibition" or "wrestling show" means a form of
21 sports entertainment in which the participants display their skills in
22 a physical struggle against each other in the ring and either the
23 outcome may be predetermined or the participants do not necessarily
24 strive to win, or both.

25 (18) "Amateur event" means an event in which all the participants
26 are "amateurs" and which is registered and sanctioned by:

- 27 (a) United States Amateur Boxing, Inc.;
- 28 (b) Washington Interscholastic Activities Association;
- 29 (c) National Collegiate Athletic Association;
- 30 (d) Amateur Athletic Union;
- 31 (e) Golden Gloves of America;
- 32 (f) Any similar organization nationally recognized by the United
33 States Olympic Committee;
- 34 (g) United Full Contact Federation((+
35 (+)) and any similar amateur sanctioning organization, recognized
36 and licensed by the department as exclusively or primarily dedicated to
37 advancing the sport of amateur ((boxing, kickboxing, or)) mixed martial

1 arts, as those sports are defined in this section and where the
2 promoter, officials, and participants are licensed under this chapter;
3 or

4 (h) Local affiliate of any organization identified in (a) through
5 (f) of this subsection.

6 (19) "Elimination tournament" means any contest in which
7 contestants compete in a series of matches until not more than one
8 contestant remains in any weight category. The term does not include
9 any event that complies with the provisions of RCW 67.08.015(2) (~~(a)~~
10 ~~or (b)~~)).

11 (20) "Mixed martial arts" means a combative sporting contest, the
12 rules of which allow two mixed martial arts competitors to attempt to
13 achieve dominance over one another by utilizing a variety of techniques
14 including, but not limited to, striking, grappling, and the application
15 of submission holds. "Mixed martial arts" is a type of martial arts
16 that does not include martial arts such as tae kwon do, karate, judo,
17 sumo, jujitsu, and kung fu.

18 (21) "Training facility" means a facility that offers training in
19 one or more of the mixed martial arts and holds exhibitions in which
20 all the participants are amateurs and where an admission fee is
21 charged.

22 (22) "Event chiropractor" means the chiropractor licensed under RCW
23 67.08.100 and who is operating in a supporting role to the event
24 physician who is responsible for the activities described in RCW
25 67.08.090.

26 **Sec. 2.** RCW 67.08.015 and 2004 c 149 s 2 are each amended to read
27 as follows:

28 (1) In the interest of ensuring the safety and welfare of the
29 participants, the department shall have power and it shall be its duty
30 to direct, supervise, and control all boxing, martial arts, and
31 wrestling events conducted within this state and an event may not be
32 held in this state except in accordance with the provisions of this
33 chapter. The department may, in its discretion, issue and for cause,
34 which includes concern for the safety and welfare of the participants,
35 take any of the actions specified in RCW 18.235.110 against a license
36 to promote, conduct, or hold boxing, kickboxing, martial arts, or

1 wrestling events where an admission fee is charged by any person, club,
2 corporation, organization, association, or fraternal society.

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

4 (a) Are conducted by any common school, college, or university,
5 whether public or private, or by the official student association
6 thereof, whether on or off the school, college, or university grounds,
7 where all the participating contestants are bona fide students enrolled
8 in any common school, college, or university, within or without this
9 state; or

10 (b) Are entirely amateur events as defined in RCW 67.08.002(18)
11 (~~and promoted on a nonprofit basis or for charitable purposes~~),
12 excluding events described in RCW 67.08.002(18)(g);

13 are not subject to the (~~licensing~~) provisions of this chapter. A
14 boxing, martial arts, kickboxing, or wrestling event may not be
15 conducted within the state except under a license issued in accordance
16 with this chapter and the rules of the department except as provided in
17 this section.

18 (3) The director shall prohibit events unless all of the
19 contestants are licensed or otherwise exempt from licensure as provided
20 under this chapter.

21 (4) No amateur or professional no holds barred fighting or
22 combative fighting type of contest, exhibition, match, or similar type
23 of event, nor any elimination tournament, may be held in this state.
24 Any person promoting such an event is guilty of a class C felony.
25 Additionally, the director may apply to a superior court for an
26 injunction against any and all promoters of a contest, and may request
27 that the court seize all money and assets relating to the competition.

28 **Sec. 3.** RCW 67.08.017 and 2002 c 86 s 307 are each amended to read
29 as follows:

30 In addition to the powers described in RCW 18.235.030 and
31 18.235.040, the director or the director's designee has the following
32 authority in administering this chapter:

33 (1) Adopt, amend, and rescind rules as deemed necessary to carry
34 out this chapter;

35 (2) Adopt standards of professional and amateur conduct or
36 practice;

1 (3) Enter into an assurance of discontinuance in lieu of issuing a
2 statement of charges or conducting a hearing. The assurance shall
3 consist of a statement of the law in question and an agreement not to
4 violate the stated provision. The applicant or license holder shall
5 not be required to admit to any violation of the law, and the assurance
6 shall not be construed as such an admission. Violation of an assurance
7 under this subsection is grounds for disciplinary action; ~~((and))~~

8 (4) Establish and assess fines for violations of this chapter that
9 may be subject to payment from a contestant's purse;

10 (5) Establish licensing requirements; and

11 (6) Adopt rules regarding whether or not specific martial arts are
12 mixed martial arts for the purpose of applying licensing provisions.

13 **Sec. 4.** RCW 67.08.090 and 2002 c 147 s 2 and 2002 c 86 s 308 are
14 each reenacted and amended to read as follows:

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

26 (2) The department may require that an event physician be present
27 at a wrestling event. The promoter shall pay the event physician
28 present at a wrestling event. A boxing, kickboxing, or martial arts
29 event may not be held unless an event physician licensed by the
30 department is present throughout the event. In addition to the event
31 physician, ~~((a))~~ an event chiropractor may be included as a licensed
32 official at a boxing, kickboxing, or martial arts event. The promoter
33 shall pay the event chiropractor present at a boxing, kickboxing, or
34 martial arts event.

35 (3) Any physician licensed under RCW 67.08.100 may be selected by
36 the department as the event physician. The event physician present at
37 any contest shall have authority to stop any event when in the event

1 physician's opinion it would be dangerous to a contestant to continue,
2 and in such event it shall be the event physician's duty to stop the
3 event.

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

9 (5) Each contestant for boxing, kickboxing, martial arts, or
10 wrestling events may be subject to a random urinalysis or chemical test
11 within twenty-four hours before or after a contest. In addition to the
12 unprofessional conduct specified in RCW 18.235.130, an applicant or
13 licensee who refuses or fails to submit to the urinalysis or chemical
14 test is subject to disciplinary action under RCW 18.235.110. If the
15 urinalysis or chemical test is positive for substances prohibited by
16 rules adopted by the director, the applicant or licensee has engaged in
17 unprofessional conduct and disciplinary action may be taken under RCW
18 18.235.110.

19 **Sec. 5.** RCW 67.08.100 and 2002 c 147 s 3 and 2002 c 86 s 309 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; (g) judge; (h)
25 timekeeper; (i) announcer; (j) event physician; (k) event chiropractor;
26 (l) referee; (m) matchmaker; (n) kickboxer; (~~and~~) (o) martial arts
27 participant; (p) training facility; and (q) amateur sanctioning
28 organization.

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

35 (3) An applicant for the following types of licenses for the sports
36 of boxing, kickboxing, and martial arts shall provide annual proof of
37 certification as having adequate experience, skill, and training from

1 an organization approved by the department, including, but not limited
2 to, the association of boxing commissions, the international boxing
3 federation, the international boxing organization, the Washington state
4 association of professional ring officials, the world boxing
5 association, the world boxing council, or the world boxing organization
6 for boxing officials, and the united full contact federation for
7 kickboxing and martial arts officials: (a) Judge; (b) referee; (c)
8 inspector; (d) timekeeper; or (e) other officials deemed necessary by
9 the department.

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

12 (5) The referees, judges, timekeepers, event physicians,
13 chiropractors, and inspectors for any boxing, kickboxing, or martial
14 arts event shall be designated by the department from among licensed
15 officials.

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

18 (7) The department shall immediately suspend the license or
19 certificate of a person who has been certified pursuant to RCW
20 74.20A.320 by the department of social and health services as a person
21 who is not in compliance with a support order. If the person has
22 continued to meet all other requirements for reinstatement during the
23 suspension, reissuance of the license or certificate shall be automatic
24 upon the department's receipt of a release issued by the department of
25 social and health services stating that the licensee is in compliance
26 with the order.

27 (8) The director shall suspend the license of any person who has
28 been certified by a lending agency and reported to the director for
29 nonpayment or default on a federally or state-guaranteed educational
30 loan or service-conditional scholarship. Prior to the suspension, the
31 agency must provide the person an opportunity for a brief adjudicative
32 proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of
33 nonpayment or default on a federally or state- guaranteed educational
34 loan or service-conditional scholarship. The person's license may not
35 be reissued until the person provides the director a written release
36 issued by the lending agency stating that the person is making payments
37 on the loan in accordance with a repayment agreement approved by the
38 lending agency. If the person has continued to meet all other

1 requirements for licensure during the suspension, reinstatement is
2 automatic upon receipt of the notice and payment of any reinstatement
3 fee the director may impose.

4 (9) A person may not be issued a license if the person has an
5 unpaid fine outstanding to the department.

6 ((+9)) (10) A person may not be issued a license unless they are
7 at least eighteen years of age.

8 ((+10)) (11) This section shall not apply to contestants or
9 participants in events at which only amateurs are engaged in contests
10 and/or fraternal organizations and/or veterans' organizations chartered
11 by congress or the defense department ((or)) excluding any recognized
12 amateur sanctioning body recognized by the department(~~(, holding and~~
13 ~~promoting athletic events and where all funds are used primarily for~~
14 ~~the benefit of their members)~~). Upon request of the department, a
15 promoter, contestant, or participant shall provide sufficient
16 information to reasonably determine whether this chapter applies.

17 **Sec. 6.** RCW 67.08.110 and 2002 c 86 s 310 are each amended to read
18 as follows:

19 (1) Any person or any member of any group of persons or corporation
20 promoting ((boxing)) events who shall participate directly or
21 indirectly in the purse or fee of any manager of any ((boxers))
22 participants or any ((boxer)) participant and any licensee who shall
23 conduct or participate in any sham or fake ((boxing)) event has engaged
24 in unprofessional conduct and is subject to the sanctions specified in
25 RCW 18.235.110.

26 (2) A manager of any boxer, kickboxer, or martial arts participant
27 who allows any person or any group of persons or corporation promoting
28 boxing, kickboxing, or martial arts events to participate directly or
29 indirectly in the purse or fee, or any boxer, kickboxer, or martial
30 arts participant or other licensee who conducts or participates in any
31 sham or fake boxing, kickboxing, or martial arts event has engaged in
32 unprofessional conduct and is subject to the sanctions specified in RCW
33 18.235.110.

34 **Sec. 7.** RCW 67.08.170 and 1997 c 205 s 15 are each amended to read
35 as follows:

36 A promoter shall ensure that adequate security personnel are in

1 attendance at ((~~a wrestling or boxing~~)) an event to control fans in
2 attendance. The size of the security force shall be determined by
3 mutual agreement of the promoter, the person in charge of operating the
4 arena or other facility, and the department.

5 **Sec. 8.** RCW 67.08.240 and 1997 c 205 s 21 are each amended to read
6 as follows:

7 The following conduct, acts, or conditions constitute
8 unprofessional conduct for a license holder or applicant under this
9 chapter:

10 (1) Conviction of a gross misdemeanor, felony, or the commission of
11 an act involving moral turpitude, dishonesty, or corruption whether the
12 act constitutes a crime or not. If the act constitutes a crime,
13 conviction in a criminal proceeding is not a condition precedent to
14 disciplinary action. Upon such a conviction, however, the judgment and
15 sentence is conclusive evidence at the ensuing disciplinary hearing of
16 the guilt of the license holder or applicant of the crime described in
17 the indictment or information, and of the person's violation of the
18 statute on which it is based. For the purposes of this section,
19 conviction includes all instances in which a plea of guilty or nolo
20 contendere is the basis for the conviction and all proceedings in which
21 the sentence has been deferred or suspended. This section does not
22 abrogate rights guaranteed under chapter 9.96 RCW;

23 (2) Misrepresentation or concealment of a material fact in
24 obtaining a license or in reinstatement of a license;

25 (3) Advertising that is false, fraudulent, or misleading;

26 (4) Incompetence or negligence that results in injury to a person
27 or that creates an unreasonable risk that a person may be harmed;

28 (5) Suspension, revocation, or restriction of a license to act as
29 a professional or amateur athletic licensee by competent authority in
30 a state, federal, or foreign jurisdiction, a certified copy of the
31 order, stipulation, or agreement being conclusive evidence of the
32 revocation, suspension, or restriction;

33 (6) Violation of a statute or administrative rule regulating
34 professional or amateur athletics;

35 (7) Failure to cooperate with the department's investigations by:

36 (a) Not furnishing papers or documents;

- 1 (b) Not furnishing in writing a full and complete explanation
2 regarding a matter under investigation by the department; or
- 3 (c) Not responding to subpoenas issued by the department, whether
4 or not the recipient of the subpoena is the subject of the proceeding;
- 5 (8) Failure to comply with an order issued by the director or an
6 assurance of discontinuance entered into by the director;
- 7 (9) Aiding or abetting an unlicensed person to act in a manner that
8 requires a professional or amateur athletics (~~{licensee}~~~~{license}~~)
9 license;
- 10 (10) Misrepresentation or fraud in any aspect of the conduct of a
11 professional athletics or amateur event; and
- 12 (11) Interference with an investigation or disciplinary proceeding
13 by willful misrepresentation of facts before the department or by the
14 use of threats or harassment against any person to prevent them from
15 providing evidence in a disciplinary proceeding or other legal action.

--- END ---