

1 **AMENDMENTS TO PETE SUAZO ATHLETE**

2 **COMMISSION**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ed Mayne**

6 House Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill makes changes to the regulation of boxing.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ eliminates the position of director and creates the position of commission secretary;
- 15 ▶ requires a physician for a boxing contest to be selected from among a list of
- 16 commission-approved physicians;
- 17 ▶ classifies certain positions as licensees;
- 18 ▶ eliminates a term-limitation provision for commission members;
- 19 ▶ requires a period of time between contests for a contestant; and
- 20 ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **13-33-102**, as last amended by Chapter 104, Laws of Utah 2005



- 28 **13-33-201**, as last amended by Chapter 9, Laws of Utah 2001, Second Special Session
- 29 **13-33-203**, as enacted by Chapter 91, Laws of Utah 2001
- 30 **13-33-301**, as enacted by Chapter 91, Laws of Utah 2001
- 31 **13-33-303**, as last amended by Chapter 104, Laws of Utah 2005
- 32 **13-33-401**, as last amended by Chapter 104, Laws of Utah 2005
- 33 **13-33-403**, as last amended by Chapter 104, Laws of Utah 2005
- 34 **13-33-504**, as enacted by Chapter 91, Laws of Utah 2001
- 35 **13-33-508**, as enacted by Chapter 104, Laws of Utah 2005

36 ENACTS:

37 **13-33-406**, Utah Code Annotated 1953



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

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

41 **13-33-102. Definitions.**

42 As used in this chapter:

- 43 (1) "Bodily injury" is as defined in Section 76-1-601.
- 44 (2) "Boxing" means the sport of attack and defense using the fist, covered by an
- 45 approved boxing glove.
- 46 (3) "Club fighting" means any contest of unarmed combat, whether admission is
- 47 charged or not, where:
 - 48 (a) the rules of the contest are not approved by the commission;
 - 49 (b) a licensed physician or osteopath is not in attendance;
 - 50 (c) an HIV negative test regarding each contestant not less than 180 days before the
 - 51 contest has not been provided to the commission;
 - 52 (d) the contest is not conducted in accordance with commission rules; or
 - 53 (e) the contestants are not matched by the weight standards described in Section
 - 54 13-33-507.
- 55 (4) "Commission" means the Pete Suazo Utah Athletic Commission created in this
- 56 chapter.
- 57 (5) "Contest" means a live match, performance, or exhibition involving two or more
- 58 persons engaged in unarmed combat.

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

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

61 (8) "Designated commission member" means a member of the commission designated

62 to:

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

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

65 [~~(9) "Director" means the director of the Pete Suazo Utah Athletic Commission.~~]

66 [~~(10)~~] (9) "Elimination boxing contest" means:

67 (a) a contest where a number of contestants participate in a tournament;

68 (b) over a period of time not exceeding 48 hours; and

69 (c) the loser of each contest is eliminated from further competition.

70 [~~(11)~~] (10) "Executive director" means the executive director of the Department of

71 Commerce.

72 [~~(12)~~] (11) "Exhibition" means an engagement in which the participants show or

73 display their skills without necessarily striving to win.

74 [~~(13)~~] (12) "Judge" means an individual qualified by training or experience to:

75 (a) rate the performance of contestants;

76 (b) score a contest; and

77 (c) determine with other judges whether there is a winner of the contest or whether the

78 contestants performed equally resulting in a draw.

79 [~~(14)~~] (13) "Licensee" means an individual licensed by the commission to act as a:

80 (a) contestant;

81 (b) judge;

82 (c) manager;

83 (d) promoter;

84 (e) referee; [or]

85 (f) second[-];

86 (g) ringside physician;

87 (h) inspector; or

88 (i) security guard.

89 [~~(15)~~] (14) "Manager" means an individual who represents a contestant for the

90 purposes of:

91 (a) obtaining a contest;

92 (b) negotiating terms and conditions of the contract under which the contestant will
93 engage in a contest; or

94 (c) arranging for a second for the contestant at a contest.

95 [~~(16)~~] (15) "Promoter" means a person who engages in producing or staging contests
96 and promotions.

97 [~~(17)~~] (16) "Promotion" means a single contest or a combination of contests that occur
98 during the same time at the same location and that is produced or staged by a promoter.

