

Senator Ed Mayne proposes the following substitute bill:

AMENDMENTS TO PETE SUAZO ATHLETE

COMMISSION

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ed Mayne

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill makes changes to the regulation of boxing.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ eliminates the position of director and creates the position of commission secretary;
- ▶ allows the commission to issue subpoenas and take evidence;
- ▶ requires a physician for a boxing contest to be selected from among a list of commission-approved physicians;
- ▶ classifies certain positions as licensees;
- ▶ changes a term-limitation provision for commission members;
- ▶ requires a period of time between contests for a contestant; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **13-33-102**, as last amended by Chapter 104, Laws of Utah 2005
- 29 **13-33-201**, as last amended by Chapter 9, Laws of Utah 2001, Second Special Session
- 30 **13-33-202**, as enacted by Chapter 91, Laws of Utah 2001
- 31 **13-33-203**, as enacted by Chapter 91, Laws of Utah 2001
- 32 **13-33-301**, as enacted by Chapter 91, Laws of Utah 2001
- 33 **13-33-303**, as last amended by Chapter 104, Laws of Utah 2005
- 34 **13-33-401**, as last amended by Chapter 104, Laws of Utah 2005
- 35 **13-33-403**, as last amended by Chapter 104, Laws of Utah 2005
- 36 **13-33-404**, as enacted by Chapter 91, Laws of Utah 2001
- 37 **13-33-504**, as enacted by Chapter 91, Laws of Utah 2001
- 38 **13-33-508**, as enacted by Chapter 104, Laws of Utah 2005

39 ENACTS:

- 40 **13-33-406**, Utah Code Annotated 1953



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

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

44 **13-33-102. Definitions.**

45 As used in this chapter:

- 46 (1) "Bodily injury" is as defined in Section 76-1-601.
- 47 (2) "Boxing" means the sport of attack and defense using the fist, covered by an
- 48 approved boxing glove.
- 49 (3) "Club fighting" means any contest of unarmed combat, whether admission is
- 50 charged or not, where:
 - 51 (a) the rules of the contest are not approved by the commission;
 - 52 (b) a licensed physician or osteopath is not in attendance;
 - 53 (c) an HIV negative test regarding each contestant not less than 180 days before the
 - 54 contest has not been provided to the commission;
 - 55 (d) the contest is not conducted in accordance with commission rules; or
 - 56 (e) the contestants are not matched by the weight standards described in Section

57 13-33-507.

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

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

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

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

64 (8) "Designated commission member" means a member of the commission designated
65 to:

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

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

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

69 [~~(10)~~] (9) "Elimination boxing contest" means:

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

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

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

73 [~~(11)~~] (10) "Executive director" means the executive director of the Department of
74 Commerce.

75 [~~(12)~~] (11) "Exhibition" means an engagement in which the participants show or
76 display their skills without necessarily striving to win.

77 [~~(13)~~] (12) "Judge" means an individual qualified by training or experience to:

78 (a) rate the performance of contestants;

79 (b) score a contest; and

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

82 [~~(14)~~] (13) "Licensee" means an individual licensed by the commission to act as a:

83 (a) contestant;

84 (b) judge;

85 (c) manager;

86 (d) promoter;

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

88 (f) second[-];

89 (g) ringside physician; or

90 (h) security guard.

91 [~~15~~] (14) "Manager" means an individual who represents a contestant for the

92 purposes of:

93 (a) obtaining a contest;

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

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

97 [~~16~~] (15) "Promoter" means a person who engages in producing or staging contests
98 and promotions.

99 [~~17~~] (16) "Promotion" means a single contest or a combination of contests that occur
100 during the same time at the same location and that is produced or staged by a promoter.

101 [~~18~~] (17) "Purse" means any money, prize, remuneration, or any other valuable
102 consideration a contestant receives or may receive for participation in a contest.

103 [~~19~~] (18) "Referee" means an individual qualified by training or experience to act as
104 the official attending a contest at the point of contact between contestants for the purpose of:

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

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

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

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

112 [~~21~~] (20) "Second" means an individual who attends a contestant at the site of the
113 contest before, during, and after the contest in accordance with contest rules.

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

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

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

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

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

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

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

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

129 (e) contest rules prohibit contestants from:

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

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

135 (iii) biting; or

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

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

140 (b) "Unarmed combat" does not include a competition or exhibition between
141 participants in which the participants engage in simulated combat for entertainment purposes.

142 (26) "Unlawful conduct" means organizing, promoting, or participating in a contest
143 which involves contestants that are not licensed under this chapter.

144 (27) "Unprofessional conduct" means:

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

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

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

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

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

153 (f) striking of a downed opponent by a contestant while the contestant remains on the
154 contestant's feet unless the commission, following a hearing conducted under Subsection
155 13-33-404(3) and before the contest, has exempted the contest and each contestant from this
156 Subsection (27)(f);

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

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

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

161 **13-33-201. Commission -- Creation -- Appointments -- Terms -- Expenses --**

162 **Quorum.**

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

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

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

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

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

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

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

178 (d) [(†)] When a vacancy occurs in the membership for any reason, the replacement
179 shall be appointed for the unexpired term.

180 [~~(i)~~] ~~After filling that term, the replacement member may be appointed for only one~~

181 ~~additional full term.]~~

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

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

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

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

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

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

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

201 Section 3. Section **13-33-202** is amended to read:

202 **13-33-202. Commission powers and duties.**

203 (1) The commission shall:

204 [~~1~~] (a) purchase and use a seal;

205 [~~2~~] (b) adopt rules for the administration of this chapter in accordance with Title 63,
206 Chapter 46a, Administrative Rulemaking Act;

207 [~~3~~] (c) prepare all forms of contracts between sponsors, licensees, promoters, and
208 contestants; and

209 [~~4~~] (d) hold hearings relating to matters under its jurisdiction, including violations of
210 this chapter or rules promulgated under this chapter.

211 (2) The commission may subpoena witnesses, take evidence, and require the

212 production of books, papers, documents, records, contracts, recordings, tapes, correspondence,
213 or other information relevant to an investigation if the commission or its designee considers it
214 necessary.

215 Section 4. Section **13-33-203** is amended to read:

216 **13-33-203. Commission secretary.**

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

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

220 Section 5. Section **13-33-301** is amended to read:

221 **13-33-301. Licensing.**

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

223 (a) promoter;

224 (b) manager;

225 (c) contestant;

226 (d) second;

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

228 (f) judge[-];

229 (g) ringside physician; or

230 (h) security guard.

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

233 (a) promoter;

234 (b) manager;

235 (c) contestant;

236 (d) second;

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

238 (f) judge[-];

239 (g) ringside physician; or

240 (h) security guard.

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

- 243 (4) Each applicant for licensure as a promoter shall:
- 244 (a) submit an application in a form prescribed by the commission;
- 245 (b) pay the fee determined by the department under Section 63-38-3.2;
- 246 (c) provide to the commission evidence of financial responsibility which shall include
- 247 financial statements and other information that the commission may reasonably require to
- 248 determine that the applicant or licensee is able to competently perform as and meet the
- 249 obligations of a promoter in this state;
- 250 (d) produce information, documentation, and assurances as may be required to
- 251 establish by a preponderance of the evidence the applicant's reputation for good character,
- 252 honesty, integrity, and responsibility, which shall include information, documentation, and
- 253 assurances that the applicant:
- 254 (i) has not and at the time of application is not associating or consorting with a person
- 255 engaging in illegal activity to the extent that the association or consorting represents a threat to
- 256 the conduct of contests in the public's interest within the state, or a threat to the health, safety,
- 257 and welfare of the applicant or a licensed contestant;
- 258 (ii) has not been convicted of a crime in any jurisdiction which the commission
- 259 determines by the nature of the crime and circumstances surrounding the crime should
- 260 disqualify the applicant from licensure in the public interest;
- 261 (iii) is not associating or consorting with a person who has been convicted of a felony
- 262 in any jurisdiction to the extent that the association or consorting represents a threat to the
- 263 conduct of contests in the public's interest within the state, or a threat to the health, safety, and
- 264 welfare of the applicant or a licensed contestant;
- 265 (iv) is not associating or consorting with a person engaging in illegal gambling or
- 266 similar pursuits to the extent that the association or consorting represents a threat to the
- 267 conduct of contests in the public's interest within the state, or a threat to the health, safety, and
- 268 welfare of the applicant or a licensed contestant;
- 269 (v) is not engaging in illegal gambling with respect to sporting events or gambling with
- 270 respect to the promotions the applicant is promoting;
- 271 (vi) has not been found in an administrative, criminal, or civil proceeding to have
- 272 engaged in or attempted to engage in any fraud or misrepresentation in connection with a
- 273 contest or any other sporting event; and

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

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

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

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

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

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

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

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

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

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

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

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

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

305 felony in any jurisdiction to the degree that the commission finds that the association or
306 consorting represents a threat to the conduct of contests in the public's interest within the state,
307 or a threat to the health, safety, and welfare of the applicant or a licensed contestant;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 398 (a) submit an application in a form prescribed by the commission;
- 399 (b) pay the fee determined by the department under Section 63-38-3.2;
- 400 (c) provide the commission with evidence of the applicant's license to practice
- 401 medicine in the state; and
- 402 (d) satisfy minimum qualifications established by commission rule.
- 403 (9) Each applicant for licensure as a security guard shall:
- 404 (a) submit an application in a form prescribed by the commission;
- 405 (b) pay the fee determined by the department under Section 63-38-3.2; and
- 406 (c) provide the commission with evidence of the applicant's qualifications as a security
- 407 guard.
- 408 (10) (a) A licensee serves at the pleasure, and under the direction, of the commission
- 409 while participating in any way at a contest.
- 410 (b) A licensee's license may be suspended, or a fine imposed, if the licensee does not
- 411 follow the commission's direction at an event or contest.

412 Section 6. Section **13-33-303** is amended to read:

413 **13-33-303. Grounds for denial of license -- Disciplinary proceedings --**
414 **Reinstatement.**

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

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

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

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

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

429 health, safety, or welfare.

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

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

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

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

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

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

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

444 (d) The imposition of a fine under this Subsection (5) does not affect any other action
445 the commission or department may take concerning a license issued under this chapter.

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

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

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

458 (i) the commission;

459 (ii) a designated commission member; or

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

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

464 Section 7. Section **13-33-401** is amended to read:

465 **13-33-401. Jurisdiction of commission.**

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

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

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

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

- 476 (i) the designated commission member;
- 477 (ii) other commission members in attendance;
- 478 (iii) the [~~director~~] secretary;
- 479 (iv) commission employees;
- 480 (v) officials;
- 481 (vi) licensees participating or assisting in the contest; and
- 482 (vii) others granted credentials by the commission.

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

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

- 488 (a) the designated commission member;
- 489 (b) other commission members in attendance;
- 490 (c) the [~~director~~] secretary;

- 491 (d) commission employees;
- 492 (e) officials;
- 493 (f) licensees participating or assisting in the contest; and
- 494 (g) others granted credentials by the commission.

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

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

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

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

504 Section 8. Section **13-33-403** is amended to read:

505 **13-33-403. Approval to hold contest or promotion -- Bond required.**

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

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

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

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

- 514 (i) the promoter of the contest or promotion is properly licensed;
- 515 (ii) a bond meeting the requirements of Subsection (5) has been posted by the promoter
516 of the contest or promotion; and
- 517 (iii) the contest or promotion will be held in accordance with this chapter and rules
518 made under this chapter.

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

- 521 (a) proof of a negative HIV test performed not more than 180 days before the day of

522 the contest for each contestant;

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

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

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

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

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

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

533 (a) the requirements of this chapter; or

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

536 Section 9. Section **13-33-404** is amended to read:

537 **13-33-404. Rules for the conduct of contests.**

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

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

545 (3) (a) The commission may, in its discretion, exempt a contest and each contestant
546 from the definition of unprofessional conduct found in Subsection 13-33-102(27)(f) after:

547 (i) a promoter requests the exemption; and

548 (ii) the commission considers relevant factors, including:

549 (A) the experience of the contestants;

550 (B) the win and loss records of each contestant;

551 (C) each contestant's level of training; and

552 (D) any other evidence relevant to the contestants' professionalism and the ability to

553 safely conduct the contest.

554 (b) The commission's hearing of a request for an exemption under this Subsection (3)
555 is an informal adjudicative proceeding under Section 63-46b-4.

556 (c) The commission's decision to grant or deny a request for an exemption under this
557 Subsection (3) is not subject to agency review under Section 63-46b-12.

558 Section 10. Section **13-33-406** is enacted to read:

559 **13-33-406. Contests.**

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

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

563 (b) an ultimate fighting contest as a contestant if that person has participated in another
564 ultimate fighting contest as a contestant within three days before the proposed ultimate fighting
565 contest.

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

567 (3) There is no mandatory eight-count rule.

568 (4) During the period of time beginning 60 minutes before the beginning of a contest,
569 the promoter shall demonstrate the promoter's compliance with the commission's security
570 requirements to all commission members present at the contest.

571 (5) A venue at which a contest is to be held that has the capacity to host more than
572 5,000 people need not have licensed security guards to provide security at a contest.

573 (6) The commission shall establish fees in accordance with Section 63-38-3.2 to be
574 paid by a promoter for the conduct of each contest or event composed of multiple contests
575 conducted under this chapter.

576 Section 11. Section **13-33-504** is amended to read:

577 **13-33-504. Withholding of purse.**

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

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

584 this chapter; or

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

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

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

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

595 Section 12. Section **13-33-508** is amended to read:

596 **13-33-508. Elimination boxing contests -- Conduct of contests -- Applicability of**
597 **provisions -- Limitations on license -- Duration of contests -- Equipment -- Limitations on**
598 **contests.**

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

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

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

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

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

609 (4) A contestant:

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

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

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

Fiscal Note
Bill Number SB0232S01

Amendments to Pete Suazo Athlete Commission

14-Feb-06

11:11 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst