

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1174 Session of
1991

INTRODUCED BY PETRONE, OLIVER, FAIRCHILD, BUNT, McCALL, DeLUCA,
CESSAR, GEIST, LaGROTTA, GRUPPO, KASUNIC AND O'BRIEN,
APRIL 17, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 17, 1991

AN ACT

1 Amending Title 5 (Reserved) of the Pennsylvania Consolidated
2 Statutes, changing the name of the title; adding provisions
3 relating to boxing and wrestling; and making repeals.

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19 § 2301. Amateur wrestling contests and exhibitions.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The heading of Title 5 of the Pennsylvania
23 Consolidated Statutes is amended and Title 5 is amended by
24 adding a part to read:

25 TITLE 5

26 [Reserved]

27 ATHLETICS AND SPORTS

28 Part

29 I. Boxing and Wrestling

30 PART I

BOXING AND WRESTLING

Subpart

A. General Provisions

B. Boxing

C. Wrestling

SUBPART A

GENERAL PROVISIONS

Chapter

1. Preliminary Provisions

CHAPTER 1

PRELIMINARY PROVISIONS

Sec.

101. Definitions.

102. State Athletic Commission.

103. Duties of commission.

104. Appointment and qualifications of executive director.

105. Powers and duties of executive director.

106. Limitations on applicability of part.

§ 101. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commission." The State Athletic Commission.

"Department." The Department of State of the Commonwealth.

"Executive director." The executive director of the State Athletic Commission.

"Secretary." The Secretary of the Commonwealth.

§ 102. State Athletic Commission.

1 (a) Composition.--The State Athletic Commission shall be
2 composed of three members appointed by the Governor with the
3 advice and consent of a majority of the members elected to the
4 Senate. The Governor shall designate one of the members as
5 chairman. The secretary and the chairman of the Medical Advisory
6 Board established under section 501 (relating to Medical
7 Advisory Board) shall be ex officio members of the commission.
8 Each appointment shall be for a term of four years.

9 (b) Compensation.--Each commissioner, except the secretary
10 and the chairman of the Medical Advisory Board, shall receive a
11 salary of \$10,000 annually. The chairman of the commission shall
12 receive a salary of \$10,500 annually. The commissioners and the
13 chairman of the Medical Advisory Board shall also receive
14 reasonable and necessary travel expenses incurred as a direct
15 result of their duties as members of the commission. The
16 expenses incurred by the commissioners shall be allowed and paid
17 on the presentation of itemized vouchers therefor, which
18 vouchers shall be subject to the approval of the secretary.

19 (c) Removal.--Except as authorized under this section, no
20 commissioner may be removed from office during his term. The
21 Governor may, upon clear and convincing evidence of misfeasance
22 or malfeasance in office or neglect of duty, remove a
23 commissioner prior to the expiration of the term. The Governor
24 shall then provide the commissioner so removed with a detailed
25 written statement of the reasons for removal.

26 (d) Quorum requirement.--Two members of the commission shall
27 constitute a quorum.

28 § 103. Duties of commission.

29 (a) Meetings.--The commission shall hold regular meetings at
30 least once every two months to carry out the requirements of

1 this part, which shall include the consideration of any rules or
2 regulations or amendments thereto which are recommended by the
3 executive director. The meetings shall be open to the public.
4 The meeting times shall be scheduled one year in advance and
5 shall be published in the Pennsylvania Bulletin.

6 (b) General duties.--In addition to any other power
7 specifically granted by this part, the commission:

8 (1) May establish policy and shall promulgate rules and
9 regulations regarding professional and amateur boxing
10 contests and exhibitions held within this Commonwealth, and
11 the presentation of such contests and exhibitions and all
12 matters pertaining thereto, except such contests and
13 exhibitions as are specifically exempted from this part.

14 (2) Shall promulgate rules and regulations regarding
15 collection of taxes on professional wrestling exhibitions.

16 (3) May establish policy and promulgate rules and
17 regulations regarding professional and amateur wrestling
18 contests as authorized under Chapter 23 (relating to
19 regulation of amateur wrestling contests and exhibitions).
20 The rules and regulations authorized under this section
21 include those rules and regulations required by this part,
22 together with such others as the commission considers
23 necessary in order to carry out the provisions of this part.

24 § 104. Appointment and qualifications of executive director.

25 The secretary shall appoint an executive director of the
26 commission with administrative experience and other
27 qualifications indicating he is familiar with the activities to
28 be regulated by this part. The executive director shall serve at
29 the pleasure of the secretary. The executive director's salary
30 shall be fixed by the secretary with the approval of the

1 Governor, and the executive director shall hold no other paid
2 public position.

3 § 105. Powers and duties of executive director.

4 The executive director shall supervise the administrative
5 work of the commission. The executive director shall have the
6 power and duty:

7 (1) To attend the meetings of the commission.

8 (2) To recommend to the commission suspension or
9 revocation of any license or permit issued pursuant to this
10 part for violations of any provisions of this part or the
11 rules and regulations of the commission, or when such action
12 is necessary to protect the public welfare.

13 (3) To supervise and direct staff appointed by the
14 secretary engaged in work directly related to the
15 implementation of this part.

16 (4) To prepare and recommend to the commission rules and
17 regulations and amendments thereto regarding the matters
18 regulated under this part.

19 (5) To implement and supervise a drug testing program of
20 all athletes licensed under Subpart B (relating to boxing) in
21 consultation with the Medical Advisory Board and the
22 Department of Health.

23 (6) To present the standing committees of both Houses of
24 the General Assembly with an annual review of the
25 commission's rules and regulations.

26 (7) To establish and maintain a record of all boxers
27 licensed under Subpart B, showing for each licensee all of
28 the following:

29 (i) The date licensed.

30 (ii) The results of prefight and postfight

1 physicals.

2 (iii) Any fictitious or assumed names by which the
3 licensee competes.

4 (iv) The number and dates of any suspensions of the
5 licensee.

6 (v) The dates when the licensee is knocked out.

7 (vi) The licensee's record from other states.

8 (8) To administer and make effective the provisions of
9 this part and the rules and regulations made under this part.

10 (9) To conduct a substantial portion of the activities
11 required by this part at a single central location, wherein
12 all records of the commission shall be maintained.

13 (10) To prepare an annual budget for the consideration
14 of the commission, showing the costs of operation and
15 revenues received in the previous fiscal year and the
16 estimated costs of operations and revenues to be received in
17 the next fiscal year. The budget shall be approved by the
18 commission and forwarded to the secretary in a timely fashion
19 for his review and inclusion in the budget request of the
20 department.

21 (11) To aid the commission in the promotion of boxing
22 contests in this Commonwealth.

23 (12) To supervise collection of taxes on professional
24 wrestling exhibitions.

25 § 106. Limitations on applicability of part.

26 No provision of this part nor any rule or regulation
27 promulgated under this part shall apply to any boxing contest or
28 exhibition or wrestling contest or exhibition conducted or
29 sponsored by any university, college, secondary school or group
30 of universities, colleges or secondary schools or the Department

of Corrections if all the participants are students regularly enrolled in such institutions or inmates confined within a State or county correctional facility, respectively.

SUBPART B

BOXING

Chapter

3. Preliminary Provisions

5. Medical Advisory Board

7. Regulation of Boxing Contests and Exhibitions

9. Licenses and Permits

11. Promotion of Contests and Exhibitions

13. Enforcement

15. Financial Provisions

17. Miscellaneous Provisions

CHAPTER 3

PRELIMINARY PROVISIONS

Sec.

301. Short title of subpart.

302. Definitions.

§ 301. Short title of subpart.

This subpart shall be known and may be cited as the Boxing Act.

§ 302. Definitions.

Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Amateur." A person who has never received nor competed for any purse or other article of value, either for participating in

1 any boxing contest or exhibition or for the expenses of training
2 therefor, other than a prize which does not exceed \$50 in value.

3 "Boxing." The act of attack and defense with the fists,
4 practiced as a sport. The term includes all variations of the
5 sport permitting or using other parts of the human body,
6 including, but not limited to, the foot, knee, leg, elbow or
7 head.

8 "Contest." A boxing engagement in which the boxers strive
9 earnestly in good faith to win.

10 "Exhibition." A boxing engagement in which the boxers show
11 or display their skill without necessarily striving to win.

12 "Foreign copromoter." A promoter who has no place of
13 business within this Commonwealth.

14 "Judge." A person who has a vote in determining the winner
15 of any contest.

16 "Manager." A person who, directly or indirectly, controls or
17 administers the affairs of any boxer.

18 "Matchmaker." A person who brings together professional
19 boxers or arranges professional boxing contests or exhibitions.

20 "Professional." A person who has received or competed for,
21 or is receiving or competing for, any purse or other article of
22 value, other than a prize which does not exceed \$50 in value,
23 either for participating in any boxing contest or exhibition or
24 for the expenses of training therefor.

25 "Promoter." Any person and, in the case of a corporate
26 promoter, any officer, director, employee or stockholder thereof
27 who produces, arranges or stages any professional contest or
28 exhibition.

29 "Purse." The financial guarantee or any other remuneration,
30 or part thereof, for which professional boxers are participating

1 in a contest or exhibition. The term includes the participant's
2 share of any payment received for radio broadcasting, television
3 and motion picture rights.

4 "Sponsor." Any person and, in the case of a corporate
5 sponsor, any officer, director, employee or stockholder thereof
6 who produces, arranges or stages any amateur contest or
7 exhibition.

8 CHAPTER 5

9 MEDICAL ADVISORY BOARD

10 Sec.

11 501. Medical Advisory Board

12 § 501. Medical Advisory Board.

13 The commission shall appoint five physicians to serve on a
14 Medical Advisory Board for a term of four years. The Governor
15 shall designate a member with experience in sports medicine as
16 chairman of the board. Each member shall be paid a per diem rate
17 to be established by the secretary, but not in excess of \$150 a
18 day. The board shall issue an annual report to the commission,
19 which shall include a review of the health status of each boxer
20 who competed during the prior fiscal year to identify those who
21 may be at risk of serious physical impairment. The board may
22 recommend changes or additions to the health and safety rules
23 and regulations of the commission and, upon request of the
24 commission, shall review proposed rules and regulations and
25 advise the commission of recommendations with respect to the
26 proposed rules and regulations.

27 CHAPTER 7

28 REGULATION OF BOXING CONTESTS AND EXHIBITIONS

29 Sec.

30 701. Boxing regulated.

1 702. Age of participants.
2 703. Fictitious names.
3 704. Physician to be in attendance.
4 705. Medical training seminars.
5 706. Register.
6 707. Medical equipment.
7 708. Suspension and revocation for injuries.
8 709. Medical examinations.
9 710. Weights and classes.
10 711. Limitation on difference in weights.
11 712. Gloves.
12 713. Ring padding.
13 714. Duration of bouts and rounds.
14 715. Referee and judges.
15 716. Seconds.
16 717. Mandatory eight count.
17 718. Knockouts.
18 719. Duty of disclosure.
19 720. Sham or collusive contest prohibited.

20 § 701. Boxing regulated.

21 (a) General rule.--Professional contests or exhibitions,
22 including kick boxing, shall be held within this Commonwealth
23 only in accordance with the provisions of this subpart and the
24 rules and regulations promulgated under this subpart.

25 (b) Events on Sunday.--Contests or exhibitions may be held
26 on Sunday.

27 § 702. Age of participants.

28 (a) General rule.--No person under 18 years of age shall be
29 a participant in any contest or exhibition.

30 (b) Exception.--

1 (1) Any person between 12 and 17 years of age may
2 participate in amateur contests or exhibitions under such
3 rules and regulations as the commission shall prescribe.

4 (2) Any person between 12 and 17 years of age may
5 participate after obtaining written permission from a parent
6 or legal guardian, as well as consent by the executive
7 director.

8 (3) A person 12 to 16 years of age may only participate
9 in such contests with a person not more than one year older.

10 (c) Junior Olympics.--The limitations set forth in
11 subsections (a) and (b) shall not apply to sanctioned boxing
12 events for the Junior Olympics under the direction of a national
13 governing organization certified by the commission. For the
14 purposes of the Junior Olympic events, participants, with the
15 written permission of a parent or legal guardian, may box only
16 in the following age divisions:

17 (1) Ten and eleven years of age.

18 (2) Twelve and thirteen years of age.

19 (3) Fourteen and fifteen years of age.

20 No participant shall take part in any event outside of the
21 approved division for that age group.

22 § 703. Fictitious names.

23 No person shall participate in any amateur contest or
24 exhibition under a fictitious or assumed name unless the
25 fictitious or assumed name has first been registered with the
26 commission.

27 § 704. Physician to be in attendance.

28 A physician shall be assigned to every contest or exhibition
29 by the executive director. The physician shall observe at all
30 times the physical condition of the participants and may stop

1 any contest or exhibition at any time to examine a participant
2 and to terminate a bout when, in the judgment of the physician,
3 severe injury could result to a participant if the contest or
4 exhibition were to continue. The commission shall establish by
5 rule or regulation a schedule of fees to be paid to physicians
6 for their services. The physician's fee shall be paid by the
7 promoter of the contest or exhibition attended by the physician.

8 § 705. Medical training seminars.

9 The commission shall conduct mandatory medical training
10 seminars at least twice a year for all ring personnel,
11 commission personnel and other designated persons employed by
12 the secretary.

13 § 706. Register.

14 The executive director shall establish and maintain a
15 register for all professional boxers licensed in this
16 Commonwealth. The register shall include a photograph of the
17 boxer. In the register, the executive director shall record the
18 results of each contest or exhibition the boxer is involved in,
19 including technical knockouts, knockouts and other boxing-
20 related injuries, as well as the dates of each contest or
21 exhibition and the record of wins and losses.

22 § 707. Medical equipment.

23 No professional contest or exhibition shall be started unless
24 there is on the premises:

25 (1) An ambulance, together with emergency equipment.

26 (2) A portable resuscitator with oxygen and appropriate
27 endotracheal tubes and a qualified operator.

28 § 708. Suspension and revocation for injuries.

29 (a) General rule.--For sound medical reasons and to protect
30 the individual boxers, the commission shall establish mandatory

1 license suspensions of those persons who sustain certain
2 injuries.

3 (b) Particular suspension periods.--The commission may
4 suspend a boxer's license for up to:

5 (1) Sixty days for a laceration of the face.

6 (2) Thirty days:

7 (i) for a technical knockout without head injuries;
8 or

9 (ii) upon recommendation of the ringside physician
10 if, in the physician's opinion, the boxer has sustained
11 sufficient injuries to require the suspension.

12 (3) Sixty days for head injuries.

13 (4) Ninety days for a knockout.

14 (c) Unconsciousness or concussion.--A boxer who has been
15 knocked unconscious or who has received a concussion shall have
16 his license suspended for 90 days, and the suspension shall be
17 removed only after the boxer has been pronounced fit after
18 undergoing medical examination by a physician.

19 (d) Repeated knockouts.--A boxer who has been knocked out or
20 severely beaten shall have his license revoked if, after
21 undergoing a medical examination by a physician, the commission
22 decides such action is necessary in order to protect the health
23 and welfare of the boxer.

24 (e) Consecutive defeats.--A boxer who has suffered six
25 consecutive defeats shall be investigated by the commission and,
26 upon recommendation of the executive director, in consultation
27 with the Medical Advisory Board, shall be required to undergo a
28 medical examination by a physician approved by the commission.
29 If appropriate, the commission may then proceed to suspend or
30 revoke the boxer's license.

1 § 709. Medical examinations.

2 (a) Prefight examination.--In addition to any other
3 examination required by this subpart or the rules and
4 regulations promulgated under this subpart, each boxer shall be
5 examined by the attending physician within two hours before he
6 enters the ring. If, in the opinion of the physician, any boxer
7 is physically or mentally unfit to proceed, the physician shall
8 notify the person in charge, who shall immediately cancel the
9 contest or exhibition.

10 (b) Postfight examination.--In addition to any other
11 examination required by this subpart or the rules and
12 regulations promulgated under this subpart, a boxer may, at the
13 discretion of the ringside physician, be required to undergo a
14 medical examination by a physician designated by the executive
15 director during the five days following the contest or
16 exhibition in which he was a participant. If the boxer sustains
17 a knockout or technical knockout, the boxer shall undergo the
18 medical examination within such time period as shall be
19 prescribed by the rules and regulations promulgated by the
20 commission. An examination under this section shall be performed
21 at the expense of the promoter.

22 (c) Filing of results of examinations.--The results of the
23 examinations required by this section shall be reduced to
24 writing by the physician, signed by him and filed with the
25 commission within 48 hours after they have been performed.

26 (d) Content of examination.--Any medical examination
27 prescribed under this section or section 708 (relating to
28 suspension and revocation for injuries) shall conform to the
29 rules and regulations promulgated by the commission after
30 consultation with the Medical Advisory Board. The rules and

1 regulations regarding the postfight examination may prescribe,
2 or permit the attending physician to prescribe, additional tests
3 in the case of a knockout, technical knockout, head injury or
4 other injury or medical condition. The examination may include
5 drug testing as prescribed by rules and regulations, which shall
6 be promulgated by the commission in accordance with the program
7 mandated by section 105(5) (relating to powers and duties of
8 executive director).

9 § 710. Weights and classes.

10 The commission shall promulgate rules and regulations
11 establishing classes of boxers, which classes shall be based
12 upon weights. All contests or exhibitions shall take place only
13 between boxers who are within the same weight class as defined
14 by the commission unless otherwise approved by the commission.

15 § 711. Limitation on difference in weights.

16 No contest or exhibition shall take place in which the
17 difference in weight of the participants exceeds ten pounds.
18 This section shall not apply to contests or exhibitions between
19 participants in the light-heavyweight , cruiserweight or
20 heavyweight classes, as defined by the commission, nor to
21 exhibitions held solely for training purposes.

22 § 712. Gloves.

23 (a) General rule.--All boxers licensed under this subpart
24 shall be required to use thumbless or thumb-attached gloves. The
25 appropriate weight boxing gloves shall be worn by boxers as
26 follows:

27 (1) One hundred sixty pounds or under, boxing gloves
28 weighing not less than eight ounces each.

29 (2) Over 160 pounds, boxing gloves weighing not less
30 than ten ounces each.

1 (b) Violation.--A violation of this section may subject the
2 participant, promoter or manager or any of them to suspension of
3 not less than 30 days or revocation of their licenses, at the
4 discretion of the commission, pursuant to section 1304 (relating
5 to suspension or revocation of licenses or permits).

6 § 713. Ring padding.

7 All ring padding shall be subject to approval of the
8 commission. All padding shall be of soft felt, foam rubber or
9 similar material and shall be at least two inches thick.

10 § 714. Duration of bouts and rounds.

11 (a) Length of contest.--No contest or exhibition shall be
12 more than 12 rounds in length, except for championship contests
13 sanctioned by recognized international or national authorities,
14 which may be up to 15 rounds in length.

15 (b) Duration of round.--No round shall be more than three
16 minutes in duration.

17 (c) Mandatory rest period.--There shall be at least a one-
18 minute rest between consecutive rounds.

19 (d) Limitation on participation.--No boxer shall participate
20 in, nor be scheduled to participate in, more than 15 rounds
21 within 72 consecutive hours.

22 (e) Limitation on rounds.--The commission may, with respect
23 to any contest or exhibition or to any class of participants,
24 limit the number of rounds in a contest or exhibition to less
25 than the maximum number of rounds otherwise applicable.

26 § 715. Referee and judges.

27 (a) Referee.--At each professional contest or exhibition,
28 except an exhibition held solely for training purposes, there
29 shall be in attendance, at the expense of the promoter, a duly
30 licensed referee designated by the executive director, who shall

1 direct and control the contest or exhibition. Personal injury
2 and liability insurance coverage, in a minimum amount set by the
3 commission, for all claims arising from the performance of their
4 duties at the contest or exhibition shall be in effect for all
5 referees. This coverage shall be provided at the expense of the
6 promoter.

7 (b) Judges.--There shall be in attendance at every contest,
8 at the expense of the promoter, three licensed judges, each of
9 whom shall render his individual decision, in writing, on a
10 scorecard supplied by the executive director at the end of every
11 contest which continues for the scheduled number of rounds. Each
12 judge shall have one vote, and a majority of the votes cast
13 shall determine the winner.

14 (c) Scoring.--The commission shall by rule or regulation
15 prescribe the methods of scoring.

16 § 716. Seconds.

17 Before the start of any contest or exhibition, the referee
18 shall ascertain from each participant the name of the chief
19 second. The chief second shall be held responsible for the
20 conduct of his assistants during the contest or exhibition.

21 § 717. Mandatory eight count.

22 Whenever a boxer is knocked down, the boxer shall be required
23 to take a count of eight. The referee shall not permit the
24 contest or exhibition to be resumed until the count of eight has
25 been reached, except in professional championship contests and
26 exhibitions.

27 § 718. Knockouts.

28 (a) Count by referee.--When a boxer is knocked out, the
29 referee shall count to ten unless, in the judgment of the
30 referee, the boxer is in immediate physical danger, in which

1 case the referee may stop the count earlier. If the boxer has
2 not risen from the ring floor before the referee stops the
3 count, the result shall be recorded as a knockout.

4 (b) Physician.--When a boxer has been knocked out, no one
5 shall touch him, except to remove his mouth protector, until
6 after the attending physician has entered the ring and issued
7 such instructions as he deems necessary.

8 § 719. Duty of disclosure.

9 Every licensee shall, immediately after learning thereof,
10 disclose to the executive director or his designee, or to the
11 official in charge or the attending physician or referee if one
12 of these persons is in attendance at any contest or exhibition,
13 all knowledge or information in his possession concerning any
14 mental or physical disability, injury, illness or incapacity of
15 any boxer.

16 § 720. Sham or collusive contest prohibited.

17 (a) General rule.--No licensee or other person shall
18 knowingly conduct, give, participate in or be in any way
19 connected with any sham or collusive boxing contest.

20 (b) Reports.--Any licensee who knows or has reason to
21 suspect that a boxing contest is, was or is going to be a sham
22 or collusive contest shall have a duty to promptly report this
23 to the executive director or his designee. Such a report shall
24 be in writing or, if oral, shall be reduced to writing and shall
25 contain all of the reporter's reasons for the conclusions set
26 forth in his report.

27 (c) Penalty.--A violation of this section shall constitute a
28 misdemeanor of the third degree.

29 (d) Definition.--As used in this section, the term "sham or
30 collusive contest" means an engagement that is promoted or

1 advertised as a true contest, but in which one or both of the
2 participants does not use his best efforts and skill or does not
3 strive earnestly in good faith to win. The term includes, but is
4 not limited to, any pseudocontest, the result of which has been
5 prearranged, or any pseudocontest in which either participant
6 does not, is not going to or is unable to use or is prevented
7 from using his best efforts and skill as a result of coercion,
8 reward or promise thereof, physical incapacity or disability,
9 suggestion or agreement, or any other improper or unlawful
10 means.

11 CHAPTER 9

12 LICENSES AND PERMITS

13 Sec.

14 901. Power of commission to issue, withhold, suspend or revoke
15 licenses and permits.

16 902. Promoters' licenses.

17 903. Representative managers' licenses.

18 904. Foreign copromoters to procure permits.

19 905. Other licenses required.

20 906. Program permits.

21 907. Amateur events.

22 908. Prohibited interests.

23 909. Local prohibitions.

24 910. Standards for issuance of licenses and permits.

25 911. Duration of license.

26 912. Applications for licenses and permits.

27 913. Oral examinations.

28 914. License fees.

29 915. Permit fees.

30 916. Gross receipts taxes.

1 917. Application and fees.

2 § 901. Power of commission to issue, withhold, suspend or
3 revoke licenses and permits.

4 The commission is hereby granted sole control, authority and
5 jurisdiction to issue, withhold, suspend or revoke any license
6 or permit provided for under this subpart.

7 § 902. Promoters' licenses.

8 No promoter shall, directly or indirectly, conduct, hold or
9 promote any professional contest or exhibition unless he has
10 first procured a promoter's license from the commission. A
11 violation of this section may subject the promoter to suspension
12 of not less than 30 days or revocation of his license, at the
13 discretion of the commission, pursuant to section 1304 (relating
14 to suspension or revocation of licenses or permits).

15 § 903. Representative managers' licenses.

16 (a) General rule.--Before acting as such, every
17 representative manager shall procure a manager's license. He
18 shall file with the department the name of each boxer whom he
19 represents, together with a written consent from each boxer and
20 his manager authorizing him to transact business for the manager
21 or boxer or to act as or for the manager of the boxer.

22 (b) Presumption.--Every person other than the manager of a
23 professional boxer who performs any of the acts usually
24 performed by the manager or who aids, assists or substitutes for
25 the manager or who uses a licensed manager to conceal his own
26 actions as a manager shall be considered a representative
27 manager.

28 (c) Penalty.--A violation of this section may subject the
29 manager to suspension of not less than 30 days or revocation of
30 his license, at the discretion of the commission, pursuant to

1 section 1304 (relating to suspension or revocation of licenses
2 or permits).

3 § 904. Foreign copromoters to procure permits.