99 [~~(18)~~] (17) "Purse" means any money, prize, remuneration, or any other valuable
100 consideration a contestant receives or may receive for participation in a contest.

101 [~~(19)~~] (18) "Referee" means an individual qualified by training or experience to act as
102 the official attending a contest at the point of contact between contestants for the purpose of:

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

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

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

107 [~~(20)~~] (19) "Round" means one of a number of individual time periods that, taken
108 together, constitute a contest during which contestants are engaged in a form of unarmed
109 combat.

110 [~~(21)~~] (20) "Second" means an individual who attends a contestant at the site of the
111 contest before, during, and after the contest in accordance with contest rules.

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

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

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

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

119 (a) contest rules permit contestants to use a combination of boxing, kicking, wrestling,
120 hitting, punching, or other combative, contact techniques;

- 121 (b) contest rules incorporate a formalized system of combative techniques against
122 which a contestant's performance is judged to determine the prevailing contestant;
- 123 (c) contest rules divide nonchampionship contests into three equal and specified rounds
124 of no more than five minutes per round with a rest period of one minute between each round;
- 125 (d) contest rules divide championship contests into five equal and specified rounds of
126 no more than five minutes per round with a rest period of one minute between each round; and
- 127 (e) contest rules prohibit contestants from:
- 128 (i) using anything that is not part of the human body, except for boxing gloves, to
129 intentionally inflict serious bodily injury upon an opponent through direct contact or the
130 expulsion of a projectile;
- 131 (ii) striking a person who demonstrates an inability to protect himself from the
132 advances of an opponent;
- 133 (iii) biting; or
- 134 (iv) direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of
135 the neck, and temple area of the head.
- 136 (25) (a) "Unarmed combat" means boxing or any other form of competition in which a
137 blow is usually struck which may reasonably be expected to inflict bodily injury.
- 138 (b) "Unarmed combat" does not include a competition or exhibition between
139 participants in which the participants engage in simulated combat for entertainment purposes.
- 140 (26) "Unlawful conduct" means organizing, promoting, or participating in a contest
141 which involves contestants that are not licensed under this chapter.
- 142 (27) "Unprofessional conduct" means:
- 143 (a) entering into a contract for a contest in bad faith;
- 144 (b) participating in any sham or fake contest;
- 145 (c) participating in a contest pursuant to a collusive understanding or agreement in
146 which the contestant competes in or terminates the contest in a manner that is not based upon
147 honest competition or the honest exhibition of the skill of the contestant;
- 148 (d) engaging in an act or conduct that is detrimental to a contest, including any foul or
149 unsportsmanlike conduct in connection with a contest;
- 150 (e) failing to comply with any limitation, restriction, or condition placed on a license;
- 151 (f) striking of a downed opponent by a contestant while the contestant remains on the

152 contestant's feet;

153 (g) after entering the ring or contest area, penetrating an area within four feet of an
154 opponent by a contestant, manager or second before the commencement of the contest; or

155 (h) as further defined by rule by the commission.

156 Section 2. Section **13-33-201** is amended to read:

157 **13-33-201. Commission -- Creation -- Appointments -- Terms -- Expenses --**
158 **Quorum.**

159 (1) There is created within the Department of Commerce the Pete Suazo Utah Athletic
160 Commission consisting of five members.

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

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

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

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

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

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

174 [~~(d) (i)~~] (c) When a vacancy occurs in the membership for any reason, the replacement
175 shall be appointed for the unexpired term.

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

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

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

183 sufficient authority for the commission to act.

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

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

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

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

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

197 Section 3. Section **13-33-203** is amended to read:

198 **13-33-203. Commission secretary.**

199 (1) The commission shall employ a [~~director~~] secretary to conduct the [~~business of the~~
200 ~~commission~~] commission's business, who must not be a member of the commission.

201 (2) The [~~director~~] secretary serves at the pleasure of the commission.

202 Section 4. Section **13-33-301** is amended to read:

203 **13-33-301. Licensing.**

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

205 (a) promoter;

206 (b) manager;

207 (c) contestant;

208 (d) second;

209 (e) referee; [~~or~~]

210 (f) judge[-];

211 (g) ringside physician; or

212 (i) inspector.

