

1 **UTAH BOXING FUND**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Pete Suazo**

5 AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; REQUIRING A PERMIT TO  
6 TELECAST A BOXING EVENT VIA CLOSED-CIRCUIT OR PAY-PER-VIEW TELEVISION;  
7 LEVYING A TAX ON THE PURCHASE OF CLOSED-CIRCUIT AND PAY-PER-VIEW  
8 BOXING EVENTS; CREATING THE UTAH BOXING FUND; ALLOCATING REVENUES  
9 FROM THE CLOSED-CIRCUIT AND PAY-PER-VIEW BOXING TAX TO THE UTAH  
10 BOXING FUND; GRANTING RULEMAKING AUTHORITY TO THE DIVISION OF  
11 OCCUPATIONAL AND PROFESSIONAL LICENSING TO REGULATE DISTRIBUTION OF  
12 MONIES FROM THE UTAH BOXING FUND; CHANGING THE RENEWAL CYCLE FOR  
13 LICENSURE TO A TWO-YEAR RENEWAL CYCLE; AND MAKING TECHNICAL  
14 CHANGES.

15 This act affects sections of Utah Code Annotated 1953 as follows:

16 AMENDS:

17 **58-66-102**, as last amended by Chapter 208, Laws of Utah 1998

18 **58-66-301**, as enacted by Chapter 11, Laws of Utah 1995

19 **58-66-302**, as enacted by Chapter 11, Laws of Utah 1995

20 ENACTS:

21 **58-66-701**, Utah Code Annotated 1953

22 **58-66-702**, Utah Code Annotated 1953

23 **58-66-703**, Utah Code Annotated 1953

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

25 Section 1. Section **58-66-102** is amended to read:

26 **58-66-102. Definitions.**

27 In addition to the definitions in Section 58-1-102, as used in this chapter:

28 (1) "Bodily injury" means as defined in Section 76-1-601.

29 (2) "Cable or satellite system operator" means any person who makes available or provides  
30 its customers a pay-per-view telecast.

31 (3) "Closed-circuit telecast" means the offer to telecast via television, cable television,  
32 satellite television, or pay-per-view an event for public viewing or for viewing in private  
33 residences by a person or business, including an arena, convention or meeting center, restaurant,  
34 bar, hotel, club, or organization, which has acquired telecast rights for the event by paying a  
35 licensing or contractual fee where the event is not intended to be available for viewing without the  
36 payment of a fee for the privilege of viewing the telecast, collected for or based upon each event  
37 viewed, and includes a pay-per-view telecast.

38 [~~(2)~~] (4) "Commission" means the Utah Boxing Commission established under Section  
39 58-66-201.

40 [~~(3)-(a)~~] (5) "Contest" means:

41 [~~(i)~~] (a) a live boxing contest, match, performance, sparring match, or exhibition  
42 demonstrating the skill and ability of professional contestants when an admission fee is charged  
43 or that is telecast, televised, or broadcast to the public in any manner, including television, radio,  
44 transmission via a cable television system, microwave, closed circuit, satellite, fiber optic link, or  
45 any other method of distribution; or

46 [~~(ii)~~] (b) a tough man contest as defined in Subsection [~~(15)~~] (19).

47 [~~(b)~~] "~~Contest~~" does not include a boxing contest, match, performance, sparring match, or  
48 exhibition staged outside the state that is telecast, televised, or broadcast as a "pay-per-view  
49 telecast," closed circuit or otherwise, that is not intended to be available for viewing without the  
50 payment of a fee for the privilege of viewing the telecast, collected for or based upon each event  
51 viewed.];

52 [~~(8)~~ "~~Promoter~~] (6) "Contest promoter or "promoter" means a person who engages in  
53 producing or staging professional contests and promotions.

54 [~~(4)~~] (7) "Exhibition" means an engagement in which the participants show or display their  
55 skills without necessarily striving to win.

