

UTAH PROFESSIONAL ATHLETIC COMMISSION ACT

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Pete Suazo

This act modifies the Utah Professional Boxing Regulation Act by repealing the current act and replacing it with the Utah Professional Athletic Commission Act. The act removes the regulation of boxing and unarmed combat from the Division of Occupational and Professional Licensing and creates an independent Utah Professional Athletic Commission within the Department of Commerce. The act provides for the licensure of promoters, managers, seconds, contestants, judges, and referees. The act grants rulemaking authority to the Utah Professional Athletic Commission to govern unarmed combat. The act prohibits ultimate fighting. The act defines unlawful and unprofessional conduct and provides for penalties. The act authorizes the hiring of a director of the Utah Professional Athletic Commission. The act levies fees on ticket proceeds and broadcast revenues from contests. The act provides for funding of amateur boxing within the state. This act provides an effective date.

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

ENACTS:

13-33-101, Utah Code Annotated 1953

13-33-102, Utah Code Annotated 1953

13-33-201, Utah Code Annotated 1953

13-33-202, Utah Code Annotated 1953

13-33-203, Utah Code Annotated 1953

13-33-204, Utah Code Annotated 1953

13-33-205, Utah Code Annotated 1953

13-33-301, Utah Code Annotated 1953

13-33-302, Utah Code Annotated 1953

13-33-303, Utah Code Annotated 1953

13-33-304, Utah Code Annotated 1953

- 13-33-305**, Utah Code Annotated 1953
- 13-33-401**, Utah Code Annotated 1953
- 13-33-402**, Utah Code Annotated 1953
- 13-33-403**, Utah Code Annotated 1953
- 13-33-404**, Utah Code Annotated 1953
- 13-33-405**, Utah Code Annotated 1953
- 13-33-501**, Utah Code Annotated 1953
- 13-33-502**, Utah Code Annotated 1953
- 13-33-503**, Utah Code Annotated 1953
- 13-33-504**, Utah Code Annotated 1953
- 13-33-505**, Utah Code Annotated 1953
- 13-33-506**, Utah Code Annotated 1953

REPEALS:

- 58-66-101**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-102**, as last amended by Chapter 77, Laws of Utah 2000
- 58-66-201**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-301**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-302**, as last amended by Chapter 77, Laws of Utah 2000
- 58-66-303**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-401**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-501**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-502**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-503**, as enacted by Chapter 83, Laws of Utah 1997
- 58-66-601**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-602**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-603**, as enacted by Chapter 11, Laws of Utah 1995
- 58-66-604**, as last amended by Chapter 77, Laws of Utah 2000
- 58-66-605**, as enacted by Chapter 11, Laws of Utah 1995

58-66-606, as enacted by Chapter 11, Laws of Utah 1995

58-66-607, as enacted by Chapter 11, Laws of Utah 1995

58-66-608, as enacted by Chapter 11, Laws of Utah 1995

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

Section 1. Section **13-33-101** is enacted to read:

CHAPTER 33. UTAH PROFESSIONAL ATHLETIC COMMISSION ACT

Part 1. General Provisions

13-33-101. Title.

This chapter is known as the "Utah Professional Athletic Commission Act."

Section 2. Section **13-33-102** is enacted to read:

13-33-102. Definitions.

As used in this chapter:

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

(2) "Commission" means the Utah Professional Athletic Commission created in this chapter.

(3) "Contest" means a live match, performance, or exhibition involving persons engaged in unarmed combat.

(4) "Contestant" means an individual who participates in a contest for a cash purse in any amount or for a noncash purse with more than nominal value as defined by rule.

(5) "Department" means the Department of Commerce.

(6) "Director" means the director of the Utah Professional Athletic Commission.

(7) "Executive director" means the executive director of the Department of Commerce.

(8) "Exhibition" means an engagement in which the participants show or display their skills without necessarily striving to win.

(9) "Judge" means an individual qualified by training or experience to:

(a) rate the performance of contestants;

(b) score a contest; and

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

(10) "Manager" means an individual who represents a contestant for the purposes of obtaining matches, negotiating terms and conditions of the contract under which the contestant will engage in a contest, or arranging for a second for the contestant at a contest.

(11) "Promoter" means a person who engages in producing or staging contests and promotions.

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

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

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

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

(a) enforcing the rules relating to the contest;

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

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

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

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

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

(18) "Ultimate fighting match" means a live match in which:

(a) an admission fee is charged;

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

(c) match rules do not:

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

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

(iii) prohibit contestants from:

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

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

(C) biting; or

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

(19) "Unarmed combat" means boxing, wrestling, or any form of competition in which a blow is usually struck which may reasonably be expected to inflict bodily injury.

(20) "Unlawful conduct" means organizing, promoting, or participating in a contest which involves:

(a) contestants that are not licensed under this chapter; or

(b) persons other than contestants, unless the contest is conducted in accordance with the standards and regulations of USA Boxing, Inc.

(21) "Unprofessional conduct" means:

(a) entering into a contract for a contest in bad faith;

(b) participating in any sham or fake contest;

(c) participating in a contest pursuant to a collusive understanding or agreement in which the contestant competes in or terminates the contest in a manner that is not based upon honest competition or the honest exhibition of the skill of the contestant;

(d) engaging in an act or conduct that is detrimental to a contest, including any foul or unsportsmanlike conduct in connection with a contest;

- (e) failing to comply with any limitation, restriction, or condition placed on a license; or
- (f) as further defined by rule by the commission.

Section 3. Section **13-33-201** is enacted to read:

Part 2. Commission

13-33-201. Commission -- Creation -- Appointments -- Terms -- Expenses -- Quorum.

(1) There is created within the Department of Commerce the Utah Professional Athletic Commission consisting of five members.

(2) (a) The commission members shall be appointed by the executive director.

(b) The commission members may not be licensees under this chapter.

(c) The names of all persons appointed to the commission shall be submitted to the governor for confirmation or rejection.

(3) (a) Except as required by Subsection (3)(b), as terms of current members expire, the executive director shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately half of the commission is appointed every two years.

(c) A member may not serve more than two consecutive terms, and a member who ceases to serve on the commission may not serve again on the commission until after the expiration of a two-year period beginning from that cessation of service.

(d) (i) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(ii) After filling that term, the replacement member may be appointed for only one additional full term.

(e) If a commission member fails or refuses to fulfill the responsibilities and duties of a commission member, including the attendance at commission meetings, the executive director, with the approval of the commission, may remove the commission member and replace the member in accordance with this section.

(4) A majority of the commission members constitutes a quorum. A quorum is sufficient

authority for the commission to act.

(5) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(6) The commission shall annually designate one of its members to serve as chair for a one-year period.

Section 4. Section **13-33-202** is enacted to read:

13-33-202. Commission duties.

The commission shall:

(1) purchase and use a seal;

(2) adopt rules for the administration of this chapter in accordance with Title 63, Chapter 46a, Administrative Rulemaking Act;

(3) prepare all forms of contracts between sponsors, licensees, promoters, and contestants;
and

(4) hold hearings relating to matters under its jurisdiction, including violations of this chapter or rules promulgated under this chapter.

Section 5. Section **13-33-203** is enacted to read:

13-33-203. Director of commission.

(1) The commission shall employ a director to conduct the business of the commission, who must not be a member of the commission.

(2) The director serves at the pleasure of the commission.

Section 6. Section **13-33-204** is enacted to read:

13-33-204. Inspectors.

(1) The commission may appoint one or more official representatives to be designated as inspectors which shall serve at the pleasure of the commission.

(2) Each inspector must receive from the commission a card authorizing that inspector to act as an inspector for the commission.

(3) An inspector may not promote or sponsor any contest.

(4) Each inspector is entitled to receive a fee approved by the commission for the performance of duties under this chapter.

Section 7. Section **13-33-205** is enacted to read:

13-33-205. Affiliation with other commissions.

The commission shall have the authority to affiliate with any other state or national boxing commission or athletic authority.

Section 8. Section **13-33-301** is enacted to read:

Part 3. Licensing

13-33-301. Licensing.

(1) A license is required for a person to act as or to represent that the person is a:

(a) promoter;

(b) manager;

(c) contestant;

(d) second;

(e) referee; or

(f) judge.

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

(a) promoter;

(b) manager;

(c) contestant;

(d) second;

(e) referee; or

(f) judge.

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

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

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

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

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

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

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

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

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

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

pursuits to the extent that the association or consorting represents a threat to the conduct of contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed contestant;

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

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

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

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

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

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

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

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

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

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

(e) provide the commission with an accurate history of all matches that the applicant has engaged in since becoming a contestant, including information on whether the applicant won or lost each contest, and the matches in which there was a knockout or technical knockout;

(f) produce information, documentation, and assurances as may be required to establish by

a preponderance of the evidence the applicant's reputation for good character, honesty, integrity, and responsibility, which shall include information, documentation, and assurances that the applicant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) has not been found in an administrative, criminal, or civil proceeding to have engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a contest or

any other sporting event;

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

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

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

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

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

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

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

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

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

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

(iv) is not associating or consorting with a person engaging in illegal gambling or similar pursuits or a person gambling with respect to the promotion for which the applicant is receiving a license to the extent that the association or consorting represents a threat to the conduct of contests

in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed contestant;

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

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

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

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

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

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

Section 9. Section **13-33-302** is enacted to read:

13-33-302. Term of license -- Expiration -- Renewal.

(1) (a) The commission shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.

(b) The commission may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show satisfactory evidence of compliance with renewal requirements established by rule by the commission.

(3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with the rules established by the commission.

Section 10. Section **13-33-303** is enacted to read:

13-33-303. Grounds for denial of license -- Disciplinary proceedings -- Reinstatement.

(1) The commission shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this chapter.

(2) The commission may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee in any of the following cases:

(a) the applicant or licensee has engaged in unlawful or unprofessional conduct, as defined by statute or rule under this chapter;

(b) the applicant or licensee has been determined to be mentally incompetent for any reason by a court of competent jurisdiction; or

(c) the applicant or licensee is unable to practice the occupation or profession with reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical condition, when the licensee's condition demonstrates a threat or potential threat to the public health, safety, or welfare.

(3) Any licensee whose license under this chapter has been suspended, revoked, or restricted may apply for reinstatement of the license at reasonable intervals and upon compliance with any conditions imposed upon the licensee by statute, rule, or terms of the license suspension, revocation, or restriction.

(4) The commission may issue cease and desist orders:

(a) to a licensee or applicant who may be disciplined under Subsection (1) or (2); and

(b) to any person who otherwise violates this chapter or any rules adopted under this title.

(5) (a) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct under this title, unless the commission initiates an adjudicative proceeding regarding the conduct within four years after the conduct is reported to the commission, except under Subsection (5)(b).

(b) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct more than ten years after the occurrence of the conduct, unless the

proceeding is in response to a civil or criminal judgment or settlement and the proceeding is initiated within one year following the judgment or settlement.

(6) Notwithstanding the provisions of Title 63, Chapter 46b, Administrative Procedures Act, the commission shall have the authority to immediately suspend the license of a contestant at such time and for such period that the commission believes is necessary to protect the health, safety, and welfare of the contestant, other contestants, or the public. The commission shall establish by rule appropriate procedures to invoke the suspension and to provide a suspended contestant a right to a hearing before the commission with respect to the suspension within a reasonable time after the suspension.

Section 11. Section **13-33-304** is enacted to read:

13-33-304. Additional fees for license of promoter.

(1) In addition to the payment of any other fees and money due under this chapter, every promoter shall pay a license fee of:

(a) 4% of the total gross receipts from admission fees to each live contest or exhibition, exclusive of any other state or federal tax or tax imposed by any political subdivision of this state; and

(b) 4% of the total gross receipts from the sale, lease, or other exploitation of broadcasting, television, and motion picture rights for each contest or exhibition.

(2) The fees due under Subsection (1) shall be calculated without any deductions for commissions, brokerage fees, distribution fees, advertising, contestants' purses, or any other expenses or charges.

(3) The commission shall adopt rules:

(a) requiring that the number and face value of all complimentary tickets be reported; and

(b) governing the treatment of complimentary tickets for the purposes of computing gross receipts from admission fees under Subsection (1)(a).

Section 12. Section **13-33-305** is enacted to read:

13-33-305. Transition of licenses.

(1) A license that was issued by the Division of Occupational and Professional Licensing

under Title 58, Chapter 66, Utah Professional Boxing Regulation Act, prior to July 1, 2001, shall:

(a) be considered a valid license under this chapter until the expiration date indicated on the license;

(b) be subject to the provisions of this chapter, including provisions relating to disciplinary action against the license; and

(c) not be renewed under Title 58, Occupations and Professions.

(2) Upon the expiration of a license described in Subsection (1), a person desiring to continue licensure in the profession shall meet the same requirements as those required for new licensure under Section 13-33-301.

Section 12. Section **13-33-401** is enacted to read:

Part 4. Control of Contests

13-33-401. Jurisdiction of commission.

(1) The commission has and is vested with the sole direction, management, control, and jurisdiction over all contests or exhibitions of unarmed combat to be conducted, held, or given within this state, and no contest or exhibition may be conducted, held, or given within this state except in accordance with the provisions of this chapter.

(2) Any contest involving a form of Oriental unarmed self-defense must be conducted pursuant to rules for that form which are approved by the commission before the contest is conducted, held, or given.

Section 13. Section **13-33-402** is enacted to read:

13-33-402. Ultimate fighting prohibited.

(1) Ultimate fighting matches are prohibited.

(2) Any person who publicizes, promotes, conducts, or engages in an ultimate fighting match
is:

(a) guilty of a class A misdemeanor as provided in Section 76-9-705; and

(b) subject to license revocation under this chapter.

Section 14. Section **13-33-403** is enacted to read:

13-33-403. Permit to hold contest or promotion -- Bond required.

(1) An application to hold a contest or multiple contests as part of a single promotion shall be made by a licensed promoter to the commission on forms provided by the commission.

(2) The application shall be accompanied by a contest fee determined by the department under Section 63-38-3.2.

(3) Before a permit to hold a contest or promotion is granted, the applicant shall post a surety bond with the commission in an amount and form determined by the commission, providing for forfeiture and subsequent disbursement of the proceeds from the bond if the applicant fails to comply with the requirements of this chapter or rules made under this chapter relating to the promotion or conduct of the contest or promotion.

(4) The commission may approve or deny approval to hold a contest or promotion permitted under this chapter. Approval shall be granted upon a determination by the commission that:

(a) the promoter of the contest or promotion is properly licensed;

(b) a bond meeting the requirements of Subsection (3) has been posted by the promoter of the contest or promotion; and

(c) the contest or promotion will be held in accordance with this chapter and rules made under this chapter.

Section 15. Section **13-33-404** is enacted to read:

13-33-404. Rules for the conduct of contests.

(1) The commission shall adopt rules in accordance with the provisions of Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the conduct of contests in the state.

(2) The rules shall include authority for stopping contests, impounding purses with respect to contests when there is a question with respect to the contest, contestants, or any other licensee associated with the contest, and reasonable and necessary provisions to ensure that all obligations of a promoter with respect to any promotion or contest are paid in accordance with agreements made by the promoter.

Section 16. Section **13-33-405** is enacted to read:

13-33-405. HIV and drug tests.

The commission shall adopt rules in accordance with the provisions of Title 63, Chapter 46a,

Utah Administrative Rulemaking Act, for HIV and drug testing of contestants which include:

(1) provisions under which contestants shall produce evidence based upon competent laboratory examination that they are HIV negative as a condition of participating as a contestant in any contest; and

(2) provisions under which contestants shall be subject to random drug testing before or after participation in a contest, and sanctions, including barring participation in a contest or withholding a percentage of any purse, that shall be placed against a contestant testing positive for alcohol or any other drug that in the opinion of the commission is inconsistent with the safe and competent participation of that contestant in a contest.

Section 17. Section **13-33-501** is enacted to read:

Part 5. Miscellaneous Provisions

13-33-501. Additional fee for funding of amateur boxing.

(1) In addition to the payment of any other fees or taxes required by this chapter, a promoter shall pay to the commission a fee of \$1 for each ticket sold for admission to a live contest or exhibition which is held in this state.

(2) The money collected pursuant to Subsection (1) shall be deposited in the General Fund as dedicated credits to be used by the commission to award grants to organizations which promote amateur boxing in this state.

