

**Senator Ed Mayne** proposes the following substitute bill:

**PETE SUAZO UTAH ATHLETIC COMMISSION**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ed Mayne**

House Sponsor: Gregory H. Hughes

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**LONG TITLE**

**General Description:**

This bill modifies Title 13, Commerce and Trade, regarding the functions of the Pete Suazo Utah Athletic Commission.

**Highlighted Provisions:**

This bill:

- ▶ removes the provision that requires ringside physician applicants to pay a registration fee;
  - ▶ removes the provision that allows the Pete Suazo Utah Athletic Commission to issue licenses in the classification of security guard;
  - ▶ requires monies collected by the commission to be deposited in the General Fund;
- and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 13-33-102, as last amended by Chapter 72, Laws of Utah 2006

27 13-33-202, as last amended by Chapter 72, Laws of Utah 2006

28 13-33-301, as last amended by Chapter 72, Laws of Utah 2006

29 13-33-406, as enacted by Chapter 72, Laws of Utah 2006



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section 13-33-102 is amended to read:

33 **13-33-102. Definitions.**

34 As used in this chapter:

35 (1) "Bodily injury" is as defined in Section 76-1-601.

36 (2) "Boxing" means the sport of attack and defense using the fist, covered by an  
37 approved boxing glove.

38 (3) "Club fighting" means any contest of unarmed combat, whether admission is  
39 charged or not, where:

40 (a) the rules of the contest are not approved by the commission;

41 (b) a licensed physician or osteopath is not in attendance;

42 (c) an HIV negative test regarding each contestant not less than 180 days before the  
43 contest has not been provided to the commission;

44 (d) the contest is not conducted in accordance with commission rules; or

45 (e) the contestants are not matched by the weight standards described in Section  
46 13-33-507.

47 (4) "Commission" means the Pete Suazo Utah Athletic Commission created in this  
48 chapter.

49 (5) "Contest" means a live match, performance, or exhibition involving two or more  
50 persons engaged in unarmed combat.

51 (6) "Contestant" means an individual who participates in a contest.

52 (7) "Department" means the Department of Commerce.

53 (8) "Designated commission member" means a member of the commission designated  
54 to:

55 (a) attend and supervise a particular contest; and

56 (b) act on the behalf of the commission at a contest venue.

- 57 (9) "Elimination boxing contest" means~~[(a)]~~ a contest where:
- 58 (a) a number of contestants participate in a tournament;
- 59 (b) ~~[over a period of time not exceeding]~~ the duration is not more than 48 hours; and
- 60 (c) the loser of each contest is eliminated from further competition.
- 61 (10) "Executive director" means the executive director of the Department of
- 62 Commerce.
- 63 (11) "Exhibition" means an engagement in which the participants show or display their
- 64 skills without necessarily striving to win.
- 65 (12) "Judge" means an individual qualified by training or experience to:
- 66 (a) rate the performance of contestants;
- 67 (b) score a contest; and
- 68 (c) determine with other judges whether there is a winner of the contest or whether the
- 69 contestants performed equally resulting in a draw.
- 70 (13) "Licensee" means an individual licensed by the commission to act as a:
- 71 (a) contestant;
- 72 (b) judge;
- 73 (c) manager;
- 74 (d) promoter;
- 75 (e) referee; or
- 76 (f) second~~[-or]~~;
- 77 ~~[(g) security guard.]~~
- 78 (14) "Manager" means an individual who represents a contestant for the purposes of:
- 79 (a) obtaining a contest for a contestant;
- 80 (b) negotiating terms and conditions of the contract under which the contestant will
- 81 engage in a contest; or
- 82 (c) arranging for a second for the contestant at a contest.
- 83 (15) "Promoter" means a person who engages in producing or staging contests and
- 84 promotions.
- 85 (16) "Promotion" means a single contest or a combination of contests that:
- 86 (a) occur during the same time and at the same location; and ~~[that]~~
- 87 (b) is produced or staged by a promoter.

88 (17) "Purse" means any money, prize, remuneration, or any other valuable  
89 consideration a contestant receives or may receive for participation in a contest.

90 (18) "Referee" means an individual qualified by training or experience to act as the  
91 official attending a contest at the point of contact between contestants for the purpose of:

92 (a) enforcing the rules relating to the contest;

93 (b) stopping the contest in the event the health, safety, and welfare of a contestant or  
94 any other person in attendance at the contest is in jeopardy; and

95 (c) to act as a judge if so designated by the commission.

96 (19) "Round" means one of a number of individual time periods that, taken together,  
97 constitute a contest during which contestants are engaged in a form of unarmed combat.

98 (20) "Second" means an individual who attends a contestant at the site of the contest  
99 before, during, and after the contest in accordance with contest rules.

100 (21) "Secretary" means the secretary of the Pete Suazo Utah Athletic Commission.

101 (22) "Serious bodily injury" is as defined in Section 76-1-601.

102 (23) "Total gross receipts" means the amount of the face value of all tickets sold to a  
103 particular contest plus any sums received as consideration for holding the contest at a particular  
104 location.

105 (24) "Ultimate fighting" means a live contest, whether or not an admission fee is  
106 charged in which:

107 (a) contest rules permit contestants to use a combination of boxing, kicking, wrestling,  
108 hitting, punching, or other combative[?] contact techniques;

109 (b) contest rules incorporate a formalized system of combative techniques against  
110 which a contestant's performance is judged to determine the prevailing contestant;

111 (c) contest rules divide nonchampionship contests into three equal and specified rounds  
112 of no more than five minutes per round with a rest period of one minute between each round;

113 (d) contest rules divide championship contests into five equal and specified rounds of  
114 no more than five minutes per round with a rest period of one minute between each round; and

115 (e) contest rules prohibit contestants from:

116 (i) using anything that is not part of the human body, except for boxing gloves, to  
117 intentionally inflict serious bodily injury upon an opponent through direct contact or the  
118 expulsion of a projectile;

- 119 (ii) striking a person who demonstrates an inability to protect himself from the  
120 advances of an opponent;
- 121 (iii) biting; or
- 122 (iv) direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of  
123 the neck, and temple area of the head.
- 124 (25) (a) "Unarmed combat" means boxing or any other form of competition in which a  
125 blow is usually struck which may reasonably be expected to inflict bodily injury.
- 126 (b) "Unarmed combat" does not include a competition or exhibition between  
127 participants in which the participants engage in simulated combat for entertainment purposes.
- 128 (26) "Unlawful conduct" means organizing, promoting, or participating in a contest  
129 which involves contestants that are not licensed under this chapter.
- 130 (27) "Unprofessional conduct" means:
- 131 (a) entering into a contract for a contest in bad faith;
- 132 (b) participating in any sham or fake contest;
- 133 (c) participating in a contest pursuant to a collusive understanding or agreement in  
134 which the contestant competes in or terminates the contest in a manner that is not based upon  
135 honest competition or the honest exhibition of the skill of the contestant;
- 136 (d) engaging in an act or conduct that is detrimental to a contest, including any foul or  
137 unsportsmanlike conduct in connection with a contest;
- 138 (e) failing to comply with any limitation, restriction, or condition placed on a license;
- 139 (f) striking of a downed opponent by a contestant while the contestant remains on the  
140 contestant's feet unless the commission, following a hearing conducted under Subsection  
141 13-33-404(3) and before the contest, has exempted the contest and each contestant from this  
142 Subsection (27)(f);
- 143 (g) after entering the ring or contest area, penetrating an area within four feet of an  
144 opponent by a contestant, manager or second before the commencement of the contest; or
- 145 (h) as further defined by rule by the commission under Title 63, Chapter 46a, Utah  
146 Administrative Rulemaking Act.
- 147 Section 2. Section **13-33-202** is amended to read:
- 148 **13-33-202. Commission powers and duties.**
- 149 (1) The commission shall:

- 150 (a) purchase and use a seal;
- 151 (b) adopt rules for the administration of this chapter in accordance with Title 63,  
152 Chapter 46a, Utah Administrative Rulemaking Act;
- 153 (c) prepare all forms of contracts between sponsors, licensees, promoters, and  
154 contestants; and
- 155 (d) hold hearings relating to matters under its jurisdiction, including violations of this  
156 chapter or rules promulgated under this chapter.
- 157 (2) The commission may subpoena witnesses, take evidence, and require the  
158 production of books, papers, documents, records, contracts, recordings, tapes, correspondence,  
159 or other information relevant to an investigation if the commission or its designee considers it  
160 necessary.
- 161 (3) (a) The commission shall maintain a list of ringside physicians registered with the  
162 commission as approved to act as a ringside physician and meeting the requirements of  
163 Subsection (3)(c).
- 164 (b) The commission shall appoint a registered ringside physician to perform the duties  
165 of a ringside physician at each contest held pursuant to this chapter.
- 166 (c) An applicant for registration as a ringside physician shall:
- 167 (i) submit an application for registration;
- 168 [~~(ii) pay a fee determined by the commission under Section 63-38-3.2;~~]
- 169 [~~(iii)~~] (ii) provide the commission with evidence of the applicant's licensure to practice  
170 medicine in the state; and
- 171 [~~(iv)~~] (iii) satisfy minimum qualifications established by the department by rule as  
172 authorized under Subsection 13-33-202(1)(b).
- 173 Section 3. Section **13-33-301** is amended to read:
- 174 **13-33-301. Licensing.**
- 175 (1) A license is required for a person to act as or to represent that the person is a:
- 176 (a) promoter;
- 177 (b) manager;
- 178 (c) contestant;
- 179 (d) second;
- 180 (e) referee; or

181 (f) judge[~~;~~or].  
182 [~~(g) security guard.~~]

183 (2) The commission shall issue to a person who qualifies under this chapter a license in  
184 the classifications of:

- 185 (a) promoter;
- 186 (b) manager;
- 187 (c) contestant;
- 188 (d) second;
- 189 (e) referee; or
- 190 (f) judge[~~;~~or].
- 191 [~~(g) security guard.~~]

192 (3) All moneys collected pursuant to this section and Sections 13-33-304, 13-33-403,  
193 and 13-33-504 shall be deposited in the Commerce Service Fund.

194 (4) Each applicant for licensure as a promoter shall:

- 195 (a) submit an application in a form prescribed by the commission;
- 196 (b) pay the fee determined by the department under Section 63-38-3.2;
- 197 (c) provide to the commission evidence of financial responsibility, which shall include  
198 financial statements and other information that the commission may reasonably require to  
199 determine that the applicant or licensee is able to competently perform as and meet the  
200 obligations of a promoter in this state;

201 (d) produce information, documentation, and assurances as may be required to  
202 establish by a preponderance of the evidence the applicant's reputation for good character,  
203 honesty, integrity, and responsibility, which shall include information, documentation, and  
204 assurances that the applicant:

205 (i) has not and at the time of application is not associating or consorting with a person  
206 engaging in illegal activity to the extent that the association or consorting represents a threat to  
207 the conduct of contests in the public's interest within the state, or a threat to the health, safety,  
208 and welfare of the applicant or a licensed contestant;

209 (ii) has not been convicted of a crime in any jurisdiction which the commission  
210 determines by the nature of the crime and circumstances surrounding the crime should  
211 disqualify the applicant from licensure in the public interest;

212 (iii) is not associating or consorting with a person who has been convicted of a felony  
213 in any jurisdiction to the extent that the association or consorting represents a threat to the  
214 conduct of contests in the public's interest within the state, or a threat to the health, safety, and  
215 welfare of the applicant or a licensed contestant;

216 (iv) is not associating or consorting with a person engaging in illegal gambling or  
217 similar pursuits to the extent that the association or consorting represents a threat to the  
218 conduct of contests in the public's interest within the state, or a threat to the health, safety, and  
219 welfare of the applicant or a licensed contestant;

220 (v) is not engaging in illegal gambling with respect to sporting events or gambling with  
221 respect to the promotions the applicant is promoting;

222 (vi) has not been found in an administrative, criminal, or civil proceeding to have  
223 engaged in or attempted to engage in any fraud or misrepresentation in connection with a  
224 contest or any other sporting event; and

225 (vii) has not been found in an administrative, criminal, or civil proceeding to have  
226 violated or attempted to violate any law with respect to a contest in any jurisdiction or any law,  
227 rule, or order relating to the regulation of contests in this state or any other jurisdiction;

228 (e) acknowledge in writing to the commission receipt, understanding, and intent to  
229 comply with this chapter and the rules made under this chapter; and

230 (f) if requested by the commission or the secretary, meet with the commission or the  
231 secretary to examine the applicant's qualifications for licensure.

232 (5) Each applicant for licensure as a contestant shall:

233 (a) be not less than 18 years of age at the time the application is submitted to the  
234 commission;

235 (b) submit an application in a form prescribed by the commission;

236 (c) pay the fee established by the department under Section 63-38-3.2;

237 (d) provide a certificate of physical examination, dated not more than 60 days prior to  
238 the date of application for license, in a form provided by the commission, completed by a  
239 licensed physician and surgeon certifying that the applicant is free from any physical or mental  
240 condition that indicates the applicant should not engage in activity as a contestant;

241 (e) provide the commission with an accurate history of all matches that the applicant  
242 has engaged in since becoming a contestant, including information on whether the applicant

243 won or lost each contest, and the matches in which there was a knockout or technical knockout;

244 (f) produce information, documentation, and assurances as may be required to establish  
245 by a preponderance of the evidence the applicant's reputation for good character, honesty,  
246 integrity, and responsibility, which shall include information, documentation, and assurances  
247 that the applicant:

248 (i) has not and at the time of application is not associating or consorting with a person  
249 engaging in illegal activity to the extent that the association or consorting represents a threat to  
250 the conduct of contests in the public's interest within the state, or a threat to the health, safety,  
251 and welfare of the applicant or a licensed contestant;

252 (ii) has not been convicted of a crime in any jurisdiction which the commission  
253 determines by the nature of the crime and circumstances surrounding that crime should  
254 disqualify the applicant from licensure in the public interest;

255 (iii) is not associating or consorting with any person who has been convicted of a  
256 felony in any jurisdiction to the degree that the commission finds that the association or  
257 consorting represents a threat to the conduct of contests in the public's interest within the state,  
258 or a threat to the health, safety, and welfare of the applicant or a licensed contestant;

259 (iv) is not associating or consorting with a person engaging in illegal gambling or  
260 similar pursuits or a person gambling with respect to the promotion for which the applicant is  
261 receiving a license to the extent that the association or consorting represents a threat to the  
262 conduct of contests in the public's interest within the state, or a threat to the health, safety, and  
263 welfare of the applicant or a licensed contestant;

264 (v) is not engaging in illegal gambling with respect to sporting events or gambling with  
265 respect to a contest in which the applicant will participate;

266 (vi) has not been found in an administrative, criminal, or civil proceeding to have  
267 engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a  
268 contest or any other sporting event; and

269 (vii) has not been found in an administrative, criminal, or civil proceeding to have  
270 violated or attempted to violate any law with respect to contests in any jurisdiction or any law,  
271 rule, or order relating to the regulation of contests in this state or any other jurisdiction;

272 (g) acknowledge in writing to the commission receipt, understanding, and intent to  
273 comply with this chapter and the rules made under this chapter; and

274 (h) if requested by the commission or the secretary, meet with the commission or the  
275 secretary to examine the applicant's qualifications for licensure.

276 (6) Each applicant for licensure as a manager or second shall:

277 (a) submit an application in a form prescribed by the commission;

278 (b) pay a fee determined by the department under Section 63-38-3.2;

279 (c) produce information, documentation, and assurances as may be required to  
280 establish by a preponderance of the evidence the applicant's reputation for good character,  
281 honesty, integrity, and responsibility, which shall include information, documentation, and  
282 assurances that the applicant:

283 (i) has not and at the time of application is not associating or consorting with a person  
284 engaging in illegal activity to the extent that the association or consorting represents a threat to  
285 the conduct of contests in the public's interest within the state, or a threat to the health, safety,  
286 and welfare of the applicant or a licensed contestant;

287 (ii) has not been convicted of a crime in any jurisdiction which the commission  
288 determines by the nature of the crime and circumstances surrounding that crime should  
289 disqualify the applicant from licensure in the public interest;

290 (iii) is not associating or consorting with any person who has been convicted of a  
291 felony in any jurisdiction to the degree that the commission finds that the association or  
292 consorting represents a threat to the conduct of contests in the public's interest within the state,  
293 or a threat to the health, safety, and welfare of the applicant or a licensed contestant;

294 (iv) is not associating or consorting with a person engaging in illegal gambling or  
295 similar pursuits or a person gambling with respect to the promotion for which the applicant is  
296 receiving a license to the extent that the association or consorting represents a threat to the  
297 conduct of contests in the public's interest within the state, or a threat to the health, safety, and  
298 welfare of the applicant or a licensed contestant;

299 (v) is not engaging in illegal gambling with respect to sporting events or gambling with  
300 respect to a contest in which the applicant is participating;

301 (vi) has not been found in an administrative, criminal, or civil proceeding to have  
302 engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a  
303 contest or any other sporting event; and

304 (vii) has not been found in an administrative, criminal, or civil proceeding to have

305 violated or attempted to violate any law with respect to a contest in any jurisdiction or any law,  
306 rule, or order relating to the regulation of contests in this state or any other jurisdiction;

307 (d) acknowledge in writing to the commission receipt, understanding, and intent to  
308 comply with this chapter and the rules made under this chapter; and

309 (e) if requested by the commission or secretary, meet with the commission or the  
310 secretary to examine the applicant's qualifications for licensure.

311 (7) Each applicant for licensure as a referee or judge shall:

312 (a) submit an application in a form prescribed by the commission;

313 (b) pay a fee determined by the department under Section 63-38-3.2;

314 (c) produce information, documentation, and assurances as may be required to  
315 establish by a preponderance of the evidence the applicant's reputation for good character,  
316 honesty, integrity, and responsibility, which shall include information, documentation, and  
317 assurances that the applicant:

318 (i) has not and at the time of application is not associating or consorting with a person  
319 engaging in illegal activity to the extent that the association or consorting represents a threat to  
320 the conduct of contests in the public's interest within the state, or a threat to the health, safety,  
321 and welfare of the applicant or a licensed contestant;

322 (ii) has not been convicted of a crime in any jurisdiction which the commission  
323 determines by the nature of the crime and circumstances surrounding the crime should  
324 disqualify the applicant from licensure in the public interest;

325 (iii) is not associating or consorting with any person who has been convicted of a  
326 felony in any jurisdiction to the extent that the association or consorting represents a threat to  
327 the conduct of contests in the public's interest within the state, or a threat to the health, safety,  
328 and welfare of the applicant or a licensed contestant;

329 (iv) is not associating or consorting with a person engaging in illegal gambling or  
330 similar pursuits or a person gambling with respect to the promotion for which the applicant is  
331 receiving a license to the extent that the association or consorting represents a threat to the  
332 conduct of contests in the public's interest within the state, or a threat to the health, safety, and  
333 welfare of the applicant or a licensed contestant;

334 (v) is not engaging in illegal gambling with respect to sporting events or gambling with  
335 respect to a contest in which the applicant is participating;

336 (vi) has not been found in an administrative, criminal, or civil proceeding to have  
337 engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a  
338 contest or any other sporting event; and

339 (vii) has not been found in an administrative, criminal, or civil proceeding to have  
340 violated or attempted to violate any law with respect to contests in any jurisdiction or any law,  
341 rule, or order relating to the regulation of contests in this state or any other jurisdiction;

342 (d) acknowledge in writing to the commission receipt, understanding, and intent to  
343 comply with this chapter and the rules made under this chapter;

344 (e) provide evidence satisfactory to the commission that the applicant is qualified by  
345 training and experience to competently act as a referee or judge in a contest; and

346 (f) if requested by the commission or the secretary, meet with the commission or the  
347 secretary to examine the applicant's qualifications for licensure.

348 [~~(8) Each applicant for licensure as a security guard shall:~~]

349 [~~(a) submit an application in a form prescribed by the commission;~~]

350 [~~(b) pay the fee determined by the department under Section 63-38-3.2; and]~~

351 [~~(c) provide the commission with evidence of the applicant's qualifications as a  
352 security guard.]~~

353 [~~(9)~~] (8) (a) A licensee serves at the pleasure, and under the direction, of the  
354 commission while participating in any way at a contest.

355 (b) A licensee's license may be suspended, or a fine imposed, if the licensee does not  
356 follow the commission's direction at an event or contest.

357 Section 4. Section ~~13-33-406~~ is amended to read:

358 **13-33-406. Contests.**

359 (1) Except as provided in Section 13-33-508, a licensee may not participate in:

360 (a) a boxing contest as a contestant if that person has participated in another boxing  
361 contest as a contestant within 30 days before the proposed boxing contest; or

362 (b) an ultimate fighting contest as a contestant if that person has participated in another  
363 ultimate fighting contest as a contestant within six days before the proposed ultimate fighting  
364 contest.

365 (2) Subsection (1) applies regardless of where the previous boxing contest occurred.

366 (3) During the period of time beginning 60 minutes before the beginning of a contest,

367 the promoter shall demonstrate the promoter's compliance with the commission's security  
368 requirements to all commission members present at the contest.

369 ~~[(4) A venue at which a contest is to be held that has the capacity to host more than~~  
370 ~~5,000 people need not have commission licensed security guards to provide security at a~~  
371 ~~contest.]~~

372 [(5)] (4) The commission shall establish fees in accordance with Section 63-38-3.2 to  
373 be paid by a promoter for the conduct of each contest or event composed of multiple contests  
374 conducted under this chapter.

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**S.B. 162 1st Sub. (Green) - Pete Suazo Utah Athletic Commission**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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