56 [~~(5)~~] (8) "Judge" means an individual qualified by training or experience to:

57 (a) rate the performance of professional contestants;

58 (b) score a contest; and

59 (c) determine with other judges whether there is a winner of the contest or whether the  
60 professional contestants performed equally resulting in a draw.

61 ~~[(6)]~~ (9) "Manager" means an individual who represents a professional contestant for the  
62 purposes of obtaining matches, negotiating terms and conditions of the contract under which the  
63 professional contestant will engage in a contest, or arranging for a second for the professional  
64 contestant at a contest.

65 (10) "Pay-per-view telecast" means a telecast offered by a cable or satellite television  
66 company to subscribers at a cost in addition to the monthly cable or satellite television subscription  
67 rate.

68 ~~[(7)]~~ (11) "Professional contestant" means an individual who participates in a contest for  
69 a cash purse in any amount or for a noncash purse with more than nominal value as defined by  
70 rule.

71 ~~[(9)]~~ (12) "Promotion" means a single contest or a combination of contests that occur  
72 during the same time at the same location and that is produced or staged by a promoter.

73 ~~[(10)]~~ (13) (a) "Purse" means any money, prize, remuneration, or any other valuable  
74 consideration a professional contestant receives or may receive for participation in a contest.

75 (b) "Purse" does not mean a trophy, medal, or similar object of nominal value as defined  
76 by rule that is received for participation in a contest.

77 ~~[(11)]~~ (14) "Referee" means an individual qualified by training or experience to act as the  
78 official attending a professional contest at the point of contact between professional contestants  
79 for the purpose of:

80 (a) enforcing the rules relating to the professional contest;

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

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

84 ~~[(12)]~~ (15) "Second" means an individual who attends a professional contestant at the site  
85 of the contest before, during, and after the contest in accordance with contest rules.

86 ~~[(13)]~~ (16) "Serious bodily injury" means as defined in Section 76-1-601.

87 (17) (a) "Telecast promoter" means a promoter who shows or allows another to show a  
88 closed-circuit telecast of any professional boxing contest or exhibition in this state, whether or not  
89 the contest or exhibition takes place in this state.

90 (b) "Telecast promoter" does not include a cable or satellite system operator.

91 [~~(14)~~] (18) "Total gross receipts" means:

92 (a) with respect to a contest, the amount of the face value of all tickets sold to a particular  
93 contest plus any sums received as consideration for holding the contest at a particular location; and

94 (b) with respect to a telecast, the total amount charged for the right to receive and view the  
95 telecast.

96 [~~(15)~~] (19) "Tough man contest" means a contest in which tough man contestants compete.

97 [~~(16)~~] (20) "Tough man contestant" means a person who:

98 (a) participates in a contest for a cash purse in any amount or for a noncash purse with  
99 more than nominal value as defined by rule; and

100 (b) is not licensed as a professional contestant in any state.

101 [~~(17)~~] (21) "Ultimate fighting match" means a live match in which:

102 (a) an admission fee is charged;

103 (b) match rules permit professional contestants to use a combination of boxing, kicking,  
104 wrestling, hitting, punching, or other combative, contact techniques; and

105 (c) match rules do not:

106 (i) incorporate a formalized system of combative techniques against which a contestant's  
107 performance is judged to determine the prevailing contestant;

108 (ii) divide a match into two or more equal and specified time periods for a match total of  
109 no more than 50 minutes; or

110 (iii) prohibit contestants from:

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

114 (B) striking a person who demonstrates an inability to protect himself from the advances  
115 of an opponent;

116 (C) biting; or

117 (D) direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of the  
118 neck, and temple area of the head.

119 Section 2. Section **58-66-301** is amended to read:

120 **58-66-301. Licensing.**

121 (1) A license is required for a person to represent himself as, or to act as a:

122 (a) contest promoter [~~of a contest~~];

123 (b) telecast promoter;

124 [~~(b)~~] (c) manager of a professional contestant;

125 [~~(c)~~] (d) professional contestant;

126 [~~(d)~~] (e) second to a professional contestant;

127 [~~(e)~~] (f) referee of a contest; or

128 [~~(f)~~] (g) judge of a contest.

129 (2) The division shall issue to a person who qualified under this chapter a license in the  
130 classifications of:

131 (a) contest promoter;

132 (b) telecast promoter;

133 [~~(b)~~] (c) contestant manager;

134 [~~(c)~~] (d) professional contestant;

135 [~~(d)~~] (e) second;

136 [~~(e)~~] (f) referee; or

137 [~~(f)~~] (g) judge.

138 (3) Each applicant for licensure as a contest promoter shall:

139 (a) submit an application in a form prescribed by the division;

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

141 (c) post a bond, letter of credit, certificate of deposit, or cash deposit with the division in  
142 an amount equal to the total purses of all contests promoted by the promoter in a single promotion,  
143 but not less than \$10,000, in a bond form acceptable to the division, and under a written agreement  
144 with the division, providing for forfeiture and subsequent disbursement of the proceeds from the  
145 bond, letter of credit, certificate of deposit, or the cash deposit to the division, in accordance with  
146 rule, if the applicant or licensee fails to comply with the provisions of Utah law or rules regulating  
147 the promotion or conduct of a professional boxing contest or promotion;

148 (d) provide to the division evidence of financial responsibility which shall include  
149 financial statements and other information that the division may reasonably require to determine  
150 that the applicant or licensee is able to competently perform as and meet the obligations of a  
151 promoter in the state;

152 (e) produce information, documentation, and assurances as may be required to establish  
153 by a preponderance of the evidence the applicant's reputation for good character, honesty, integrity,  
154 and responsibility, which shall include information, documentation, and assurances that the  
155 applicant:

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

160 (ii) has not been convicted of a felony in any jurisdiction;

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

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

170 (v) is not engaging in illegal gambling with respect to sporting events or gambling with  
171 respect to the promotion the applicant is promoting;

172 (vi) has not been found in an administrative, criminal, or civil proceeding to have engaged  
173 in or attempted to engage in any fraud or misrepresentation in connection with boxing or any other  
174 sporting event;

175 (vii) has not been found in an administrative, criminal, or civil proceeding to have violated  
176 or attempted to violate any law with respect to boxing in any jurisdiction or any law, rule, or order  
177 relating to the regulation of boxing in Utah or any other jurisdiction;

178 (f) acknowledge in writing to the division receipt, understanding, and intent to comply  
179 with this chapter and the rules made under this chapter; and

180 (g) if requested by the commission or the director, meet with the commission or the  
181 director to examine the applicant's qualifications for licensure.

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

- 183           (a) submit an application in a form prescribed by the division;
- 184           (b) pay the fee determined by the department under Section 63-38-3.2;
- 185           (c) post a bond, letter of credit, certificate of deposit, or cash deposit with the division in  
186 the amount of \$10,000, in a bond form acceptable to the division, and under a written agreement  
187 with the division, providing for forfeiture and subsequent disbursement of the proceeds from the  
188 bond, letter of credit, certificate of deposit, or the cash deposit to the division, in accordance with  
189 rule, if the applicant or licensee fails to comply with the provisions of this chapter; and
- 190           (d) acknowledge in writing to the division receipt, understanding, and intent to comply  
191 with this chapter and the rules made under this chapter and to pay the tax assessed by Section  
192 58-66-703.

193           ~~[(4)]~~ (5) Each applicant for licensure as a professional contestant shall:

- 194           (a) be not less than 18 years of age at the time the application is submitted to the division;
- 195           (b) submit an application in a form prescribed by the division not less than 30 days prior  
196 to the date of any contest in which the applicant is to participate, unless submission at a time less  
197 than 30 days is authorized in writing by the commission;
- 198           (c) pay the fee established by the department under Section 63-38-3.2;
- 199           (d) provide a certificate of physical examination, dated not more than 60 days prior to the  
200 date of application for license, in a form provided by the division, completed by a licensed  
201 physician and surgeon certifying that the applicant is free from any physical or mental condition  
202 that indicates the applicant should not engage in activity as a professional contestant;
- 203           (e) provide the division with an accurate history of all matches that the applicant has  
204 engaged in since becoming a professional contestant, including information on whether the  
205 applicant won or lost each contest, and the matches in which there was a technical knockout or  
206 knockout;
- 207           (f) produce information, documentation, and assurances as may be required to establish  
208 by a preponderance of the evidence the applicant's reputation for good character, honesty, integrity,  
209 and responsibility, which shall include information, documentation, and assurances that the  
210 applicant:
  - 211           (i) has not and at the time of application is not associating or consorting with a person  
212 engaging in illegal activity to the extent that the association or consorting represents a threat to the  
213 conduct of professional boxing contests in the public's interest within the state, or a threat to the

214 health, safety, and welfare of the applicant or a licensed professional contestant;

215 (ii) has not been convicted of a crime in any jurisdiction which the division and  
216 commission determine by the nature of the crime and circumstances surrounding that crime should  
217 disqualify the applicant from licensure in the public interest;

218 (iii) is not associating or consorting with any person who has been convicted of a felony  
219 in any jurisdiction to the degree that the division and commission find that the association or  
220 consorting represents a threat to the conduct of professional boxing contests in the public's interest  
221 within the state, or a threat to the health, safety, and welfare of the applicant or a licensed  
222 professional contestant;

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

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

230 (vi) has not been found in an administrative, criminal, or civil proceeding to have engaged  
231 in or attempted to have engaged in any fraud or misrepresentation in connection with boxing or  
232 any other sporting event;

233 (vii) has not been found in an administrative, criminal, or civil proceeding to have violated  
234 or attempted to violate any law with respect to boxing in any jurisdiction or any law, rule, or order  
235 relating to the regulation of boxing in Utah or any other jurisdiction;

236 (g) acknowledge in writing to the division receipt, understanding, and intent to comply  
237 with this chapter and the rules made under this chapter; and

238 (h) if requested by the commission or the director, meet with the commission or the  
239 director to examine the applicant's qualifications for licensure.

240 [~~5~~] (6) Each applicant for licensure as a contestant manager or second shall:

241 (a) submit an application in a form prescribed by the division;

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

243 (c) produce information, documentation, and assurances as may be required to establish  
244 by a preponderance of the evidence the applicant's reputation for good character, honesty, integrity,



245 and responsibility, which shall include information, documentation, and assurances that the  
246 applicant:

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

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

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

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

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

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

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

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

276 [~~6~~] (7) Each applicant for licensure as a referee or judge shall:

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

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 establish

280 by a preponderance of the evidence the applicant's reputation for good character, honesty, integrity,

281 and responsibility, which shall include information, documentation, and assurances that the

282 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 the

285 conduct of professional boxing contests in the public's interest within the state, or a threat to the

286 health, safety, and welfare of the applicant or a licensed professional contestant;

287 (ii) has not been convicted of a felony in any jurisdiction;

288 (iii) is not associating or consorting with any person who has been convicted of a felony

289 in any jurisdiction to the extent that the association or consorting represents a threat to the conduct

290 of professional boxing contests in the public's interest within the state, or a threat to the health,

291 safety, and welfare of the applicant or a licensed professional contestant;

292 (iv) is not associating or consorting with a person engaging in illegal gambling or similar

293 pursuits or a person gambling with respect to the promotion for which the applicant is receiving

294 a license to the extent that the association or consorting represents a threat to the conduct of

295 professional boxing contests in the public's interest within the state, or a threat to the health, safety,

296 and welfare of the applicant or a licensed professional contestant;

297 (v) is not engaging in illegal gambling with respect to sporting events or gambling with

298 respect to a contest in which the applicant is participating;

299 (vi) has not been found in an administrative, criminal, or civil proceeding to have engaged

300 in or attempted to have engaged in any fraud or misrepresentation in connection with boxing or

301 any other sporting event; and

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

303 or attempted to violate any law with respect to boxing in any jurisdiction or any law, rule, or order

304 relating to the regulation of boxing in Utah or any other jurisdiction;

305 (d) acknowledge in writing to the division receipt, understanding, and intent to comply

306 with this chapter and the rules made under this chapter;

307 (e) provide evidence satisfactory to the division and commission that the applicant is  
 308 qualified by training and experience to competently act as a referee or judge in a professional  
 309 boxing contest; and

310 (f) if requested by the commission or the director, meet with the commission or the  
 311 director to examine the applicant's qualifications for licensure.

312 Section 3. Section **58-66-302** is amended to read:

313 **58-66-302. Term of license -- Expiration -- Renewal.**

314 (1) ~~[(a) Except as provided in Subsection (1)(b), the]~~ The division shall issue each license  
 315 under this chapter in accordance with a ~~[one-year]~~ two-year renewal cycle established by rule. The  
 316 division may by rule extend or shorten a renewal period by as much as one year to stagger the  
 317 renewal cycles it administers.

318 ~~[(b) A contest promoter license shall be for a single promotion and shall expire upon~~  
 319 ~~termination of the promotion.]~~

320 (2) At the time of renewal, the licensee shall show satisfactory evidence of compliance  
 321 with renewal requirements to be established by rule by the division in collaboration with the  
 322 commission.

323 (3) Each license automatically expires on the expiration date shown on the license unless  
 324 the licensee renews it in accordance with Section 58-1-308.

325 Section 4. Section **58-66-701** is enacted to read:

326 **Part 7. Utah Boxing Fund**

327 **58-66-701. Utah Boxing Fund -- Creation -- Administration -- Distribution.**

328 (1) There is created a § ~~[restricted account in the General Fund]~~ **SPECIAL REVENUE FUND** §  
 328a known as the "Utah Boxing  
 329 Fund," administered by the division.

330 (2) The fund consists of monies allocated to the fund from tax revenues generated by the  
 331 tax levied under this part.

332 (3) The moneys in the fund shall be invested by the state treasurer according to the  
 333 procedures and requirements of Title 51, Chapter 7, State Money Management Act. The fund shall  
 334 earn interest, and all interest earned shall be deposited into the fund.

335 (4) The division, in collaboration with the commission, shall adopt rules in accordance  
 336 with the provisions of Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the  
 337 distribution of fund moneys. The division, upon concurrence of the commission and the executive

338 director, shall distribute fund monies as follows:

339 (a) Not less than 50% of all fund monies shall be distributed as grants to nonprofit entities  
340 within the state for the promotion of amateur boxing within the state and to defray the costs of  
341 travel and equipment for Utah amateur boxers. The application process for receiving grants from  
342 the fund shall be established by rule by the division in collaboration with the commission.

343 (b) The costs of administering the fund may be deducted from the remaining fund monies  
344 after the distribution of fund monies required by Subsection (4)(a).

345 (c) The remaining fund monies after the distributions set forth in Subsections (4)(a) and  
346 (4)(b) shall be distributed for:

347 (i) travel expenses and per diem expenses to commission members for attendance at  
348 sanctioned boxing matches and educational seminars;

349 (ii) drug screening required under this chapter;

350 (iii) equipment and supplies necessary for the regulation of contests and exhibitions as set  
351 forth in this chapter; and

352 (iv) payment of physicians, referees, and officials as required by this chapter.

353 (5) To the extent that fund monies are insufficient to pay for the items listed in Subsections  
354 (4)(c)(ii), (4)(c)(iii), and (4)(c)(iv), the contest promoter shall be responsible for paying those costs.

355 (6) The division shall report annually to the appropriate appropriations subcommittee of  
356 the Legislature concerning the fund.

357 Section 5. Section **58-66-702** is enacted to read:

358 **58-66-702. Closed-circuit telecast permit.**

359 (1) A telecast promoter may not show a professional boxing contest or exhibition in this  
360 state, regardless of whether or not the contest or exhibition originates inside this state, unless the  
361 telecast promoter first obtains a closed-circuit telecast permit from the division.

362 (2) The application for a closed-circuit telecast permit shall be on forms provided by the  
363 division and shall contain:

364 (a) the date of the broadcast;

365 (b) the origination address of the broadcast;

366 (c) a statement that the applicant acknowledges responsibility for the payment of the tax  
367 assessed by Section 58-66-703; and

368 (d) any other information which the division may consider necessary to carry out the

369 provisions of this chapter.

370 (3) No fee shall be assessed for the issuance of a closed-circuit telecast permit.

371 (4) The application for a closed-circuit telecast permit must be filed at least 30 days prior  
372 to the date of the broadcast.

373 Section 6. Section **58-66-703** is enacted to read:

374 **58-66-703. Tax on closed-circuit telecasts and pay-per-view telecasts -- Reports --**  
375 **Penalties -- Application of chapter to cable or satellite system operators.**

376 (1) Closed-circuit telecasts of a professional boxing contest or exhibition shall not be  
377 telecast in this state except by a telecast promoter licensed in this state.

378 (2) In the case of a closed-circuit telecast of a professional boxing contest or exhibition  
379 shown in this state, other than a pay-per-view telecast, the telecast promoter responsible for the  
380 broadcast shall:

381 (a) notify the division, in writing, of the names and addresses of all facilities to or through  
382 which the closed-circuit telecast will be shown at least seven days prior to the date of the  
383 broadcast;

384 (b) within seven days after the closed-circuit telecast, file with the division a written report  
385 on a form provided by the division which includes:

386 (i) the name, address, telephone number, and contact person for each facility where the  
387 closed-circuit telecast was shown;

388 (ii) the total amount paid by each facility for the right to show the closed-circuit telecast;  
389 and

390 (iii) any other information the division considers necessary to carry out the provisions of  
391 this chapter; and

392 (c) pay to the division, within seven days after the closed-circuit telecast, a tax of 5% of  
393 all amounts paid by the facilities where the telecast was shown.

394 (3) In the case of a pay-per-view telecast of a professional boxing contest or exhibition  
395 shown in this state the telecast promoter responsible for the broadcast shall pay to the division,  
396 within 30 days after the telecast, a tax of 5% of the total gross receipts for the telecast, excluding  
397 any other federal, state, or local taxes.

398 (4) All cable or satellite system operators which broadcast a pay-per-view telecast of a  
399 professional boxing contest or exhibition to subscribers inside the state shall, within \$ ~~seven~~ 45 §  
399a days

400 after the telecast, file a report with the division, on a form provided by the division, which includes  
401 the number of orders sold for that telecast, the price charged for each order, and any other  
402 information the division considers appropriate to carry out the provisions of this chapter.

403 (5) Cable and satellite system operators shall not be liable to the division for the payment  
404 of any tax assessed by this section, and nothing in this section shall be considered to prevent a  
405 cable or satellite system operator from billing its customers for the tax assessed by this section.

406 (6) Any telecast promoter who willfully fails or refuses to make a report or to pay a tax as  
407 required by this section is guilty of a class A misdemeanor.

408 (7) The division shall adopt rules in accordance with the provisions of Title 63, Chapter  
409 46a, Utah Administrative Rulemaking Act, establishing administrative penalties for the late  
410 payment of the tax assessed by this section, noncompliance with this act, and the late filing of  
411 reports.

412 (8) Nothing in this chapter shall be considered to prohibit a cable or satellite system  
413 operator from broadcasting any boxing event for which it has a contract or other legal obligation  
414 to broadcast regardless of whether or not the promoter or distributor of the event is in compliance  
415 with the provisions of this chapter.

415a **§ (9) THE TAX COMMISSION SHALL AUDIT THE COLLECTION AND ADMINISTRATION OF THE TAX**  
415b **LEVIED UNDER THIS SECTION. §**

---

---

**Legislative Review Note**  
**as of 2-3-99 11:37 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**