4 (a) General rule.--No foreign copromoter shall directly or
5 indirectly participate in the promotion of or receive any
6 remuneration from or render any services in connection with any
7 professional contest or exhibition held within this Commonwealth
8 unless he has first been granted a permit therefor by the
9 commission. No promoter shall be associated with any foreign
10 copromoter in promoting any contest or exhibition unless the
11 foreign copromoter has first secured a permit. A foreign
12 copromoter by accepting a permit agrees to be subject to all the
13 provisions of this subpart and the rules and regulations
14 promulgated under this subpart.

15 (b) Penalty.--A violation of this section may subject the
16 promoter or foreign copromoter, or both, to suspension of not
17 less than 30 days or revocation of his license or permit, at the
18 discretion of the commission, pursuant to section 1304 (relating
19 to suspension or revocation of licenses or permits).

20 § 905. Other licenses required.

21 (a) General rule.--A professional boxer, manager, second,
22 trainer, matchmaker, timekeeper, referee, judge, announcer,
23 physician, booking agent or agency or representative of a
24 booking agent or agency shall not directly or indirectly act in
25 such capacity in connection with any professional contest or
26 exhibition unless he has first procured from the commission a
27 license to act in that capacity.

28 (b) Penalty.--A violation of this section may subject the
29 person required to procure the license to suspension of not less
30 than 30 days or revocation of or refusal to issue the license,

1 at the discretion of the commission, pursuant to section 1304
2 (relating to suspension or revocation of licenses or permits).

3 § 906. Program permits.

4 In addition to the promoter's license, each promoter shall be
5 required to procure a permit from the commission for each
6 program of contests or exhibitions before presenting that
7 program. Each application for a permit shall specify the
8 premises where and time when the program is to be held.

9 § 907. Amateur events.

10 (a) General rule.--Except as otherwise provided in this
11 subpart, no amateur contest or exhibition shall be held without
12 a permit having been first secured by the sponsor from the
13 commission for the event. Subject to subsection (d), amateur
14 contests or exhibitions shall be held in accordance with this
15 subpart and the rules and regulations promulgated under this
16 subpart.

17 (b) Eligibility.--Permits for amateur boxing contests or
18 exhibitions shall be issued only to bona fide recognized amateur
19 athletic associations, nonprofit organizations or other groups
20 or individuals approved by the commission.

21 (c) Permit fee.--The fee for the issuance of a permit for
22 each program of amateur contests or exhibitions shall be fixed
23 by commission regulation.

24 (d) Rules.--With the written approval of the commission,
25 amateur contests or exhibitions may be held in accordance with
26 the rules of the amateur body sanctioning the event.

27 § 908. Prohibited interests.

28 An officer, director, stockholder or employee of a licensed
29 promoter shall not have any other interest in any professional
30 boxer or professional contests or exhibitions except as a

1 matchmaker.

2 § 909. Local prohibitions.

3 No permit shall be issued for the holding of any boxing
4 contest or exhibition within any political subdivision of this
5 Commonwealth which has adopted any local ordinance or resolution
6 prohibiting such contests or exhibitions within its limits.

7 § 910. Standards for issuance of licenses and permits.

8 (a) General rule.--In determining whether to issue or renew
9 any license or permit, the commission shall consider the best
10 interest and welfare of the public, the preservation of the
11 safety and health of participants and the best interests of
12 boxing generally.

13 (b) Prerequisites.--Before being granted any permit or
14 license, the applicant must establish that he is:

15 (1) Of good moral character.

16 (2) Of good reputation.

17 (3) Physically fit and mentally sound.

18 (4) Skilled in his profession.

19 (5) Of requisite age and experience.

20 (6) Not addicted to the intemperate use of alcohol or to
21 the use of narcotic drugs.

22 In the case of a corporate applicant, these factors shall be
23 considered with reference to its officers, directors, employees
24 and principal stockholders.

25 § 911. Duration of license.

26 Each license issued under this subpart shall expire on
27 December 31 next following the date on which it was issued.

28 § 912. Applications for licenses and permits.

29 Every application for a license or a permit shall:

30 (1) Be in writing on a form supplied by the commission.

1 (2) Be verified by the applicant.

2 (3) Set forth such information and have attached thereto
3 such photographs and other exhibits as are required by this
4 subpart, the rules and regulations promulgated under this
5 subpart and the form of application.

6 § 913. Oral examinations.

7 The commission may require any applicant for a license or
8 permit or, in the case of a corporate applicant, any officer,
9 director, employee or stockholder thereof to appear before the
10 commission for an oral examination, under oath, as to
11 qualifications of the applicant before taking action on that
12 application.

13 § 914. License fees.

14 The annual license fees which shall accompany each
15 application for a license or the renewal of a license shall be
16 fixed by commission regulation.

17 § 915. Permit fees.

18 (a) General rule.--The required fees, based upon the seating
19 capacity of the premises where the program is to be presented,
20 shall accompany each application for a permit to present a
21 program of contests or exhibitions. The amount of the fee shall
22 be fixed by commission regulation.

23 (b) Foreign copromoter permit.--The fee for the issuance of
24 a foreign copromoter's permit for each program of contests or
25 exhibitions shall be fixed by commission regulation.

26 § 916. Gross receipts taxes.

27 (a) Gate receipts and broadcast rights.--In addition to the
28 payment of any other fees and moneys due under this subpart,
29 every promoter or sponsor shall pay a tax of 5% of the gross
30 receipts of any contest or exhibition, exclusive of any Federal

1 tax or any tax imposed by any political subdivision of this
2 Commonwealth which was paid thereon. For the purposes of this
3 section, gross receipts include the gross price chargeable for
4 the sale, lease or other exploitation of broadcasting,
5 television and motion picture rights of the contest or
6 exhibition without any deductions for commissions, brokerage
7 fees, distribution fees, advertising or other expenses or
8 charges in respect thereto. For the purposes of this section,
9 gross receipts also include the face value of all tickets sold
10 and complimentary tickets issued.

11 (b) Telecasts.--Any person who shows any contest or
12 exhibition that takes place in this Commonwealth on a closed-
13 circuit telecast that takes place in this Commonwealth or pay-
14 per-view telecast to viewers receiving the broadcast in this
15 Commonwealth shall pay a tax of 3% of the person's gross
16 receipts from any admissions charged to the closed-circuit
17 telecast or from any fees collected for the pay-per-view
18 telecast from such viewers. In the case of a closed-circuit
19 telecast, gross receipts include the face amount of all tickets
20 sold without allocation for any other event included in the
21 admissions price.

22 (c) Payment.--The payment of the gross receipts tax provided
23 for in this section shall be made within 48 hours after the
24 contest or exhibition and shall be accompanied by a form
25 prescribed by the commission setting forth the gross receipts
26 received from the contest or exhibition, together with such
27 other information as the commission may require. Payment shall
28 be accompanied by a verified statement by the ticket printer
29 setting forth the number of tickets printed for use at the
30 contest or exhibition.

1 (d) Collection of tax.--The gross receipts tax provided for
2 in this section shall be collected by the commission and
3 transmitted to the Department of Revenue, together with the
4 reports filed therewith.

5 (e) Penalties.--

6 (1) Any promoter or sponsor who willfully makes a false
7 and fraudulent report under this section commits perjury and
8 shall, upon conviction, be subject to punishment as provided
9 by law. Such penalty shall be in addition to any other
10 penalties imposed by this subpart.

11 (2) Any promoter or sponsor who willfully fails,
12 neglects or refuses to make a report, or to pay the tax as
13 prescribed by this section, or who refuses to permit the
14 department to examine the books, papers and records of any
15 promotion commits a misdemeanor of the third degree and may
16 be subject to suspension or loss of his license or a civil
17 penalty at the discretion of the commission.

18 § 917. Application and fees.

19 An application for a permit or license shall be verified and
20 shall be accompanied by a nonrefundable application fee in an
21 amount established by the commission by regulation, which fee
22 shall be subject to review in accordance with the act of June
23 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.
24 If the revenues generated by fees and civil penalties imposed
25 pursuant to this subpart are not sufficient to match
26 expenditures over a two-year period, the commission shall adjust
27 those fees by regulation, subject to review in accordance with
28 the Regulatory Review Act, such that the projected revenues will
29 meet or exceed projected expenditures. If the department
30 determines that fees and civil penalties established by the

1 commission are inadequate to meet the costs of minimum
2 enforcement efforts required by this subpart, then the
3 department, after consultation with the commission, shall adjust
4 the fees or civil penalties or both by regulation, subject to
5 review in accordance with the Regulatory Review Act, such that
6 adequate revenues are raised to meet those costs.

7 CHAPTER 11

8 PROMOTION OF CONTESTS AND EXHIBITIONS

9 Subchapter

10 A. Contracts

11 B. Tickets and Advertising

12 C. Admission to Events

13 D. Bonds

14 SUBCHAPTER A

15 CONTRACTS

16 Sec.

17 1101. Commission control of contracts.

18 1102. Notice clause.

19 1103. Provisions in contracts between managers and
20 professional boxers.

21 1104. Approval of contracts.

22 § 1101. Commission control of contracts.

23 The commission, with the approval of the department, shall
24 promulgate rules and regulations governing the form and content
25 of all contracts entered into between or among promoters and
26 foreign copromoters and professional boxers and managers and
27 all contracts between managers and professional boxers. All
28 contracts required under this subpart shall be in writing.

29 § 1102. Notice clause.

30 Every contract subject to the provisions of this subpart

1 shall contain the following clause:

2 This agreement is subject to the provisions of the Boxing
3 Act of the Commonwealth of Pennsylvania and to the rules
4 and regulations of the State Athletic Commission of
5 Pennsylvania, and to any future amendments of either of
6 them.

7 § 1103. Provisions in contracts between managers and
8 professional boxers.

9 (a) General provisions.--Every contract between a manager
10 and a professional boxer shall contain provisions governing its
11 duration, division of the boxer's purses and the minimum sum to
12 be guaranteed annually to the boxer by the manager.

13 (b) Termination of contract.--Each contract shall further
14 provide that the contract shall be automatically terminated if
15 the license of either party is revoked by the commission or if
16 the manager fails to renew his license within 30 days after its
17 expiration. If the license of either party is suspended, the
18 contract shall not be binding upon the other party during the
19 period of the suspension.

20 § 1104. Approval of contracts.

21 No contract between a manager and a professional boxer shall
22 be legally valid until both parties to the contract appear
23 before the commission and have received its approval, which
24 shall be endorsed on the contract.

25 SUBCHAPTER B

26 TICKETS AND ADVERTISING

27 Sec.

28 1111. Tickets.

29 1112. Penalty for destroying tickets.

30 1113. Ticket refunds.

1 1114. Advertising matter to state admission price.

2 § 1111. Tickets.

3 (a) Scheduled date and price.--Every ticket of admission to
4 a contest or exhibition shall clearly show on its face the
5 scheduled date of the contest or exhibition and its purchase
6 price, including any taxes thereon.

7 (b) Price limitation.--No ticket shall be sold by any
8 promoter or foreign copromoter for more than the price printed
9 thereon.

10 (c) Antiscalping provision.--No other person shall sell any
11 ticket for more than 50¢ in excess of the price printed on the
12 ticket. No licensee shall directly or indirectly receive any
13 part of any excess price.

14 (d) Numbering of tickets.--Tickets in each price range shall
15 be consecutively numbered, and the number of each ticket shall
16 be clearly printed on both the stub and main portion of the
17 ticket.

18 (e) Schedule of tickets.--A schedule of the numbers of all
19 tickets in each price range shall be furnished to the
20 commission.

21 § 1112. Penalty for destroying tickets.

22 Except upon receipt of prior written authorization from the
23 department, it shall be a misdemeanor of the second degree for
24 any promoter or person associated with or employed by any
25 promoter to destroy any ticket or ticket stub, whether sold or
26 unsold, within six months after the date of any contest or
27 exhibition.

28 § 1113. Ticket refunds.

29 (a) Full refund.--Upon postponement or cancellation of the
30 main event or the entire program of contests or exhibitions, the

1 promoter shall refund the full purchase price of each ticket to
2 any person who presents the entire ticket for a refund within
3 ten days after the scheduled date of the event. The promoter
4 shall announce the postponement or cancellation at the beginning
5 of the program and at other times during the event as the
6 commission shall prescribe and shall notify the ticketholders in
7 each announcement that they may present their ticket stubs for a
8 refund of the purchase price during the program. The commission
9 may require that written notice of the cancellation or
10 postponement and the right to refund be posted at the site of
11 the event in such manner as it may prescribe. After the event
12 has concluded, a promoter who has complied with this subsection
13 need not refund the purchase price upon presentation of a ticket
14 stub.

15 (b) Forfeiture of security.--Failure of any promoter or
16 foreign copromoter to comply with the provisions of subsection
17 (a) shall be sufficient cause to warrant a forfeiture of his
18 bond or other security and an imposition of a penalty or
19 suspension or revocation of his license by the department as
20 provided under section 1304 (relating to suspension or
21 revocation of licenses or permits) or 1305 (relating to civil
22 penalties).

23 (c) Pro rata refunds.--From the fund produced by the
24 forfeiture, pro rata refunds shall be made by the department to
25 persons who purchased tickets, in accordance with subsection
26 (a).

27 § 1114. Advertising matter to state admission price.

28 Each showcard, bill, poster, newspaper or other advertisement
29 of any contest or exhibition shall contain a schedule of
30 admission prices and a conspicuous statement of whether a

1 contest or exhibition is being presented. Failure to comply with
2 the provisions of this section shall constitute grounds for the
3 suspension or revocation of the promoter's license.

4 SUBCHAPTER C

5 ADMISSION TO EVENTS

6 Sec.

7 1121. Admissions not to exceed seating capacity.

8 1122. Age of spectators.

9 § 1121. Admissions not to exceed seating capacity.

10 It shall be a misdemeanor of the third degree for any
11 promoter to admit to any contest or exhibition more persons than
12 there are seats in the place where the contest or exhibition is
13 being held.

14 § 1122. Age of spectators.

15 No minor 16 years of age or under shall be permitted to
16 attend any contest or exhibition unless accompanied by an adult.

17 SUBCHAPTER D

18 BONDS

19 Sec.

20 1131. Promoters and foreign copromoters required to file bonds.

21 1132. Deposit in lieu of surety bond.

22 1133. Filing fee.

23 1134. Recovery on bond.

24 § 1131. Promoters and foreign copromoters required to file
25 bonds.

26 (a) General rule.--Before any license or renewal of a
27 license is issued to a promoter and before any permit is issued
28 to a foreign copromoter, he shall be required to execute and
29 file a surety bond with the department in such reasonable
30 amount, but not less than \$3,000, as the department shall

1 determine.

2 (b) Form of bond.--All bonds shall be upon forms supplied by
3 the department, which shall have first adopted them with the
4 approval of the Office of Attorney General.

5 (c) Approval of sureties.--The sufficiency of the sureties
6 shall be subject to approval of the department and the Office of
7 Attorney General.

8 (d) Conditions.--The surety bond shall be conditioned upon
9 the faithful performance by the promoter or foreign copromoter
10 of his obligations under this subpart and the rules and
11 regulations promulgated pursuant to this subpart, including, but
12 not limited to, the fulfillment of his contractual obligations
13 to contestants, managers and other licensees, and the payment of
14 all license and permit fees provided for in this subpart. The
15 aggregate annual liability of the surety for all obligations and
16 fees shall not exceed the amount of the bond.

17 § 1132. Deposit in lieu of surety bond.

18 In lieu of the surety bond required by section 1131 (relating
19 to promoters and foreign copromoters required to file bonds),
20 the promoter may deposit with the department cash, a certified
21 check, letter of credit or direct obligations of the United
22 States or the Commonwealth of Pennsylvania acceptable to the
23 department, in an equivalent amount and subject to the same
24 conditions. The security shall not be returned to the promoter
25 until one year after the date on which it was deposited with the
26 department, unless a surety bond is substituted for the
27 security. Upon the expiration of one year from the date on which
28 the security was deposited, it shall be returned to the
29 depositor if no claim against the deposit is outstanding.

30 § 1133. Filing fee.

1 A filing fee fixed by the commission shall accompany each
2 bond filed or cash or security deposited in lieu of the bond
3 under this subchapter.

4 § 1134. Recovery on bond.

5 Recovery may be had on the bond or against the deposit of
6 cash or security in the same manner as penalties are recoverable
7 at law.

8 CHAPTER 13

9 ENFORCEMENT

10 Sec.

11 1301. Commission hearings.

12 1302. Subpoenas.

13 1303. Preliminary suspension of licenses or permits.

14 1304. Suspension or revocation of licenses or permits.

15 1305. Civil penalties.

16 § 1301. Commission hearings.

17 The commission shall conduct all hearings under the
18 provisions of Title 2 (relating to administrative law and
19 procedure). The commission shall conduct a hearing within ten
20 business days from the time any recommendation is made by the
21 executive director that a permit or license be suspended or
22 revoked.

23 § 1302. Subpoenas.

24 The commission may issue subpoenas in connection with the
25 investigation, requiring the attendance and testimony of or the
26 production of books and papers by any licensee or other person
27 whom the commission believes to have information, books or
28 papers of importance to it in making the investigation.

29 § 1303. Preliminary suspension of licenses or permits.

30 (a) General rule.--The commission may, upon its own motion

1 or upon the verified written complaint of any person charging a
2 licensee or permittee with violating any provision of this
3 subpart or the rules and regulations promulgated under this
4 subpart, order the preliminary suspension of any license or
5 permit until adjudication by the commission, if such action is
6 necessary to prevent immediate or irreparable harm to the public
7 welfare or to protect the health and safety of a boxer.

8 (b) Meetings.--Upon the oral or written agreement of two
9 members of the commission, the commission may conduct meetings
10 under subsection (a) by voice or video electronic means, if the
11 subject matter of the meeting is so compelling or timely that
12 considering the matter at the commission's next regular meeting
13 would render any decision moot, adversely affect the rights of
14 the aggrieved parties under this subpart or threaten the safety
15 or physical health of participants. A stenographic record of
16 such meetings shall be made and maintained by the commission and
17 be made available to the parties upon request. The subject
18 matter of any such meeting shall then become the first item on
19 the commission's agenda for its next regularly scheduled
20 meeting.

21 (c) Hearing date.--The commission shall hold a hearing
22 within ten business days after the date on which the license or
23 permit was suspended preliminarily, at which time reasonable
24 efforts shall be made for the affected parties and the
25 commission to be physically present.

26 § 1304. Suspension or revocation of licenses or permits.

27 (a) General rule.--The commission may suspend or revoke a
28 license or permit in any case where the commission finds that
29 the licensee or permittee:

30 (1) Is guilty of gross immorality.

1 (2) Is unfit or incompetent by reason of negligence or
2 habits.

3 (3) Is guilty of violating any provision of this subpart
4 or of the rules and regulations promulgated under this
5 subpart.

6 (4) Has committed fraud or deceit in securing his or
7 another's license or permit.

8 (5) Has been convicted of, or pleaded guilty or entered
9 a plea of nolo contendere to, or has been found guilty by a
10 judge or jury of, a crime in any jurisdiction within ten
11 years preceding the suspension or revocation.

12 (6) Is an habitual drunkard or is addicted to the use of
13 morphine, cocaine or other drugs having a similar effect.

14 (7) Is or has become mentally incompetent.

15 (8) Has been guilty of unprofessional or unethical
16 conduct or such conduct as to require a suspension or
17 revocation in the public interest.

18 (9) Has made a misstatement of a material fact or
19 fraudulently concealed a material fact or has induced, aided
20 or abetted any other person in misstating or concealing any
21 material fact in any application or other proceeding under
22 this subpart.

23 (10) Has failed to account for or pay over moneys
24 belonging to others which have come into his possession in
25 connection with a contest or exhibition.

26 (11) Has failed to furnish to the proper party a copy of
27 any contract or statement required by this subpart or the
28 rules and regulations promulgated under this subpart, or has
29 breached such a contract.

30 (12) Has paid or agreed to pay any money or article of

1 value to any person not having a license or a permit for
2 soliciting or for business secured or for rendering of any
3 service or the doing of any of the acts forbidden by this
4 subpart and the rules and regulations promulgated under this
5 subpart.

6 (13) Has loaned his license or permit to another person
7 or has borrowed or used the license or permit of another.

8 (14) Is guilty of any form of pretense which might
9 induce the public or citizens to become a prey to
10 professional exploitation.

11 (15) Has employed a person who has not been issued a
12 license or permit when so required by law.

13 (16) Has failed to maintain in force the bond required
14 by this subpart or has failed to forward a deposit in lieu of
15 the bond.

16 (17) Has by act or omission conducted himself in a
17 manner detrimental to the best interests of boxing generally
18 or to the public interest and general welfare.

19 (18) Is associating or consorting with criminals,
20 bookmakers, gamblers or persons of similar ill repute, or
21 with persons of no known or visible means of livelihood, or
22 is himself engaged or engaging in similar pursuits or
23 conduct.

24 (19) Has been disciplined in any manner by the
25 commission or similar agency or body of any jurisdiction.

26 (20) Has failed to pay a fine or any part thereof
27 imposed pursuant to this subpart.

28 (21) Is or may be at risk of serious physical impairment
29 if allowed to participate in boxing engagements. The
30 commission may investigate the mental or physical fitness of

1 a licensee to participate in contests or exhibitions at any
2 time. This paragraph only applies to licensees or permittees
3 who are boxers.

4 (b) Hearings.--Any licensee or permittee whose license or
5 permit is suspended or revoked pursuant to this section shall
6 have a right to a hearing before the commission within ten
7 business days after the date on which the license or permit is
8 suspended or revoked.

9 § 1305. Civil penalties.

10 The commission may impose a civil penalty of not more than
11 \$5,000 for any violation of any provision of this subpart, other
12 than section 1701 (relating to prohibited competitions), or the
13 rules and regulations promulgated under those provisions, in
14 addition to any other punishment provided under this subpart for
15 the violation. Any licensee or permittee upon whom a civil
16 penalty is imposed under this section shall have a right to a
17 hearing before the commission within ten days after notice of
18 the commission's intent to impose the penalty is received.

19 CHAPTER 15

20 FINANCIAL PROVISIONS

21 Subchapter

22 A. Financial Interests

23 B. Commission Receipts

24 C. Purses

25 D. Insurance

26 SUBCHAPTER A

27 FINANCIAL INTERESTS

28 Sec.

29 1501. Financial interest in boxer prohibited.

30 1502. Financial interest in opponent prohibited.

1 1503. Financial interest of matchmaker.

2 § 1501. Financial interest in boxer prohibited.

3 No commission member or employee or physician, referee or
4 judge licensed under this subpart, shall have any direct or
5 indirect financial or pecuniary interest in any boxer. A
6 violation of this section shall constitute a misdemeanor of the
7 third degree.

8 § 1502. Financial interest in opponent prohibited.

9 No manager, trainer or second of any boxer shall have any
10 direct or indirect financial or pecuniary interest in the
11 opponent in any contest in which his own boxer participates. No
12 boxer shall have any direct or indirect financial or pecuniary
13 interest in his opponent in any contest. A violation of this
14 section shall constitute a misdemeanor of the third degree.

15 § 1503. Financial interest of matchmaker.

16 No matchmaker shall have any direct or indirect financial or
17 pecuniary interest in any boxer who is engaging in a contest
18 arranged by that matchmaker. A violation of this section shall
19 constitute a misdemeanor of the third degree.

20 SUBCHAPTER B

21 COMMISSION RECEIPTS

22 Sec.

23 1511. Disposition of commission receipts.

24 1512. Athletic Commission Augmentation Account.

25 § 1511. Disposition of commission receipts.

26 All fees, taxes, civil penalties, forfeitures and other
27 moneys collected under the provisions of this subpart and the
28 rules and regulations promulgated under this subpart shall be
29 collected by the commission and transmitted to the Department of
30 Revenue.

1 § 1512. Athletic Commission Augmentation Account.

2 All funds collected by the commission shall be paid into the
3 Athletic Commission Augmentation Account, which shall be a
4 special restricted receipts account within the General Fund.

5 This account shall be used only for the support and operation of
6 the commission unless a surplus arises after two consecutive
7 years, at which time the secretary shall transfer any amount in
8 excess of the commission's budget into the General Fund.

9 SUBCHAPTER C

10 PURSES

11 Sec.

12 1521. Minimum purses for boxers.

13 1522. Distribution of purses to boxers.

14 1523. Withholding of purses.

15 1524. Hearing regarding withheld purse.

16 1525. Disposition of withheld purse.

17 1526. Advances against purses.

18 § 1521. Minimum purses for boxers.

19 No purse less than \$50 shall be paid by the promoter to any
20 professional boxer for any contest or exhibition, other than a
21 training exhibition.

22 § 1522. Distribution of purses to boxers.

23 (a) Promoter distribution.--Unless otherwise directed by the
24 commission or an authorized agent of the commission, all boxing
25 purses shall be distributed by the promoter immediately after
26 the conclusion of the contest or exhibition and, in any event,
27 not later than 24 hours after the conclusion. A written
28 statement showing the distribution of the purse, including each
29 item of receipt and each expenditure or deduction, shall be
30 furnished to the boxer and his manager, together with his share

1 of the purse. A copy of the statement, certified by the promoter
2 to be true and correct, shall be filed in the office of the
3 executive director and shall have attached to it receipted
4 vouchers for every expenditure or deduction.

5 (b) Manager distribution.--Unless otherwise directed by the
6 commission or an authorized agent of the commission, every
7 manager shall furnish a statement of distribution to the boxer
8 he manages, together with the boxer's share of the purse,
9 immediately after he receives the purse and statement from the
10 promoter and, in any event, not later than 24 hours after
11 receipt. A copy thereof, certified by the manager to be true and
12 correct, shall be filed in the office of the executive director
13 and shall have attached to it receipted vouchers for every
14 expenditure or deduction made by the manager.

15 § 1523. Withholding of purses.

16 (a) General rule.--The commission may order the promoter to
17 withhold any purse, or any part thereof, or any receipts or
18 other funds belonging to or payable to any contestant or for
19 which any contestant is competing, or any manager's share
20 thereof, if it appears that the contestant is not competing
21 honestly or is intentionally not competing to the best of his
22 ability and skill, or if it appears that the contestant, his
23 manager or any of his seconds has violated any provision of this
24 subpart or the rules and regulations promulgated under this
25 subpart.

26 (b) Escrow.--The commission may order that the gross
27 receipts shall be withheld and placed in escrow if it appears
28 that this subpart has been violated.

29 § 1524. Hearing regarding withheld purse.

30 (a) Delivery to commission.--Any purse or portion thereof

1 withheld under section 1523 (relating to withholding of purses)
2 shall be delivered by the promoter to the commission within 48
3 hours after the end of the contest.

4 (b) Request for hearing.--Within ten days after the end of
5 the contest, the licensee from whom the sum was withheld may
6 apply in writing to the commission for a hearing. Upon receipt
7 of the application, the commission shall fix a date for a
8 hearing.

9 § 1525. Disposition of withheld purse.

10 (a) General rule.--Within a reasonable time after the
11 hearing or after the expiration of ten days following the
12 contest, if no application for a hearing is filed, the
13 commission shall determine the disposition to be made of the
14 withheld purse.

15 (b) Withholding.--If the commission finds the charges upon
16 which the withholding order was based to be true and to be
17 sufficient lawful reason upon which to base such an order, it
18 may declare the funds, or any part thereof, withheld or
19 forfeited.

20 (c) Distribution.--If the commission finds the charge or
21 charges to be untrue or not to be sufficient lawful reason upon
22 which to base a withholding order, it shall distribute the
23 withheld funds to the persons entitled thereto.

24 § 1526. Advances against purses.

25 (a) General rule.--No promoter or foreign copromoter shall
26 pay, lend or give any money to a contestant before any contest
27 as an advance against his purse or for a similar purpose. A
28 promoter may, with the prior written permission of the
29 commission, pay or advance to a contestant necessary expenses
30 for transportation and maintenance in preparation for a contest.

1 (b) Forfeiture of purse.--If a contestant's purse is
2 forfeited, the commission may include such payments or advances
3 as part of the forfeiture, and, if he does not forward that
4 amount to the department, it may be recovered in the same manner
5 as a debt due the Commonwealth.

6 SUBCHAPTER D

7 INSURANCE

8 Sec.

9 1531. Insurance coverage of boxers.

10 § 1531. Insurance coverage of boxers.

11 The commission may promulgate rules and regulations requiring
12 licensed boxers to be covered by insurance for:

13 (1) Medical, surgical and hospital care resulting from
14 injuries sustained while preparing for or engaged in boxing
15 contests or exhibitions with the insured being the
16 beneficiary of the policies.

17 (2) Life, providing for payments to the estates or
18 beneficiaries of deceased boxers where death was caused by
19 injuries received while preparing for or engaged in contests
20 or exhibitions.

21 The premiums for this insurance shall be paid by the insured's
22 manager.

23 CHAPTER 17

24 MISCELLANEOUS PROVISIONS

25 Sec.

26 1701. Prohibited competitions.

27 § 1701. Prohibited competitions.

28 (a) Offense denied.--A person commits a misdemeanor of the
29 first degree if he promotes, sponsors or participates in any
30 manner in the staging of, or the conduct of, any tough guy

1 contest.

2 (b) Application of section.--This section shall not apply
3 to:

4 (1) News media, including, but not limited to,
5 television, radio, newspapers and periodicals for their
6 reporting activities relating to any tough guy contest.

7 (2) Amateur or professional contests or exhibitions for
8 which a permit has been issued under Chapter 9 (relating to
9 licenses and permits).

10 (3) Professional wrestling exhibitions.

11 (4) Contests staged in connection with athletic training
12 programs.

13 (5) Amateur or professional martial arts contests.

14 (6) Collegiate or scholastic boxing, wrestling or
15 martial arts contests.

16 (7) Professional or amateur wrestling contests not
17 prohibited by the commission under Subpart C (relating to
18 wrestling).

19 (c) Definition.--As used in this section, the term "tough
20 guy contest" means any competition which involves any physical
21 contact bout between two or more individuals who attempt to
22 knock out the opponent by employing boxing, wrestling, martial
23 arts tactics, kicking, choking or other techniques or any
24 combination thereof.

25 SUBPART C

26 WRESTLING

27 Chapter

28 19. Preliminary Provisions

29 21. Regulation of Professional Wrestling Contests and
30 Exhibitions

23. Regulation of Amateur Wrestling Contests and Exhibitions

CHAPTER 19

PRELIMINARY PROVISIONS

Sec.

1901. Short title of subpart.

1902. Definitions.

1903. Applicability of subpart.

§ 1901. Short title of subpart.

This subpart shall be known and may be cited as the Wrestling Act.

§ 1902. Definitions.

Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Promoter." Any person and, in the case of a corporation, an officer, director, employee or shareholder thereof who produces, arranges or stages any professional wrestling exhibition.

"Wrestling contest." A wrestling engagement in which the wrestlers strive earnestly in good faith to win.

"Wrestling event." One or more wrestling exhibitions conducted at the same location on the same day.

"Wrestling exhibition." An engagement in which the participants display their skills in a struggle against each other in the ring, with or without the use of accessories, without necessarily striving to win, provided that contests prohibited by law shall not be considered exhibitions.

§ 1903. Applicability of subpart.

This subpart shall not apply to any amateur or professional

1 wrestling contest or exhibition held solely as a training event
2 for the Olympic Games and certified as such an event by the
3 commission.

4 CHAPTER 21

5 REGULATION OF PROFESSIONAL WRESTLING CONTESTS

6 AND EXHIBITIONS

7 Sec.

8 2101. Promoter's license.

9 2102. Promoter's bonding requirements.

10 2103. Gross receipts taxes.

11 2104. Physician to be in attendance.

12 2105. Ambulance available.

13 2106. Crowd control.

14 2107. Prohibited acts.

15 2108. Enforcement.

16 2109. Penalties.

17 2110. Disposition of commission receipts.

18 § 2101. Promoter's license.

19 (a) Required.--No promoter shall conduct, hold or promote
20 any professional wrestling contest or exhibition unless the
21 promoter has first obtained a promoter's license from the
22 commission. A promoter licensed under the act of July 1, 1989
23 (P.L.160, No.29), known as the Professional Wrestling Act,
24 including a promoter deemed licensed under section 3(a) of that
25 act, shall be deemed licensed under this subpart, unless the
26 commission has suspended or revoked the license or the license
27 has expired. A promoter's license shall be issued by the
28 commission upon the filing by an applicant of the following:

29 (1) A license fee of \$100.

30 (2) A surety bond as required under section 2102

(relating to promoter's bonding requirements).

(3) An application form stating the name, address, phone number, taxpayer identification number and nature of the entity applying for the license.

(b) Prohibition.--The commission shall not issue or renew a promoter's license to a person who has been convicted of or pleaded guilty or nolo contendere to any of the following offenses during the ten years preceding the application date:

(1) Bribery.

(2) Corrupt solicitation.

(3) Extortion.

(4) Perjury or subornation of perjury.

(5) Carrying a deadly weapon.

(6) Any offense set forth in 18 Pa.C.S. Ch. 43 Subch. A (relating to definition of offenses generally), 55 (relating to riot, disorderly conduct and related offenses), 59 (relating to public indecency) or 63 (relating to minors).

(7) Bribery in athletic contests.

(8) Soliciting or accepting a bribe in athletic contests.

(9) Professional theft.

(10) Murder.

(11) Administering drugs.

(12) Rape.

(13) Indecent assault.

(14) Kidnapping.

(15) Any offense involving the use, sale or delivery of narcotics.

(c) Renewal.--A promoter's license shall be renewed annually upon payment of a license fee of \$100 to the Athletic Commission

1 Augmentation Account. The license shall expire on December 31
2 next following issuance.

3 (d) Reports.--At least ten days before the scheduled date of
4 any professional wrestling contest or exhibition, the promoter
5 of the contest or exhibition shall notify the commission in
6 writing of the date, time and location of the event.

7 (e) Suspension.--Upon conviction of a promoter for any
8 violation of this subpart, the commission shall suspend the
9 promoter's license for a period as follows:

10 (1) For an offense other than as provided in paragraph

11 (2), 60 days.

12 (2) For an offense committed within 12 months after
13 conviction of a prior offense, 90 days.

14 (f) Revocation.--Upon conviction of a promoter of a
15 violation of this subpart committed within 12 months after
16 conviction of a violation as defined under subsection (e)(2),
17 the commission shall revoke the promoter's license. The license
18 shall not be reissued prior to the expiration of one year from
19 the effective date of revocation.

20 § 2102. Promoter's bonding requirements.

21 (a) General rule.--Before the scheduled date of any
22 professional wrestling contest or exhibition, the promoter shall
23 provide the commission and shall maintain in effect a surety
24 bond in an amount of not less than \$10,000, as the department
25 shall determine.

26 (b) Conditions of bond.--The surety bond shall be
27 conditioned upon the faithful performance by the promoter of his
28 obligations under this subpart and any contract with an entity
29 in charge of an arena or other facility at which the exhibition
30 is held. All bonds shall be on a form supplied by the department

1 and shall be accompanied by a filing fee fixed by the
2 commission.

3 (c) Recovery on bond.--Recovery may be had on the bond in
4 the same manner as penalties are recoverable at law.

5 § 2103. Gross receipts taxes.

6 (a) Imposition of tax.--In addition to any Federal tax or
7 tax imposed by any political subdivision of this Commonwealth to
8 be paid on gross receipts, every promoter shall pay a State tax
9 of 5% of the face value of all tickets sold to any wrestling
10 contest or exhibition.

11 (b) Payment of tax.--The tax payment shall be made to the
12 commission within ten days after the contest or exhibition. The
13 payment shall be accompanied by a form prescribed by the
14 commission setting forth the taxable receipts received from the
15 contest or exhibition, together with such other information as
16 the department may require. Payment shall be accompanied by a
17 verified statement by the ticket printer showing the number of
18 tickets printed for use at the contest or exhibition. Any
19 payment not received by the commission within the ten-day period
20 shall be subject to a late fee fixed by the commission by
21 regulation, which shall be not more than \$100.

22 § 2104. Physician to be in attendance.

23 Before any professional wrestling contest or exhibition shall
24 take place, the promoter and the operator of the arena or
25 facility shall employ a physician to be present at every
26 wrestling contest or exhibition. The physician shall observe the
27 physical condition of the participants throughout the contest or
28 exhibition and shall be authorized to terminate the contest or
29 exhibition when, in his judgment, severe injury would result if
30 the contest or exhibition were to continue. The physician's fee

1 shall be paid by the promoter.

2 § 2105. Ambulance available.

3 Before any professional wrestling contest or exhibition shall
4 take place, the promoter and the operator of the arena or
5 facility shall have an ambulance or paramedical unit present at
6 the arena in case a serious injury were to occur. If the
7 ambulance or paramedical unit is located within five miles of
8 the arena and that unit has been notified to be on call by the
9 promoter, the unit need not be present at the arena.

10 § 2106. Crowd control.

11 Before any professional wrestling contest or exhibition shall
12 take place, the promoter and the operator of the arena or
13 facility shall ensure that adequate security personnel are in
14 attendance to control fans in attendance. The size of the
15 security force is at the discretion of the promoter and the
16 owner or operator of the arena or facility, as they shall agree.

17 § 2107. Prohibited acts.

18 (a) Arena owners or operators.--An owner or operator of an
19 arena or other facility at which a professional wrestling
20 contest or exhibition takes place shall not destroy any ticket
21 or ticket stub, whether sold or unsold, within three months
22 after the date of any exhibition.

23 (b) Wrestlers.--A wrestler shall not deliberately cut or
24 otherwise mutilate himself while participating in a wrestling
25 contest or exhibition.

26 (c) Promoter.--A promoter shall not do any of the following:

27 (1) Conduct any professional wrestling contest or
28 exhibition without satisfying the bond requirements specified
29 in section 2102 (relating to promoter's bonding
30 requirements).

1 (2) Employ as a participant in a wrestling contest or
2 exhibition any individual who is under 18 years of age.

3 § 2108. Enforcement.

4 (a) General rule.--The executive director may assign a
5 representative of the commission to any professional wrestling
6 contest or exhibition to ensure compliance with this subpart.
7 This representative shall be admitted by the promoter without
8 fee. In place of a commission representative the executive
9 director may, upon notifying the police chief of any municipal
10 police department, request that a designee of the local police
11 department monitor the compliance of this subpart at the
12 exhibition.

13 (b) Enforcement fee.--The promoter shall pay a fee of \$100
14 for each wrestling event to the enforcement entity attending the
15 event under subsection (a) to cover the costs of enforcement of
16 this subpart.

17 § 2109. Penalties.

18 Except for a violation of section 2101 (relating to
19 promoter's license) or 2107 (relating to prohibited acts), a
20 knowing or reckless violation of any provision of this subpart
21 shall be a summary offense. A knowing or reckless violation of
22 section 2101 or 2107 shall be a misdemeanor of the third degree.
23 In addition to any other procedure for instituting proceedings,
24 the executive director may, upon receiving a report of an
25 unlawful incident or a violation of this subpart, authorize the
26 filing of a complaint or citation pursuant to the Pennsylvania
27 Rules of Criminal Procedure.

28 § 2110. Disposition of commission receipts.

29 Fees, taxes, fines, forfeitures and other money collected
30 under the provisions of this subpart and the rules and

1 regulations promulgated under this part, including all fees
2 charged under this part and fines imposed and collected for
3 violations of this part, shall be collected by the commission,
4 transmitted to the Department of Revenue and paid into the
5 Athletic Commission Augmentation Account established in section
6 1512 (relating to Athletic Commission Augmentation Account).

7 CHAPTER 23

8 REGULATION OF AMATEUR WRESTLING CONTESTS

9 AND EXHIBITIONS

10 Sec.

11 2301. Amateur wrestling contests and exhibitions.

12 § 2301. Amateur wrestling contests and exhibitions.

13 All amateur wrestling contests and exhibitions shall be
14 subject to the provisions of Chapter 21 (relating to regulation
15 of professional wrestling contests and exhibitions) and to such
16 regulations promulgated under this subpart as apply by their
17 terms to amateur events. The commission may approve the rules of
18 an appropriate body which organizes and holds such contests and
19 may grant the body authority to conduct those contests, subject
20 to such regulatory control or oversight as the commission deems
21 necessary.

22 Section 2. Status of existing licenses and permits.

23 This act shall not adversely affect licenses or permits
24 issued under or otherwise valid under the act of July 1, 1989
25 (P.L.136, No.28), known as the Athletic Code, or the act of July
26 1, 1989 (P.L.160, No.29), known as the Professional Wrestling
27 Act. This act shall not affect any suspensions, revocations or
28 other action taken with respect to licenses and permits by the
29 Department of State or the State Athletic Commission under
30 applicable law.

1 Section 3. Current members of State Athletic Commission and
2 Medical Advisory Board.

3 Any person who is a member of the State Athletic Commission
4 or the Medical Advisory Board on the effective date of this act
5 shall serve on the commission or board for a term of four years
6 from his date of appointment and until his successor is
7 appointed and qualified.

8 Section 4. Effect of prior rules and regulations.

9 (a) All rules and regulations made pursuant to or valid
10 under any act repealed by this act shall continue in force and
11 effect unless contrary to the provisions of 5 Pa.C.S. Pt. I
12 (relating to boxing and wrestling).

13 (b) Regulations promulgated under the act of April 12, 1951
14 (P.L.90, No.21), known as the Liquor Code, are invalidated
15 insofar as they are inconsistent with section 1 (section 107).

16 Section 5. Repayment of appropriation.

17 The appropriation under section 3107 of the act of July 1,
18 1989 (P.L.136, No.28), known as the Athletic Code, shall be
19 repaid by the State Athletic Commission to the Professional
20 Licensure Augmentation Account by June 30, 1995.

21 Section 6. Repeals.

22 The following acts and parts of acts are repealed in their
23 entirety:

24 Act of July 1, 1989 (P.L.136, No.28), known as the Athletic
25 Code.

26 Act of July 1, 1989 (P.L.160, No.29), known as the
27 Professional Wrestling Act.

28 Section 7. Effective date.

29 This act shall take effect immediately.