(3) The commission shall adopt rules governing the manner in which:

(a) the fees required by Subsection (1) must be paid;

(b) applications for grants may be submitted to the commission; and

(c) the standards to be used to award grants to organizations which promote amateur boxing in this state.

(4) Any funding available for the purposes of this section shall be nonlapsing.

Section 18. Section **13-33-502** is enacted to read:

13-33-502. Reports to commission.

(1) Every promoter shall, within 10 days after the completion of any contest or exhibition for which an admission fee is charged, furnish to the commission a verified written report showing:

(a) the number of tickets sold or issued for the contest or exhibition;

(b) the amount of the:

(i) gross receipts from admission fees without any deductions for commissions, brokerage fees, distribution fees, advertising, contestants' purses, or any other expenses or charges; and

(ii) gross receipts derived from the sale, lease, or other exploitation of broadcasting, motion picture, and television rights of such contest or exhibition without any deductions for commissions, brokerage fees, distribution fees, advertising, contestants' purses, or any other expenses or charges;
and

(c) any other matters prescribed by rule.

(2) The promoter shall, at the same time as submitting the report required by Subsection (1), pay to the commission the fees required by Sections 13-33-304 and 13-33-501.

Section 19. Section **13-33-503** is enacted to read:

13-33-503. Contracts.

Before a contest is held, a copy of the signed contract or agreement between the promoter of the contest and each contestant shall be filed with the commission. Approval of the contract's terms and conditions shall be obtained from the commission as a condition precedent to the contest.

Section 20. Section **13-33-504** is enacted to read:

13-33-504. Withholding of purse.

(1) The commission, the director, or any other agent authorized by the commission may order a promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager, or second if, in the judgment of the commission, director or other agent:

(a) the contestant is not competing honestly or to the best of his skill and ability or the contestant otherwise violates any rules adopted by the commission or any of the provisions of this chapter; or

(b) the manager or second violates any rules adopted by the commission or any of the provisions of this chapter.

(2) This section does not apply to any contestant in a wrestling exhibition who appears not to be competing honestly or to the best of his skill and ability.

(3) Upon the withholding of any part of a purse or other money pursuant to this section, the commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties, and dispose of the matter as promptly as possible.

(4) If it is determined that a contestant, manager, or second is not entitled to any part of his share of the purse or other money, the promoter shall pay the money over to the commission.

Section 21. Section **13-33-505** is enacted to read:

13-33-505. Penalty for unlawful conduct.

A person who engages in unlawful conduct, as defined in Section 13-33-102, is guilty of a class A misdemeanor.

Section 22. Section **13-33-506** is enacted to read:

13-33-506. Exemptions.

The provisions of this chapter do not apply to:

(1) any amateur contests or exhibitions of unarmed combat or any combination thereof conducted by or participated in exclusively by any school, college, or university or by any association or organization of a school, college, or university, when each participant in the contests or exhibitions is a bona fide student in the school, college, or university; or

(2) exhibitions of Oriental unarmed self-defense in which no dangerous blow is intended to be struck.

Section 23. **Repealer.**

This act repeals:

Section **58-66-101, Title.**

Section **58-66-102, Definitions.**

Section **58-66-201, Commission.**

Section **58-66-301, Licensing.**

Section **58-66-302, Term of license -- Expiration -- Renewal.**

Section **58-66-303, Exemptions from licensure.**

Section **58-66-401, Grounds for denial of license -- Disciplinary proceedings.**

Section **58-66-501, Unlawful conduct.**

Section **58-66-502, Unprofessional conduct.**

Section **58-66-503, Ultimate fighting prohibited.**

Section **58-66-601, Authority.**

Section **58-66-602, Approval to hold contest.**

Section **58-66-603, Contracts.**

Section **58-66-604, Rules.**

Section **58-66-605, HIV testing -- Testing of body fluids of professional contestants --
Sanctions for tests positive for alcohol or drugs.**

Section **58-66-606, Supervision of contests -- Payment of staff.**

Section **58-66-607, Disposition of monies withheld from purse of professional contestant.**

Section **58-66-608, Report of gross receipts -- 5% state event tax on gross receipts.**

Section 24. **Effective date.**

This act takes effect on July 1, 2001.