

1                                   **PETE SUAZO UTAH ATHLETIC COMMISSION**

2                                   2001 SECOND SPECIAL SESSION

3                                   STATE OF UTAH

4                                   **Sponsor: Ed P. Mayne**

5   Gene Davis

6   **This act modifies the Utah Professional Athletic Commission Act by renaming the**  
7   **commission in honor of Pete Suazo. The act also repeals the gross receipts tax on broadcast**  
8   **revenues and the ticket fee for funding amateur boxing.   The act removes professional**  
   **wrestling**

8a   **from the jurisdiction of the commission.  **

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

10   AMENDS:

- 11           **13-33-101**, as enacted by Chapter 91, Laws of Utah 2001
- 12           **13-33-102**, as enacted by Chapter 91, Laws of Utah 2001
- 13           **13-33-201**, as enacted by Chapter 91, Laws of Utah 2001
- 14           **13-33-304**, as enacted by Chapter 91, Laws of Utah 2001
- 15           **13-33-502**, as enacted by Chapter 91, Laws of Utah 2001

16   REPEALS:

- 17           **13-33-501**, as enacted by Chapter 91, Laws of Utah 2001

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

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

20                                   **CHAPTER 33. PETE SUAZO UTAH ATHLETIC COMMISSION ACT**

21           **13-33-101. Title.**

22           This chapter is known as the "~~Utah Professional~~ Pete Suazo Utah Athletic Commission  
23   Act."

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

25           **13-33-102. Definitions.**

26           As used in this chapter:

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





28 (2) "Commission" means the Pete Suazo Utah [~~Professional~~] Athletic Commission created  
29 in this chapter.

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

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

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

35 (6) "Director" means the director of the Pete Suazo Utah [~~Professional~~] Athletic  
36 Commission.

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

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

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

41 (a) rate the performance of contestants;

42 (b) score a contest; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 (a) an admission fee is charged;

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

72 (c) match rules do not:

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

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

77 (iii) prohibit contestants from:

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

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

83 (C) biting; or

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

86 (19) ~~h (a) h~~ "Unarmed combat" means boxing ~~h~~ [~~-,wrestling,-~~] ~~h~~ or any form of competition in  
86a which a  
87 blow is usually struck which may reasonably be expected to inflict bodily injury.

87a ~~h (b) "UNARMED COMBAT" DOES NOT INCLUDE A COMPETITION OR EXHIBITION BETWEEN~~  
87b ~~PARTICIPANTS IN WHICH THE PARTICIPANTS ENGAGE IN SIMULATED COMBAT FOR~~  
87c ~~ENTERTAINMENT PURPOSES. h~~

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

90 (a) contestants that are not licensed under this chapter; or  
91 (b) persons other than contestants, unless the contest is conducted in accordance with the  
92 standards and regulations of USA Boxing, Inc.

93 (21) "Unprofessional conduct" means:

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

95 (b) participating in any sham or fake contest;

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

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

101 (e) failing to comply with any limitation, restriction, or condition placed on a license; or

102 (f) as further defined by rule by the commission.

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

104 **13-33-201. Commission -- Creation -- Appointments -- Terms -- Expenses -- Quorum.**

105 (1) There is created within the Department of Commerce the Pete Suazo Utah

106 [~~Professional~~] Athletic Commission consisting of five members.

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

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

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

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

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

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

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

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

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

127 (4) A majority of the commission members constitutes a quorum. A quorum is sufficient  
128 authority for the commission to act.

129 (5) (a) (i) Members who are not government employees shall receive no compensation or  
130 benefits for their services, but may receive per diem and expenses incurred in the performance of  
131 the member's official duties at the rates established by the Division of Finance under Sections  
132 63A-3-106 and 63A-3-107.

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

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

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

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

142 Section 4. Section **13-33-304** is amended to read:

143 **13-33-304. Additional fee for license of promoter.**

144 (1) In addition to the payment of any other fees and money due under this chapter, every  
145 promoter shall pay a license fee of ~~[(a) 4%]~~ 5% of the total gross receipts from admission fees  
146 to each live contest or exhibition, exclusive of any other state or federal tax or tax imposed by any  
147 political subdivision of this state ~~[; and]~~.

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

150 (2) The ~~[fees]~~ fee due under Subsection (1) shall be calculated without any deductions for  
151 commissions, brokerage fees, distribution fees, advertising, contestants' purses, or any other

152 expenses or charges.

153 (3) The commission shall adopt rules:

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

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

157 Section 5. Section 13-33-502 is amended to read:

158 **13-33-502. Reports to commission.**

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

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

163 (b) the amount of the[:(i)] gross receipts from admission fees without any deductions for  
164 commissions, brokerage fees, distribution fees, advertising, contestants' purses, or any other  
165 expenses or charges; and

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

170 (c) any other matters prescribed by rule.

171 (2) The promoter shall, at the same time as submitting the report required by Subsection  
172 (1), pay to the commission the [fees] fee required by [Sections] Section 13-33-304 [~~and~~  
173 ~~13-33-501~~].

174 Section 6. **Repealer.**

175 This act repeals:

176 Section 13-33-501, **Additional fee for funding of amateur boxing.**

**Legislative Review Note**  
**as of 9-25-01 4:08 PM**

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

**Office of Legislative Research and General Counsel**