

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 555  
Committee Substitute Favorable 6/15/95

Short Title: North Carolina Boxing Commission.

(Public)

Sponsors:

Referred to:

March 27, 1995

A BILL TO BE ENTITLED  
AN ACT TO CREATE A NORTH CAROLINA BOXING COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

**"ARTICLE 68.**

**"NORTH CAROLINA STATE BOXING COMMISSION.**

**"§ 143-650. 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 boxing event, performance, or contest held in North Carolina.

**"§ 143-651. Definitions.**

As used in this Article:

- 1           (1) 'Amateur' means a person who has never received or competed for any  
2 purse or other article or thing of value for participating in a match.
- 3           (2) 'Announcer' means any person who engages in the act of announcing a  
4 boxing match.
- 5           (3) 'Boxer' means any person who engages as a participant in a boxing  
6 match.
- 7           (4) 'Boxing match' means a match where the participants engage in the use  
8 of boxing techniques (using the fist only), and where the object of a  
9 match is to win by decision, knockout (KO), or technical knockout  
10 (TKO), and shall include kickboxing matches as defined in this section.
- 11          (5) 'Broadcast' means any audio or visual transmission sent by any means of  
12 signal within, into, or from this State, whether live, by tape, or time  
13 delayed, and includes any replays thereof.
- 14          (6) 'Cable system operator' means any person that makes available or  
15 provides its customers a closed-circuit telecast utilizing the 'pay per  
16 view' system as it was commonly understood in 1995.
- 17          (7) 'Closed-circuit telecast' means any telecast which is not intended to be  
18 available for viewing without the payment of a fee collected for or  
19 based upon each event viewed for the privilege of viewing the telecast,  
20 and includes the term 'pay per view'. This definition includes, but is not  
21 limited to, telecasts to arenas, bars, clubs, entertainment or meeting  
22 centers, and private residences.
- 23          (8) 'Commission' means the North Carolina State Boxing Commission.
- 24          (9) 'Contest' means a boxing match in which the participants strive earnestly  
25 to win.
- 26          (10) 'Contestant' means any person who engages as a participant in a boxing  
27 match.
- 28          (11) 'Exhibition' means a boxing match where the participants display their  
29 boxing skills and technique without necessarily striving to win.
- 30          (12) 'Judge' means a person who has a vote in determining the winner of any  
31 match or contest.
- 32          (13) 'Kickboxer' means any person who engages as a participant in a  
33 kickboxing match.
- 34          (14) 'Kickboxing match' means a match in which the participants engage in  
35 martial arts fighting techniques using the hands and the feet, and where  
36 the object of the match is to win by decision, knockout (KO), or  
37 technical knockout (TKO).
- 38          (15) 'License' means any person, club, corporation, organization, or  
39 association to whom a license has been issued pursuant to the provisions  
40 of this Article.
- 41          (16) 'Manager' means any person and includes any officer, director,  
42 employee, or stockholder of a corporate manager who controls or  
43 administers the boxing affairs of any contestant, and who:

- 1 a. By contract, agreement, or other arrangement with any person  
2 undertakes or has undertaken to represent in any way the interest  
3 of the contestant in any professional boxing contest in which the  
4 boxer is to participate as a contestant, and is entitled under that  
5 contract, agreement, or arrangement to receive monetary or other  
6 compensation for his services, without regard to the sources of  
7 the compensation, except that the term 'manager' shall not be  
8 construed to mean any attorney licensed to practice in this State  
9 whose participation in the activities is restricted solely to his  
10 representing the interests of a professional boxer as his client;
- 11 b. Directs or controls the professional boxing activities of any  
12 professional boxer; or
- 13 c. Receives or is entitled to receive a percentage of the gross purse  
14 or gross income of any professional boxing contest.
- 15 (17) 'Match' means any boxing contest or exhibition, and includes any event,  
16 engagement, sparring or practice session, show or program where the  
17 public is admitted and in which there is intended to be physical contact,  
18 whether an exhibition or contest. This definition does not include  
19 training or practice sessions when no admission is charged.
- 20 (18) 'Matchmaker' means a person through whom matches are arranged for  
21 participants and who otherwise assists participants in procuring  
22 engagement dates for boxing.
- 23 (19) 'Natural person' means an individual.
- 24 (20) 'Participant' means any person who engages in a match or exhibition and  
25 performs as a boxer.
- 26 (21) 'Person' means an individual, group of individuals, business,  
27 corporation, partnership, or any other individual or collective entity.
- 28 (22) 'Physician' means an individual licensed to practice medicine in this  
29 State.
- 30 (23) 'Professional' means any person who has received or competed for any  
31 purse or other article or thing of value for participating in a boxing  
32 match.
- 33 (24) 'Promoter' means any person and includes any officer, director,  
34 employee, or stockholder of a corporate promoter who produces,  
35 arranges, stages, holds, or gives any match in North Carolina involving  
36 a professional participant or shows or causes to be shown in North  
37 Carolina a closed-circuit telecast of any match involving any  
38 professional participant whether or not the telecast originates in North  
39 Carolina.
- 40 (25) 'Referee' means the official who shall enter and remain in the ring for  
41 the duration of a match and shall enforce the rules and maintain order in  
42 the ring.

- 1           (26) 'Ring official' means any person who performs an official function for  
2 the duration of a match.
- 3           (27) 'Second' means any person who will work or be present in the corner of  
4 a participant for the duration of a match.
- 5           (28) 'Timekeeper' means any person who will operate the clock or watch for  
6 the duration of a match for the purpose of keeping the official time of  
7 the match.
- 8           (29) 'Ultimate warrior match' means a match where the participants use any  
9 combination of boxing, kicking, wrestling, hitting, punching, or other  
10 combative, contact techniques and which combination of techniques is  
11 not specifically authorized by and conducted pursuant to this Article.

12 **"§ 143-652. State Boxing Commission: creation; organization.**

13           (a) Creation. – The North Carolina State Boxing Commission is created within the  
14 Department of the Secretary of State to regulate boxing matches, whether professional or  
15 amateur, in North Carolina. The Commission shall consist of five voting members and  
16 two advisory members, appointed as follows:

- 17           (1) One voting member shall be appointed by the Governor for an initial  
18 term of two years;
- 19           (2) One voting member shall be appointed by the General Assembly upon  
20 the recommendation of the President Pro Tempore of the Senate for an  
21 initial term of one year, in accordance with G.S. 120-121;
- 22           (3) One voting member shall be appointed by the General Assembly upon  
23 the recommendation of the Speaker of the House of Representatives for  
24 an initial term of one year;
- 25           (4) Two voting members shall be appointed by the Secretary of State. One  
26 shall serve for an initial term of three years, and the other shall serve for  
27 an initial term of two years;
- 28           (5) One nonvoting advisory member shall be appointed by the General  
29 Assembly upon the recommendation of the Speaker of the House of  
30 Representatives for an initial term of one year, in accordance with G.S.  
31 120-121, from nominations made by the North Carolina Medical  
32 Society, which shall nominate two licensed physicians for the position;  
33 and
- 34           (6) One nonvoting advisory member shall be appointed by the General  
35 Assembly upon the recommendation of the President Pro Tempore of  
36 the Senate for an initial term of one year, in accordance with G.S. 120-  
37 121, from nominations made by the North Carolina Medical Society,  
38 which shall nominate two licensed physicians for the position.

39           The two nonvoting advisory members shall advise the Commission on matters  
40 concerning the health and physical condition of boxers and health issues relating to the  
41 conduct of exhibitions and boxing matches. They may prepare and submit to the  
42 Commission for its consideration and approval any rules that in its judgment will  
43 safeguard the physical welfare of all participants engaged in boxing.

1        Terms for all members of the Commission except for the initial appointments shall be  
2 for three years.

3        The Secretary of State shall designate which member of the Commission is to serve as  
4 chairman. A member of the Commission may be removed from office by the Secretary  
5 of State for cause. Each member before entering upon his duties shall take and subscribe  
6 an oath to perform the duties of his office faithfully, impartially, and justly to the best of  
7 his ability. A record of these oaths shall be filed in the Department of the Secretary of  
8 State.

9        (b) Vacancies. – Members shall serve until their successors are appointed and have  
10 been qualified. Any vacancy in the membership of the Commission shall be filled in the  
11 same manner as the original appointment. Vacancies for members appointed by the  
12 General Assembly shall be filled in accordance with G.S. 120-122. A vacancy in the  
13 membership of the Commission other than by expiration of term shall be filled for the  
14 unexpired term only.

15        (c) Meetings. – Meetings of the Commission shall be called by the chairman or by  
16 any two members of the Commission, and meetings shall be held at least quarterly. Any  
17 three members of the Commission shall constitute a quorum at any meeting. Action may  
18 be taken and motions and resolutions adopted by the Commission at any meeting by the  
19 affirmative vote of a majority of the members of the Commission present at a meeting at  
20 which a quorum exists. Any or all members may participate in a regular or special  
21 meeting by, or conduct the meeting through the use of, any means of communication by  
22 which all members participating may simultaneously hear each other during the meeting.  
23 A member participating in the meeting by this means is deemed to be present in person at  
24 the meeting.

25        (d) Civil Penalties. – The Commission may issue an order against a licensee or  
26 other person who willfully violates any provision of this Article, imposing a civil penalty  
27 of up to five thousand dollars (\$5,000) for a single violation or of up to twenty-five  
28 thousand dollars (\$25,000) for multiple violations in a single proceeding or a series of  
29 related proceedings. No order under this subsection may be entered without prior notice  
30 and an opportunity for a contested case hearing conducted pursuant to Article 3 of  
31 Chapter 150B of the General Statutes.

32        (e) Rule-Making Authority of the Commission. – The Commission shall have the  
33 exclusive authority to issue rules for the regulation of the conduct, promotion, and  
34 performances of boxing matches and exhibitions in this State and closed-circuit telecast  
35 of the events made in, into, or from this State. The rules shall be issued pursuant to the  
36 provisions of Chapter 150B of the General Statutes and may include, without limitation,  
37 the following subjects:

- 38            (1) Requirements for issuance of licenses and permits required by this  
39            Article;
- 40            (2) Regulation of ticket sales;
- 41            (3) Physical requirements for contestants, including classification by weight  
42            and skill;

- 1           (4) Supervision of matches and exhibitions by licensed physicians and  
2           referees;
- 3           (5) Collection and payment of gross receipts taxes;
- 4           (6) Insurance and bonding requirements;
- 5           (7) Compensation of participants and licensees;
- 6           (8) Contracts and financial arrangements;
- 7           (9) Prohibition of dishonest, unethical, and injurious practices; and
- 8           (10) Facilities.

9           (f) Enforcement. – For purposes of enforcing this section, the Department of the  
10 Secretary of State's law enforcement agents have statewide jurisdiction. These law  
11 enforcement agents may assist local law enforcement agencies in their investigations and  
12 may initiate and carry out, in coordination with local law enforcement agencies,  
13 investigations of violations of this Article. These law enforcement agents have all the  
14 powers and authority of law enforcement officers when executing arrest warrants.

15           (g) The Secretary of State may refer any available evidence concerning violations  
16 of this Article to the proper district attorney, who may, with or without such a reference,  
17 institute the appropriate criminal proceedings.

18           The attorneys employed by the Secretary of State shall be available to prosecute or  
19 assist in the prosecution of criminal cases when requested to do so by a district attorney  
20 and the Secretary of State approves.

21           (h) Compensation. – None of the members of the Commission shall receive  
22 compensation for serving on the Commission. However, members of the Commission  
23 may be reimbursed for their expenses in accordance with the provisions of Chapter 138  
24 of the General Statutes.

25           (i) Executive Director. – The Secretary of State shall appoint an executive director  
26 for the State Boxing Commission chosen from a list of nominees submitted to him by the  
27 Commission. The executive director shall be responsible to and serve at the pleasure of  
28 the Secretary of State. The executive director shall perform any duties described in the  
29 administrative rules adopted by the Commission. The Secretary of State shall provide  
30 such staff assistance as the Commission may require. Commission expenses, including  
31 salaries for the executive director, other staff members, and administrative expenses, shall  
32 be funded from monies collected pursuant to the provisions of this Article.

33           (j) State Boxing Commission Revenue Fund. – There is created a special fund to  
34 be known as the State Boxing Commission Revenue Fund. Monies collected pursuant to  
35 the provisions of this Article shall be deposited into the fund and applied to the  
36 administration of the Article.

37 **"§ 143-653. Ultimate warrior matches prohibited.**

38           (a) Ultimate warrior matches, whether the participants are professionals or  
39 amateurs, are prohibited. No person shall promote, conduct, or engage in ultimate  
40 warrior matches. This section shall not preclude boxing and kickboxing as regulated in  
41 this Article or professional wrestling.

42           (b) Any person violating this section shall be guilty of a Class 2 misdemeanor  
43 punishable as provided by law. The Commission may also impose a civil penalty in an

1 amount not to exceed five thousand dollars (\$5,000) for each separate violation of this  
2 section.

3 **"§ 143-654. Licensing and permitting.**

4 (a) The Commission has the exclusive authority to issue, deny, suspend, or revoke  
5 any license or permit provided for in this Article.

6 (b) It is unlawful for any person to act in this State as an announcer, contestant,  
7 judge, manager, matchmaker, promoter, referee, timekeeper, or second unless he is  
8 licensed to do so under this Article.

9 (c) A license for an announcer, contestant, judge, matchmaker, referee,  
10 timekeeper, or second shall be issued only to a natural person. A natural person shall not  
11 transfer or assign his license or change it into another name. A license for a manager or  
12 promoter may be issued to a corporation or partnership; provided, however, that all  
13 officers or partners shall submit an application for individual licensure, and only those  
14 officers or partners who are licensed shall be entitled to negotiate or sign contracts. The  
15 addition of a new officer or partner during the license period shall necessitate the filing of  
16 an application for individual licensure by the new officer or partner.

17 (d) Any applicant for a license under this Article shall file with the Commission  
18 the appropriate nonrefundable fee, and any forms, documents, medical examinations, or  
19 exhibits as the Commission may require in order to properly administer this Article. The  
20 information requested shall include the date of birth and social security number of each  
21 applicant as well as any other personal data necessary to positively identify the applicant  
22 and may include the requirement of verification of any documents the Commission  
23 deems appropriate. A person may not participate under a fictitious or assumed name in  
24 any match unless he has first registered the name with the Commission.

25 (e) The Commission shall collect the following license fees:

26 Announcer \$50.00

27 Contestant \$25.00

28 Judge \$50.00

29 Manager \$100.00

30 Matchmaker \$200.00

31 Promoter \$300.00

32 Referee \$50.00

33 Timekeeper \$50.00

34 Second \$25.00.

35 (f) An applicant for a promoter's license must submit, in addition to any other  
36 forms, documents, or exhibits, a surety bond in an amount to be no less than five  
37 thousand dollars (\$5,000). The Commission may also require an additional surety bond  
38 be filed when the projected liability for the taxes specified in G.S. 143-656 for any match  
39 could exceed five thousand dollars (\$5,000) or a base amount set by the Commission.  
40 The amount of the surety bond shall be negotiable upon the sole discretion of the  
41 Commission or executive director.

42 (g) All surety bonds shall be upon forms approved by the Secretary of State and  
43 supplied by the Commission.

1       (h) It is unlawful for any person to hold a boxing match or exhibition to be held in  
2 this State or act as promoter of a closed-circuit telecast unless the person first applies for  
3 a permit for each match or exhibition or telecast on forms provided by the Commission.  
4 The Commission must issue a permit before any match or exhibition or telecast can be  
5 lawfully held or telecast. The Commission shall set the requirements and standards for  
6 the issuance of the permits.

7       (i) A willful violation of this section shall constitute a Class 2 misdemeanor.

8 **"§ 143-655. Contracts and financial arrangements.**

9       (a) Any contract between a boxer and any other licensee, any contract involving a  
10 boxing match or exhibition held or to be held in this State, and any contract involving the  
11 broadcast or telecast by radio, television, or motion picture of matches which originate in  
12 North Carolina or are telecast via closed circuit, including pay-per-view, in, from, or into  
13 North Carolina must meet the requirements of administrative rules as set forth by the  
14 Commission. Any contract which does not satisfy the requirements of the administrative  
15 rules shall be void and unenforceable. All contracts shall be in writing.

16       (b) Whenever it appears to the Commission that any person has engaged or is  
17 about to engage in any act or practice constituting a violation of any provision of this  
18 section or any rule or order hereunder, the Commission may in its discretion bring an  
19 action in any court of competent jurisdiction to enjoin those acts or practices and to  
20 enforce compliance with this Article or any rule or order issued pursuant to this Article.

21       (c) A willful violation of this section shall constitute a Class 2 misdemeanor.

22 **"§ 143-656. Gross receipts; closed-circuit television.**

23       (a) The promoter of a boxing match or exhibition in this State or closed-circuit  
24 telecast of a boxing match or exhibition from, in, or into this State shall collect and pay  
25 six percent (6%) of the total gross receipts from ticket sales and closed-circuit telecast  
26 sales in North Carolina to the event, exclusive of any federal, State, or local taxes, to the  
27 State Boxing Commission Revenue Fund.

28       (b) Within 15 calendar days following a boxing match or exhibition held in this  
29 State or the closed-circuit telecast of a boxing match or exhibition from, in, or into this  
30 State, the promoter of the event shall file with the Commission a written report, on a form  
31 prescribed by the Commission, identifying the date and location of the event, the name of  
32 the promoter of the event, and the gross receipts from sales in North Carolina of tickets to  
33 the event or from closed-circuit telecast sales. The promoter shall deliver to the  
34 Commission along with the report the gross receipts tax collected pursuant to subsection  
35 (a) of this section. The Commission shall require the cable system operator to file reports  
36 containing information regarding the number of orders sold, the price charged for such  
37 orders, and such other information as the Commission deems appropriate. The promoter  
38 shall be liable to the Commission for the payment of the tax on orders sold; however,  
39 nothing in this Article is deemed to prohibit the collection of the tax by the cable system  
40 operator acting as agent for the promoter. The Commission shall provide the promoter a  
41 report detailing the number of orders and the tax payment due.

42       (c) Any promoter, facility owner or operator, or cable system operator who  
43 willfully makes a false and fraudulent report under this section is guilty of perjury and,



1 upon conviction, is subject to punishment as provided by law. Any promoter, facility  
2 owner or operator, or cable system operator who willfully fails or refuses to make a  
3 report or to collect and pay over the taxes required by subsection (a) of this section or  
4 who refuses to permit the Commission to examine the books and records relating to any  
5 boxing match or exhibition or closed-circuit telecast is guilty of a Class 2 misdemeanor.

6 (d) No closed-circuit telecast of a boxing match or exhibition shall be made in,  
7 into, or from this State except under the direction and control of a promoter licensed by  
8 the Commission.

9 (e) The Commission, by rule, shall establish procedures for the payment of taxes  
10 and filing of reports and shall prescribe penalties for late filing of reports and late  
11 payment of taxes.

12 **"§ 143-657. Kickboxing.**

13 In addition to the other applicable provisions of this Article, a kickboxing match shall  
14 be conducted pursuant to the rules and regulations in effect for the Professional Karate  
15 Association, the International Sport Karate Association, or for any other professional  
16 organizations approved by the Commission."

17 Sec. 2. This act becomes effective January 1, 1996.