213 (2) The commission shall issue to a person who qualifies under this chapter a license in

214 the classifications of:

- 215 (a) promoter;
- 216 (b) manager;
- 217 (c) contestant;
- 218 (d) second;
- 219 (e) referee; [or]
- 220 (f) judge[-];
- 221 (g) ringside physician; or
- 222 (h) inspector.

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

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

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

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

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

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

243 (iii) is not associating or consorting with a person who has been convicted of a felony
244 in any jurisdiction to the extent that the association or consorting represents a threat to the

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

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

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

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

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

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

261 (f) if requested by the commission or the [~~director~~] secretary, meet with the
262 commission or the [~~director~~] secretary to examine the applicant's qualifications for licensure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

305 (h) if requested by the commission or the [~~director~~] secretary, meet with the
306 commission or the [~~director~~] secretary to examine the applicant's qualifications for licensure.

- 307 (6) Each applicant for licensure as a manager or second shall:
- 308 (a) submit an application in a form prescribed by the commission;
- 309 (b) pay a fee determined by the department under Section 63-38-3.2;
- 310 (c) produce information, documentation, and assurances as may be required to
- 311 establish by a preponderance of the evidence the applicant's reputation for good character,
- 312 honesty, integrity, and responsibility, which shall include information, documentation, and
- 313 assurances that the applicant:
- 314 (i) has not and at the time of application is not associating or consorting with a person
- 315 engaging in illegal activity to the extent that the association or consorting represents a threat to
- 316 the conduct of contests in the public's interest within the state, or a threat to the health, safety,
- 317 and welfare of the applicant or a licensed contestant;
- 318 (ii) has not been convicted of a crime in any jurisdiction which the commission
- 319 determines by the nature of the crime and circumstances surrounding that crime should
- 320 disqualify the applicant from licensure in the public interest;
- 321 (iii) is not associating or consorting with any person who has been convicted of a
- 322 felony in any jurisdiction to the degree that the commission finds that the association or
- 323 consorting represents a threat to the conduct of contests in the public's interest within the state,
- 324 or a threat to the health, safety, and welfare of the applicant or a licensed contestant;
- 325 (iv) is not associating or consorting with a person engaging in illegal gambling or
- 326 similar pursuits or a person gambling with respect to the promotion for which the applicant is
- 327 receiving a license to the extent that the association or consorting represents a threat to the
- 328 conduct of contests in the public's interest within the state, or a threat to the health, safety, and
- 329 welfare of the applicant or a licensed contestant;
- 330 (v) is not engaging in illegal gambling with respect to sporting events or gambling with
- 331 respect to a contest in which the applicant is participating;
- 332 (vi) has not been found in an administrative, criminal, or civil proceeding to have
- 333 engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a
- 334 contest or any other sporting event; and
- 335 (vii) has not been found in an administrative, criminal, or civil proceeding to have
- 336 violated or attempted to violate any law with respect to a contest in any jurisdiction or any law,
- 337 rule, or order relating to the regulation of contests in this state or any other jurisdiction;

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

340 (e) if requested by the commission or [~~director~~] secretary, meet with the commission or
341 the [~~director~~] secretary to examine the applicant's qualifications for licensure.

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

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

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

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

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

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

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

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

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

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

369 contest or any other sporting event; and

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

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

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

377 (f) if requested by the commission or the [~~director~~] secretary, meet with the
378 commission or the [~~director~~] secretary to examine the applicant's qualifications for licensure.

379 (8) Each applicant for licensure as a ringside physician shall:

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

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

382 (c) provide the commission with evidence of the applicant's license to practice
383 medicine in the state; and

384 (d) satisfy minimum qualifications established by commission rule.

385 (9) Each applicant for licensure as an inspector shall:

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

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

388 (c) meet the requirements of Section 13-33-204.

389 (10) Each applicant for licensure as a security guard shall:

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

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

392 (c) provide the commission with evidence of the applicant's qualifications as a security
393 guard.

394 (11) (a) A licensee serves at the pleasure, and under the direction, of the commission
395 while participating in any way at a contest.

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

398 Section 5. Section **13-33-303** is amended to read:

399 **13-33-303. Grounds for denial of license -- Disciplinary proceedings --**

400 **Reinstatement.**

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

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

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

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

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

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

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

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

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

424 (5) (a) The commission may impose an administrative fine for acts of unprofessional or
425 unlawful conduct under this chapter.

426 (b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each
427 separate act of unprofessional or unlawful conduct.

428 (c) The commission shall comply with Title 63, Chapter 46b, Administrative
429 Procedures Act, in any action to impose an administrative fine under this chapter.

430 (d) The imposition of a fine under this Subsection (5) does not affect any other action

431 the commission or department may take concerning a license issued under this chapter.

432 (6) (a) The commission may not take disciplinary action against any person for
433 unlawful or unprofessional conduct under this title, unless the commission initiates an
434 adjudicative proceeding regarding the conduct within four years after the conduct is reported to
435 the commission, except under Subsection (6)(b).

436 (b) The commission may not take disciplinary action against any person for unlawful
437 or unprofessional conduct more than ten years after the occurrence of the conduct, unless the
438 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is
439 initiated within one year following the judgment or settlement.

440 (7) (a) Notwithstanding Title 63, Chapter 46b, Administrative Procedures Act, the
441 following have the authority to immediately suspend the license of a licensee at such time and
442 for such period that the following believes is necessary to protect the health, safety, and welfare
443 of the licensee, another licensee, or the public:

444 (i) the commission;

445 (ii) a designated commission member; or

446 (iii) if a designated commission member is not present, the ~~[director]~~ secretary.

447 (b) The commission shall establish by rule appropriate procedures to invoke the
448 suspension and to provide a suspended licensee a right to a hearing before the commission with
449 respect to the suspension within a reasonable time after the suspension.

450 Section 6. Section **13-33-401** is amended to read:

451 **13-33-401. Jurisdiction of commission.**

452 (1) (a) The commission has and is vested with the sole direction, management, control,
453 and jurisdiction over all contests or exhibitions of unarmed combat to be conducted, held, or
454 given within this state.

455 (b) A contest or exhibition may not be conducted, held, or given within this state
456 except in accordance with this chapter.

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

460 (3) (a) An area not less than six feet from the perimeter of the ring shall be reserved for
461 the use of:

- 462 (i) the designated commission member;
- 463 (ii) other commission members in attendance;
- 464 (iii) the [~~director~~] secretary;
- 465 (iv) commission employees;
- 466 (v) officials;
- 467 (vi) licensees participating or assisting in the contest; and
- 468 (vii) others granted credentials by the commission.

469 (b) The promoter shall provide security at the direction of the commission or
470 designated commission member to secure the area described in Subsection (3)(a).

471 (4) The area described in Subsection (3), area in the dressing rooms, and other areas
472 considered necessary by the designated commission member for the safety and welfare of a
473 licensee and the public shall be reserved for the use of:

- 474 (a) the designated commission member;
- 475 (b) other commission members in attendance;
- 476 (c) the [~~director~~] secretary;
- 477 (d) commission employees;
- 478 (e) officials;
- 479 (f) licensees participating or assisting in the contest; and
- 480 (g) others granted credentials by the commission.

481 (5) The promoter shall provide security at the direction of the commission or
482 designated commission member to secure the areas described in Subsections (3) and (4).

483 (6) (a) The designated commission member may direct the removal from the contest
484 venue and premises, of any individual whose actions:

- 485 (i) are disruptive to the safe conduct of the contest; or
- 486 (ii) pose a danger to the safety and welfare of the licensees, the commission, or the
487 public.

488 (b) The promoter shall provide security at the direction of the commission or
489 designated commission member to effectuate a removal under Subsection (6)(a).

490 Section 7. Section **13-33-403** is amended to read:

491 **13-33-403. Approval to hold contest or promotion -- Bond required.**

492 (1) An application to hold a contest or multiple contests as part of a single promotion

493 shall be made by a licensed promoter to the commission on forms provided by the commission.

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

496 (3) (a) The commission may approve or deny approval to hold a contest or promotion
497 permitted under this chapter.

498 (b) Provisional approval under Subsection (3)(a) shall be granted upon a determination
499 by the commission that:

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

501 (ii) a bond meeting the requirements of Subsection (5) has been posted by the promoter
502 of the contest or promotion; and

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

505 (4) Final approval to hold a contest or promotion may not be granted unless the
506 promoter provides to the commission not less than seven days before the day of the contest:

507 (a) proof of a negative HIV test performed not more than 180 days before the day of
508 the contest for each contestant;

509 (b) a copy of each contestant's federal identification card;

510 (c) a copy of a signed contract between each contestant and the promoter for the
511 contest;

512 (d) a statement specifying the maximum number of rounds of the contest;

513 (e) a statement specifying the site, date, and time of weigh-in; and

514 (f) the name of the physician selected from among a list of commission-approved
515 ringside physicians who shall act as ringside physician for the contest.

516 (5) An applicant shall post a surety bond or cashier's check with the commission in the
517 greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement of the
518 proceeds if the applicant fails to comply with:

519 (a) the requirements of this chapter; or

520 (b) rules made under this chapter relating to the promotion or conduct of the contest or
521 promotion.

522 Section 8. Section **13-33-406** is enacted to read:

523 **13-33-406. Time between contests.**

- 524 (1) Except as provided in Section 13-33-508, a licensee may not participate in:
525 (a) a boxing contest as a contestant if that person has participated in another boxing
526 contest as a contestant within 30 days before the proposed boxing contest; or
527 (b) an ultimate fighting contest as a contestant if that person has participated in another
528 ultimate fighting contest as a contestant within three days before the proposed ultimate fighting
529 contest.
- 530 (2) Subsection (1) applies regardless of where the previous boxing contest occurred.
531 (3) There is no mandatory eight-count rule.
532 (4) During the period of time beginning 60 minutes before the beginning of a contest,
533 the promoter shall demonstrate the promoter's compliance with the commission's security
534 requirements to all commission members present at the contest.
535 (5) A promoter shall pay a fee of at least \$250 to the commission for the conduct of
536 each contest or event composed of multiple contests conducted under this chapter.

537 Section 9. Section **13-33-504** is amended to read:

538 **13-33-504. Withholding of purse.**

- 539 (1) The commission, the [~~director~~] secretary, or any other agent authorized by the
540 commission may order a promoter to withhold any part of a purse or other money belonging or
541 payable to any contestant, manager, or second if, in the judgment of the commission, [~~director~~]
542 secretary, or other agent:
- 543 (a) the contestant is not competing honestly or to the best of his skill and ability or the
544 contestant otherwise violates any rules adopted by the commission or any of the provisions of
545 this chapter; or
- 546 (b) the manager or second violates any rules adopted by the commission or any of the
547 provisions of this chapter.
- 548 (2) This section does not apply to any contestant in a wrestling exhibition who appears
549 not to be competing honestly or to the best of his skill and ability.
- 550 (3) Upon the withholding of any part of a purse or other money pursuant to this section,
551 the commission shall immediately schedule a hearing on the matter, provide adequate notice to
552 all interested parties, and dispose of the matter as promptly as possible.
- 553 (4) If it is determined that a contestant, manager, or second is not entitled to any part of
554 his share of the purse or other money, the promoter shall pay the money over to the

555 commission.

556 Section 10. Section **13-33-508** is amended to read:

557 **13-33-508. Elimination boxing contests -- Conduct of contests -- Applicability of**
558 **provisions -- Limitations on license -- Duration of contests -- Equipment -- Limitations on**
559 **contests.**

560 (1) An elimination boxing contest shall be conducted under the supervision and
561 authority of the commission.

562 (2) Except as otherwise provided in this section and except as otherwise provided by
563 specific statute, the provisions of this chapter pertaining to boxing apply to an elimination
564 boxing contest.

565 (3) (a) All contests in an elimination boxing contest shall be no more than three rounds
566 in duration.

567 (b) A round of unarmed combat in an elimination boxing contest shall be no more than
568 one minute in duration.

569 (c) A period of rest following a round shall be no more than one minute in duration.

570 (4) A contestant:

571 (a) shall wear gloves that weigh 16 ounces; and

572 (b) shall wear headgear approved by the commission, the designated commission
573 member, or the ~~[director]~~ secretary if a designated commission member is not present.

574 (5) A contestant may participate in more than one contest, but may not box more than a
575 total of seven rounds in the entire tournament.

Legislative Review Note

as of 2-6-06 8:16 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0232

Amendments to Pete Suazo Athlete Commission

14-Feb-06

11:10 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst