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TITLE 5
ATHLETICS AND SPORTS

Part

- I. Boxing and Wrestling
- II. Athletic Agents

Enactment. Unless otherwise noted, the provisions of Title 5 were added May 13, 1992, P.L.180, No.32, effective immediately.

PART I
BOXING AND WRESTLING

Subpart

- A. General Provisions
- B. Boxing
- C. Wrestling

Enactment. Part I was added May 13, 1992, P.L.180, No.32, effective immediately.

Special Provisions in Appendix. See sections 2 and 4 of Act 32 of 1992 in the appendix to this title for special provisions relating to status of existing licenses and permits and effect of prior rules and regulations.

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.

Enactment. Chapter 1 was added May 13, 1992, P.L.180, No.32, effective immediately.

§ 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.

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

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

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

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

Special Provisions in Appendix. See section 3 of Act 32 of 1992 in the appendix to this title for special provisions relating to current members of State Athletic Commission and Medical Advisory Board.

§ 103. Duties of commission.

(a) Meetings.--The commission shall hold regular meetings at least once every two months to carry out the requirements of this part, which shall include the consideration of any rules or regulations or amendments thereto which are recommended by the executive director. The meetings shall be open to the public. The meeting times shall be scheduled one year in advance and shall be published in the Pennsylvania Bulletin.

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

- (1) May establish policy and shall promulgate rules and regulations regarding professional and amateur boxing contests and exhibitions held within this Commonwealth and the presentation of such contests and exhibitions and all

matters pertaining thereto, except such contests and exhibitions as are specifically exempted from this part.

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

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

§ 104. Appointment and qualifications of executive director.

The secretary shall appoint an executive director of the commission with administrative experience and other qualifications indicating he is familiar with the activities to be regulated by this part. The executive director shall serve at the pleasure of the secretary. The executive director's salary shall be fixed by the secretary with the approval of the Governor, and the executive director shall hold no other paid public position.

§ 105. Powers and duties of executive director.

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

(1) To attend the meetings of the commission.

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

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

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

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

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

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

(i) The date licensed.

(ii) The results of prefight and postfight physicals.

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

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

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

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

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

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

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

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

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

Cross References. Section 105 is referred to in section 709 of this title.

§ 106. Limitations on applicability of part.

No provision of this part nor any rule or regulation promulgated under this part shall apply to any boxing contest or exhibition or wrestling contest or exhibition conducted or sponsored by any university, college, secondary school or group 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.

Enactment. Chapter 3 was added May 13, 1992, P.L.180, No.32, effective immediately.

§ 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 any boxing contest or exhibition or for the expenses of

training therefor, other than a prize which does not exceed \$50 in value.

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

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

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

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

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

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

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

"Pay-per-view telecast." A telecast, closed-circuit or otherwise, which is not intended to be available for viewing without the payment of a fee, collected for or based upon each event viewed, for the privilege of viewing the telecast.

"Producer." Any person who charges or receives a fee for having a contest viewed through a pay-per-view telecast by utilizing any type of cable television system. The term does not include the operator of a cable television system.

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

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

"Purse." The financial guarantee or any other remuneration, or part thereof, for which professional boxers are participating in a contest or exhibition. The term includes the participant's share of any payment received for radio broadcasting, television and motion picture rights.

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

CHAPTER 5

MEDICAL ADVISORY BOARD

Sec.

501. Medical Advisory Board.

Enactment. Chapter 5 was added May 13, 1992, P.L.180, No.32, effective immediately.

§ 501. Medical Advisory Board.

The commission shall appoint five physicians to serve on a Medical Advisory Board for a term of four years. The Governor shall designate a member with experience in sports medicine as chairman of the board. Each member shall be paid a per diem rate to be established by the secretary, but not in excess of

\$150 a day. The board shall issue an annual report to the commission, which shall include a review of the health status of each boxer who competed during the prior fiscal year to identify those who may be at risk of serious physical impairment. The board may recommend changes or additions to the health and safety rules and regulations of the commission and, upon request of the commission, shall review proposed rules and regulations and advise the commission of recommendations with respect to the proposed rules and regulations.

Special Provisions in Appendix. See section 3 of Act 32 of 1992 in the appendix to this title for special provisions relating to current members of State Athletic Commission and Medical Advisory Board.

Cross References. Section 501 is referred to in section 102 of this title.

CHAPTER 7

REGULATION OF BOXING CONTESTS AND EXHIBITIONS

Sec.

- 701. Boxing regulated.
- 702. Age of participants.
- 703. Fictitious names.
- 704. Physician to be in attendance.
- 705. Medical training seminars.
- 706. Register.
- 707. Medical equipment.
- 708. Suspension and revocation for injuries.
- 709. Medical examinations.
- 710. Weights and classes.
- 711. Limitation on difference in weights.
- 712. Gloves.
- 713. Ring padding.
- 714. Duration of bouts and rounds.
- 715. Referee and judges.
- 716. Seconds.
- 717. Mandatory eight count.
- 718. Knockouts.
- 719. Duty of disclosure.
- 720. Sham or collusive contest prohibited.

Enactment. Chapter 7 was added May 13, 1992, P.L.180, No.32, effective immediately.

§ 701. Boxing regulated.

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

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

§ 702. Age of participants.

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

(b) Exception.--

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

(2) Any person between 12 and 17 years of age may participate after obtaining written permission from a parent

or legal guardian, as well as consent by the executive director.

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

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

- (1) Ten and eleven years of age.
- (2) Twelve and thirteen years of age.
- (3) Fourteen and fifteen years of age.

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

§ 703. Fictitious names.

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

§ 704. Physician to be in attendance.

A physician shall be assigned to every contest or exhibition by the executive director. The physician shall observe at all times the physical condition of the participants and may stop any contest or exhibition at any time to examine a participant and to terminate a bout when, in the judgment of the physician, severe injury could result to a participant if the contest or exhibition were to continue. The commission shall establish by rule or regulation a schedule of fees to be paid to physicians for their services. The physician's fee shall be paid by the promoter of the contest or exhibition attended by the physician.

§ 705. Medical training seminars.

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

§ 706. Register.

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

§ 707. Medical equipment.

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

- (1) An ambulance, together with emergency equipment.
- (2) A portable resuscitator with oxygen and appropriate endotracheal tubes and a qualified operator.

§ 708. Suspension and revocation for injuries.

(a) General rule.--For sound medical reasons and to protect the individual boxers, the commission shall establish mandatory license suspensions of those persons who sustain certain injuries.

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

- (1) Sixty days for a laceration of the face.
- (2) Thirty days:

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

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

(3) Sixty days for head injuries.

(4) Ninety days for a knockout.

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

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

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

Cross References. Section 708 is referred to in section 709 of this title.

§ 709. Medical examinations.

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

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

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

(d) Content of examination.--Any medical examination prescribed under this section or section 708 (relating to suspension and revocation for injuries) shall conform to the rules and regulations promulgated by the commission after consultation with the Medical Advisory Board. The rules and regulations regarding the postfight examination may prescribe or permit the attending physician to prescribe additional tests in the case of a knockout, technical knockout, head injury or other injury or medical condition. The examination may include drug testing as prescribed by rules and regulations, which shall

be promulgated by the commission in accordance with the program mandated by section 105(5) (relating to powers and duties of executive director).

§ 710. Weights and classes.

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

§ 711. Limitation on difference in weights.

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

§ 712. Gloves.

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

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

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

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

§ 713. Ring padding.

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

§ 714. Duration of bouts and rounds.

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

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

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

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

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

§ 715. Referee and judges.

(a) Referee.--At each professional contest or exhibition, except an exhibition held solely for training purposes, there shall be in attendance, at the expense of the promoter, a duly licensed referee designated by the executive director, who shall direct and control the contest or exhibition. Personal injury and liability insurance coverage, in a minimum amount set by the commission, for all claims arising from the performance of their duties at the contest or exhibition shall be in effect for all referees. This coverage shall be provided at the expense of the promoter.

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

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

§ 716. Seconds.

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

§ 717. Mandatory eight count.

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

§ 718. Knockouts.

(a) Count by referee.--When a boxer is knocked out, the referee shall count to ten unless, in the judgment of the referee, the boxer is in immediate physical danger, in which case the referee may stop the count earlier. If the boxer has not risen from the ring floor before the referee stops the count, the result shall be recorded as a knockout.

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

§ 719. Duty of disclosure.

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

§ 720. Sham or collusive contest prohibited.

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

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

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

(d) Definition.--As used in this section, the term "sham or collusive contest" means an engagement that is promoted or advertised as a true contest, but in which one or both of the participants does not use his best efforts and skill or does not strive earnestly in good faith to win. The term includes, but is not limited to, any pseudocontest, the result of which has been prearranged, or any pseudocontest in which either participant does not, is not going to or is unable to use or is prevented from using his best efforts and skill as a result of coercion, reward or promise thereof, physical incapacity or

disability, suggestion or agreement or any other improper or unlawful means.

CHAPTER 9 LICENSES AND PERMITS

Sec.

- 901. Power of commission to issue, withhold, suspend or revoke licenses and permits.
- 902. Promoters' licenses.
- 903. Representative managers' licenses.
- 904. Foreign copromoters to procure permits.
- 905. Other licenses required.
- 906. Program permits.
- 907. Amateur events.
- 908. Prohibited interests.
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- 910. Standards for issuance of licenses and permits.
- 911. Duration of license.
- 912. Applications for licenses and permits.
- 913. Oral examinations.
- 914. License fees.
- 915. Permit fees.
- 916. Gross receipts taxes.
- 917. Application and fees.

Enactment. Chapter 9 was added May 13, 1992, P.L.180, No.32, effective immediately.

Cross References. Chapter 9 is referred to in section 1701 of this title.

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

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

§ 902. Promoters' licenses.

No promoter shall directly or indirectly conduct, hold or promote any professional contest or exhibition unless he has first procured a promoter's license from the commission. The commission may issue an order prohibiting a promoter from acting in violation of this section. If it is determined the respondent has engaged in the promotion of any professional contest or exhibition without having first obtained a promoter's license from the commission, the court, on petition by the commission, shall enjoin him from such activities unless and until he has been duly licensed. The procedure in such cases shall be the same as in any other injunction suit. The remedies under this section are in addition to any other remedies under this part.

§ 903. Representative managers' licenses.

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

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

(c) Penalty.--A violation of this section may subject the manager to suspension of not less than 30 days or revocation of his license, at the discretion of the commission, pursuant to section 1304 (relating to suspension or revocation of licenses or permits).

§ 904. Foreign copromoters to procure permits.

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

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

§ 905. Other licenses required.

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

(b) Penalty.--A violation of this section may subject the person required to procure the license to suspension of not less than 30 days or revocation of or refusal to issue the license, at the discretion of the commission, pursuant to section 1304 (relating to suspension or revocation of licenses or permits).

§ 906. Program permits.

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

§ 907. Amateur events.

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

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

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

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

§ 908. Prohibited interests.

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

§ 909. Local prohibitions.

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

§ 910. Standards for issuance of licenses and permits.

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

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

- (1) Of good moral character.
- (2) Of good reputation.
- (3) Physically fit and mentally sound.
- (4) Skilled in his profession.
- (5) Of requisite age and experience.
- (6) Not addicted to the intemperate use of alcohol or to the use of narcotic drugs.

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

§ 911. Duration of license.

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

§ 912. Applications for licenses and permits.

Every application for a license or a permit shall:

- (1) Be in writing on a form supplied by the commission.
- (2) Be verified by the applicant.
- (3) Set forth such information and have attached thereto such photographs and other exhibits as are required by this subpart, the rules and regulations promulgated under this subpart and the form of application.

§ 913. Oral examinations.

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

§ 914. License fees.

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

§ 915. Permit fees.

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

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

§ 916. Gross receipts taxes.

(a) **Gate receipts.**--In addition to the payment of any other fees and moneys due under this subpart, a promoter or sponsor

shall pay a tax of 5% of the gross receipts of every contest or exhibition held in this Commonwealth.

(b) Broadcast rights.--The gross price paid to the promoters or sponsors for the sale, lease or other exploitation of broadcasting, television and motion picture rights of the contest or exhibition shall be subject to a gross receipts tax on a sliding scale as follows:

(1) five percent on the cost of exploitation rights obtained for the first \$60,000 or less;

(2) three percent on the cost of exploitation rights obtained for the next \$100,000;

(3) two percent on the cost of exploitation rights obtained for the next \$100,000; and

(4) one percent on the cost of exploitation rights obtained for any amount over \$260,000.

(c) Pay-per-view telecasts.--Any producer who charges or receives a fee for having a contest seen on a pay-per-view telecast that is shown in this Commonwealth, utilizing a cable television system, shall pay a tax of 3% of the producer's gross receipts attributable to the individual pay-per-view telecast fees. The tax under this subsection shall be collected from the producer by the cable television system operator whose pay-per-view facilities are being utilized by the producer for this purpose and shall be forwarded to the commission. The producer's gross receipts upon which this tax is imposed shall not include Federal, State and local taxes paid by the individual who views the contest.

(d) Payment.--Payment of the gross receipts tax provided for in this section shall be made within 48 hours after the contest or exhibition if the tax is payable under subsection (a) or within 45 days if the tax is payable under subsection (c). The payment shall be accompanied by a form prescribed by the commission setting forth the gross receipts received from the contest, exhibition or pay-per-view telecast and such other information as the commission may require. The form shall require the taxpayer to state the amount of gross receipts, the number of tickets sold and such other information as the commission may require. In the case of a live contest or exhibition, payment shall be accompanied by a verified statement by the ticket printer setting forth the number of tickets printed for use at the contest or exhibition.

(e) Penalties.--

(1) A person who intentionally makes a false report under this section commits perjury and shall, upon conviction, be subject to punishment under 18 Pa.C.S. § 4902 (relating to perjury). The penalty shall be in addition to any other penalties imposed under this subpart.

(2) A person who intentionally fails, neglects or refuses to file the form or pay the tax as prescribed in this section, or who refuses to permit the department to examine the books, papers and records pertaining to an event taxable under this section, commits a misdemeanor of the third degree and shall, in addition, be subject to suspension or loss of license or a civil penalty at the discretion of the commission.

(f) Gross receipts.--Gross receipts shall be calculated without any deductions for commissions, brokerage fees, distribution fees, advertising or other expenses or charges in respect thereto, except that Federal taxes and taxes imposed by a political subdivision may be deducted. Notwithstanding section 3 of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, the tax levied under this

subsection does not vacate ordinances or resolutions passed under the authority of that act. In the case of a live contest or exhibition taxable under subsection (a), gross receipts includes the face value of all tickets sold and complimentary tickets issued. In the case of a pay-per-view telecast taxable under subsection (c), gross receipts includes the total amount of all fees that were charged in order to view the event.

Retroactivity. Section 7 of Act 32 of 1992 provided that subsec. (b) shall be retroactive to January 1, 1992.

§ 917. Application and fees.

An application for a permit or license shall be verified and shall be accompanied by a nonrefundable application fee in an amount established by the commission by regulation, which fee shall be subject to review in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. If the revenues generated by fees and civil penalties imposed pursuant to this subpart are not sufficient to match expenditures over a two-year period, the commission shall adjust those fees by regulation, subject to review in accordance with the Regulatory Review Act, such that the projected revenues will meet or exceed projected expenditures. If the department determines that fees and civil penalties established by the commission are inadequate to meet the costs of minimum enforcement efforts required by this subpart, then the department, after consultation with the commission, shall adjust the fees or civil penalties or both by regulation, subject to review in accordance with the Regulatory Review Act, such that adequate revenues are raised to meet those costs.

CHAPTER 11

PROMOTION OF CONTESTS AND EXHIBITIONS

Subchapter

- A. Contracts
- B. Tickets and Advertising
- C. Admission to Events
- D. Bonds

Enactment. Chapter 11 was added May 13, 1992, P.L.180, No.32, effective immediately.

SUBCHAPTER A

CONTRACTS

Sec.

- 1101. Commission control of contracts.
- 1102. Notice clause.
- 1103. Provisions in contracts between managers and professional boxers.
- 1104. Approval of contracts.

§ 1101. Commission control of contracts.

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

§ 1102. Notice clause.

Every contract subject to the provisions of this subpart shall contain the following clause:

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

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

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

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

§ 1104. Approval of contracts.

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

SUBCHAPTER B

TICKETS AND ADVERTISING

Sec.

1111. Tickets.

1112. Penalty for destroying tickets.

1113. Ticket refunds.

1114. Advertising matter to state admission price.

§ 1111. Tickets.

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

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

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

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

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

§ 1112. Penalty for destroying tickets.

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

§ 1113. Ticket refunds.

(a) Full refund.--Upon postponement or cancellation of the main event or the entire program of contests or exhibitions, the promoter shall refund the full purchase price of each ticket to any person who presents the entire ticket for a refund within ten days after the scheduled date of the event. The promoter shall announce the postponement or cancellation at the beginning of the program and at other times during the event as the commission shall prescribe and shall notify the ticketholders in each announcement that they may present their ticket stubs for a refund of the purchase price during the program. The commission may require that written notice of the cancellation or postponement and the right to refund be posted at the site of the event in such manner as it may prescribe. After the event has concluded, a promoter who has complied with this subsection need not refund the purchase price upon presentation of a ticket stub.

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

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

§ 1114. Advertising matter to state admission price.

Each showcard, bill, poster, newspaper or other advertisement of any contest or exhibition shall contain a schedule of admission prices and a conspicuous statement of whether a contest or exhibition is being presented. Failure to comply with the provisions of this section shall constitute grounds for the suspension or revocation of the promoter's license.

SUBCHAPTER C
ADMISSION TO EVENTS

Sec.

1121. Admissions not to exceed seating capacity.

1122. Age of spectators.

§ 1121. Admissions not to exceed seating capacity.

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

§ 1122. Age of spectators.

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

SUBCHAPTER D
BONDS

Sec.

1131. Promoters and foreign copromoters required to file bonds.

1132. Deposit in lieu of surety bond.

1133. Filing fee.

1134. Recovery on bond.

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

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

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

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

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

Cross References. Section 1131 is referred to in section 1132 of this title.

§ 1132. Deposit in lieu of surety bond.

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

§ 1133. Filing fee.

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

§ 1134. Recovery on bond.

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

**CHAPTER 13
ENFORCEMENT**

Sec.

- 1301. Commission hearings.
- 1302. Subpoenas.
- 1303. Preliminary suspension of licenses or permits.
- 1304. Suspension or revocation of licenses or permits.
- 1305. Civil penalties.

Enactment. Chapter 13 was added May 13, 1992, P.L.180, No.32, effective immediately.

§ 1301. Commission hearings.

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

§ 1302. Subpoenas.

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

§ 1303. Preliminary suspension of licenses or permits.

(a) **General rule.**--The commission may, upon its own motion or upon the verified written complaint of any person charging a licensee or permittee with violating any provision of this subpart or the rules and regulations promulgated under this subpart, order the preliminary suspension of any license or permit until adjudication by the commission if such action is necessary to prevent immediate or irreparable harm to the public welfare or to protect the health and safety of a boxer.

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

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

§ 1304. Suspension or revocation of licenses or permits.

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

- (1) Is guilty of gross immorality.
- (2) Is unfit or incompetent by reason of negligence or habits.
- (3) Is guilty of violating any provision of this subpart or of the rules and regulations promulgated under this subpart.
- (4) Has committed fraud or deceit in securing his or another's license or permit.
- (5) Has been convicted of or pleaded guilty or entered a plea of nolo contendere to, or has been found guilty by a judge or jury of, a crime in any jurisdiction within ten years preceding the suspension or revocation.
- (6) Is an habitual drunkard or is addicted to the use of morphine, cocaine or other drugs having a similar effect.
- (7) Is or has become mentally incompetent.
- (8) Has been guilty of unprofessional or unethical conduct or such conduct as to require a suspension or revocation in the public interest.

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

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

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

(12) Has paid or agreed to pay any money or article of value to any person not having a license or a permit for soliciting or for business secured or for rendering of any service or the doing of any of the acts forbidden by this subpart and the rules and regulations promulgated under this subpart.

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

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

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

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

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

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

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

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

(21) Is or may be at risk of serious physical impairment if allowed to participate in boxing engagements. The commission may investigate the mental or physical fitness of a licensee to participate in contests or exhibitions at any time. This paragraph only applies to licensees or permittees who are boxers.

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

Cross References. Section 1304 is referred to in sections 712, 903, 904, 905, 1113 of this title.

§ 1305. Civil penalties.

The commission may impose a civil penalty of not more than \$5,000 for any violation of any provision of this subpart, other than section 1701 (relating to prohibited competitions), or the rules and regulations promulgated under those provisions, in addition to any other punishment provided under this subpart for the violation. Any licensee or permittee upon whom a civil penalty is imposed under this section shall have a right to a

hearing before the commission within ten days after notice of the commission's intent to impose the penalty is received.

Cross References. Section 1305 is referred to in section 1113 of this title.

CHAPTER 15

FINANCIAL PROVISIONS

Subchapter

- A. Financial Interests
- B. Commission Receipts
- C. Purses
- D. Insurance

Enactment. Chapter 15 was added May 13, 1992, P.L.180, No.32, effective immediately.

SUBCHAPTER A

FINANCIAL INTERESTS

Sec.

- 1501. Financial interest in boxer prohibited.
- 1502. Financial interest in opponent prohibited.
- 1503. Financial interest of matchmaker.

§ 1501. Financial interest in boxer prohibited.

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

§ 1502. Financial interest in opponent prohibited.

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

§ 1503. Financial interest of matchmaker.

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

SUBCHAPTER B

COMMISSION RECEIPTS

Sec.

- 1511. Disposition of commission receipts.
- 1512. Athletic Commission Augmentation Account.

§ 1511. Disposition of commission receipts.

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

§ 1512. Athletic Commission Augmentation Account.

All funds collected by the commission shall be paid into the Athletic Commission Augmentation Account, which shall be a special restricted receipts account within the General Fund. This account shall be used only for the support and operation of the commission unless a surplus arises after two consecutive years, at which time the secretary shall transfer any amount in excess of the commission's budget into the General Fund.

Cross References. Section 1512 is referred to in section 2110 of this title.

SUBCHAPTER C PURSES

Sec.

- 1521. Minimum purses for boxers.
- 1522. Distribution of purses to boxers.
- 1523. Withholding of purses.
- 1524. Hearing regarding withheld purse.
- 1525. Disposition of withheld purse.
- 1526. Advances against purses.

§ 1521. Minimum purses for boxers.

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

§ 1522. Distribution of purses to boxers.

(a) Promoter distribution.--Unless otherwise directed by the commission or an authorized agent of the commission, all boxing purses shall be distributed by the promoter immediately after the conclusion of the contest or exhibition and, in any event, not later than 24 hours after the conclusion. A written statement showing the distribution of the purse, including each item of receipt and each expenditure or deduction, shall be furnished to the boxer and his manager, together with his share of the purse. A copy of the statement, certified by the promoter to be true and correct, shall be filed in the office of the executive director and shall have attached to it receipted vouchers for every expenditure or deduction.

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

§ 1523. Withholding of purses.

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

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

Cross References. Section 1523 is referred to in section 1524 of this title.

§ 1524. Hearing regarding withheld purse.

(a) **Delivery to commission.**--Any purse or portion thereof withheld under section 1523 (relating to withholding of purses) shall be delivered by the promoter to the commission within 48 hours after the end of the contest.

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

§ 1525. Disposition of withheld purse.

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

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

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

§ 1526. Advances against purses.

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

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

**SUBCHAPTER D
INSURANCE**

Sec.

1531. Insurance coverage of boxers.

§ 1531. Insurance coverage of boxers.

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

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

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

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

CHAPTER 17
MISCELLANEOUS PROVISIONS

Sec.

1701. Prohibited competitions.

Enactment. Chapter 17 was added May 13, 1992, P.L.180, No.32, effective immediately.

§ 1701. Prohibited competitions.

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

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

- (1) News media, including, but not limited to, television, radio, newspapers and periodicals for their reporting activities relating to any tough guy contest.
- (2) Amateur or professional contests or exhibitions for which a permit has been issued under Chapter 9 (relating to licenses and permits).
- (3) Professional wrestling exhibitions.
- (4) Contests staged in connection with athletic training programs.
- (5) Amateur or professional martial arts contests.
- (6) Collegiate or scholastic boxing, wrestling or martial arts contests.
- (7) Professional or amateur wrestling contests not prohibited by the commission under Subpart C (relating to wrestling).

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

Cross References. Section 1701 is referred to in section 1305 of this title.

SUBPART C
WRESTLING

Chapter

19. Preliminary Provisions
21. Regulation of Professional Wrestling Contests and Exhibitions

CHAPTER 19
PRELIMINARY PROVISIONS

Sec.

1901. Short title of subpart.
1902. Definitions.
1903. Applicability of subpart.

Enactment. Chapter 19 was added May 13, 1992, P.L.180, No.32, effective immediately.

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

CHAPTER 21

**REGULATION OF PROFESSIONAL WRESTLING CONTESTS
AND EXHIBITIONS**

Sec.

- 2101. Promoter's license.
- 2102. Promoter's bonding requirements.
- 2103. Gross receipts taxes.
- 2104. Physician to be in attendance.
- 2105. Ambulance available.
- 2106. Crowd control.
- 2107. Prohibited acts.
- 2108. Enforcement.
- 2109. Penalties.
- 2110. Disposition of commission receipts.

Enactment. Chapter 21 was added May 13, 1992, P.L.180, No.32, effective immediately.

Cross References. Chapter 21 is referred to in section 103 of this title.

§ 2101. Promoter's license.

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

- (1) A license fee of \$100.
- (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 Augmentation Account. The license shall expire on December 31 next following issuance.

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

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

- (1) For an offense other than as provided in paragraph (2), 60 days.
- (2) For an offense committed within 12 months after conviction of a prior offense, 90 days.

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

(g) Promoting without a license.--The commission may issue an order prohibiting a promoter from holding or promoting a professional wrestling contest or exhibition without having obtained the promoter's license required under subsection (a). If it is determined the respondent has engaged in the promotion of any professional contest or exhibition without having first obtained a promoter's license from the commission, the court, on petition by the commission, shall enjoin him from such activities unless and until he has been duly licensed. The procedure in such cases shall be the same as in any other

injunction suit. The remedies under this subsection are in addition to any other remedies under this part.

Cross References. Section 2101 is referred to in section 2109 of this title.

§ 2102. Promoter's bonding requirements.

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

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

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

Cross References. Section 2102 is referred to in sections 2101, 2107 of this title.

§ 2103. Gross receipts taxes.

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

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

§ 2104. Physician to be in attendance.

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

§ 2105. Ambulance available.

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

§ 2106. Crowd control.

Before any professional wrestling contest or exhibition shall take place, the promoter and the operator of the arena or facility shall ensure that adequate security personnel are in

attendance to control fans in attendance. The size of the security force is at the discretion of the promoter and the owner or operator of the arena or facility, as they shall agree.

§ 2107. Prohibited acts.

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

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

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

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

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

Cross References. Section 2107 is referred to in section 2109 of this title.

§ 2108. Enforcement.

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

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

§ 2109. Penalties.

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

§ 2110. Disposition of commission receipts.

Fees, taxes, fines, forfeitures and other money collected under the provisions of this subpart and the rules and regulations promulgated under this part, including all fees charged under this part and fines imposed and collected for violations of this part, shall be collected by the commission, transmitted to the Department of Revenue and paid into the Athletic Commission Augmentation Account established in section 1512 (relating to Athletic Commission Augmentation Account).

PART II
ATHLETE AGENTS

Subpart

- A. General Provisions
- B. Registration of Athlete Agents

Enactment. Part II was added December 9, 2002, P.L.1423, No.180, effective in 60 days.

Prior Provisions. Former Part II, which related to the same subject matter, was added January 27, 1998, P.L.13, No.2, and repealed December 9, 2002, P.L.1423, No.180, effective in 60 days.

SUBPART A

GENERAL PROVISIONS

Chapter

- 31. Preliminary Provisions

CHAPTER 31

PRELIMINARY PROVISIONS

Sec.

- 3101. Short title of part.
- 3102. Definitions.
- 3103. Administration.
- 3104. Service of process.
- 3105. Subpoenas.
- 3106. Rules and regulations.

Enactment. Chapter 31 was added December 9, 2002, P.L.1423, No.180, effective in 60 days.

Prior Provisions. Former Chapter 31, which related to the same subject matter, was added January 27, 1998, P.L.13, No.2, and repealed December 9, 2002, P.L.1423, No.180, effective in 60 days.

§ 3101. Short title of part.

This part shall be known and may be cited as the Uniform Athlete Agents Act.

§ 3102. Definitions.

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:

"Agency contract." Any contract or agreement in which an individual or a student athlete authorizes or empowers a person to negotiate or solicit on behalf of the individual or the student athlete one or more professional sports services contracts.

"Athlete agent." A person who enters into an agency contract with an individual or a student athlete or directly or indirectly recruits or solicits an individual or a student athlete to enter into an agency contract. The term does not include a spouse, parent, sibling, son, daughter or grandparent of the individual or student athlete, an individual acting solely on behalf of a professional sports team or a coach, trainer or other employee of a secondary or postsecondary school who is acting on behalf of a student athlete of the same secondary or postsecondary school, provided that such activities are within the scope of employment of the coach, trainer or other employee. The term includes a person who represents to the public that the person is an athlete agent.

"Athletic director." An individual responsible for administering the overall athletic program of an educational

institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females.

"Commission." The State Athletic Commission.

"Contact." A communication, direct or indirect, between an athlete agent and an individual or a student athlete to recruit or solicit the individual or student athlete to enter into an agency contract, including by telephonic, facsimile or other electronic method, mail, electronic mail or personal means.

"Conviction." A finding of guilt by a judge, jury, a plea of guilty or a plea of nolo contendere.

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

"Institution of higher education." A public or private college or university, including a community college.

"Intercollegiate sport." A sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics.

"Person." An individual, corporation, partnership, limited liability company, association, joint venture, public corporation or any other legal or commercial entity.

"Professional sports services contract." A contract or agreement under which an individual is employed or agrees to render services as a player on a professional sports team, with a professional sports organization or as a professional athlete.

"Record." Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Registration." Registration as an athlete agent pursuant to Chapter 33 (relating to registration).

"State." A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

"Student athlete." An individual who engages in, is eligible to engage in or may be eligible in the future to engage in any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student athlete for purposes of that sport.

§ 3103. Administration.

The commission shall administer this part.

§ 3104. Service of process.

By engaging in the business of an athlete agent in this Commonwealth, a nonresident individual appoints the Secretary of the Commonwealth as the individual's agent to accept service of process in any civil action related to the individual's business as an athlete agent in this Commonwealth.

§ 3105. Subpoenas.

The commission may issue subpoenas for any relevant material under this part.

§ 3106. Rules and regulations.

The commission shall have the power and duty to adopt and revise regulations in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, as are reasonably necessary to administer and effectuate the purposes of this part.

REGISTRATION OF ATHLETE AGENTS

Chapter

33. Registration

CHAPTER 33
REGISTRATION

Sec.

- 3301. Athlete agent registration.
- 3302. Application for registration.
- 3303. Issuance of registration.
- 3304. Denial of registration.
- 3305. Renewal of registration.
- 3306. Period of registration.
- 3307. Suspension, revocation, restriction or refusal to renew registration.
- 3308. Fees.
- 3309. Form of contract for student athletes.
- 3310. Notice to educational institution.
- 3311. Student athlete's right to cancel.
- 3312. Required records.
- 3313. Prohibited acts.
- 3314. Civil remedies.
- 3315. Administrative penalty.
- 3316. Bonding requirements.
- 3317. Exemption from registration and bonding requirement.
- 3318. Disposition of commission receipts.
- 3319. Records.
- 3320. Transferability of registration.

Enactment. Chapter 33 was added December 9, 2002, P.L.1423, No.180, effective in 60 days.

Prior Provisions. Former Chapter 33, which related to the same subject matter, was added January 27, 1998, P.L.13, No.2, and repealed December 9, 2002, P.L.1423, No.180, effective in 60 days.

Cross References. Chapter 33 is referred to in section 3102 of this title.

§ 3301. Athlete agent registration.

(a) Certificate of registration required.--Except as otherwise provided in subsection (b), a person shall not directly or indirectly serve or offer to serve as an athlete agent in this Commonwealth before being issued a certificate of registration under section 3303 (relating to issuance of registration). An out-of-State agent must register if the agent through direct or indirect contact recruits or solicits an individual or student athlete to enter into an agency contract or procures, offers, promises or attempts to obtain employment for an individual or student athlete with a Pennsylvania professional sports team as a professional athlete in this Commonwealth where any one or more of the following conditions apply:

- (1) The athlete agent is a resident of this Commonwealth.
- (2) The athlete is a resident of this Commonwealth or is attending an institution of higher education in this Commonwealth.
- (3) The professional sports team has its home field or its corporate headquarters in this Commonwealth.

(b) Exception.--An unregistered out-of-State agent or person may act as an athlete agent in this Commonwealth before being issued a certificate of registration for all purposes except signing an agency contract if the following conditions are met:

- (1) A student athlete or another acting on behalf of the student athlete initiates contact with the person.
- (2) Within seven days after an initial act as an athlete agent, the person submits an application to register as an athlete agent in this Commonwealth.
- (3) The unregistered out-of-State agent or person has never had registration issued under this chapter or a predecessor statute revoked by the commission.

(c) Certain contracts void.--An agency contract resulting from conduct in violation of this section is void. The athlete agent shall return any consideration received under the contract.

Cross References. Section 3301 is referred to in section 3313 of this title.

§ 3302. Application for registration.

(a) Procedure.--An applicant for registration shall submit an application for registration to the commission in writing on a form supplied by the commission and approved by the department. Except as otherwise provided in subsection (b), the application must be in the name of an individual and be verified by the applicant and must state, contain or be accompanied by:

- (1) The information required by this chapter and such other information as the commission may reasonably require.
- (2) A processing fee of \$100.
- (3) The name of the applicant and the address of the applicant's principal place of business.
- (4) The name of the applicant's business or employer, if applicable.
- (5) Any business or occupation engaged in by the applicant for the five years next preceding the date of submission of the application.
- (6) A description of the applicant's:
 - (i) Formal training as an athlete agent.
 - (ii) Practical experience as an athlete agent.
 - (iii) Educational background relating to the applicant's activities as an athlete agent.
- (7) The names and addresses of three individuals not related to the applicant who are willing to serve as references.
- (8) The name, sport and last known team for each individual for whom the applicant provided services as an athlete agent during the five years next preceding the date of submission of the application.
- (9) The names and addresses of all persons who are:
 - (i) With respect to the athlete agent's business if it is not a corporation, the partners, officers, associates or profit-sharers.
 - (ii) With respect to a corporation employing the athlete agent, the officers, directors and any shareholder of the corporation with a 5% or greater interest.
- (10) Whether the applicant or any other person named pursuant to paragraph (9) has been convicted of a crime that, if committed in this Commonwealth, would be a felony or other crime involving moral turpitude, and identify the crime.
- (11) Whether there has been any administrative or judicial determination that the applicant or any other person

named pursuant to paragraph (9) has made a false, misleading, deceptive or fraudulent representation.

(12) Any instance in which the conduct of the applicant or any other person named pursuant to paragraph (9) resulted in the imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student athlete or educational institution.

(13) Any sanction, suspension or disciplinary action taken against the applicant or any other person named pursuant to paragraph (9) arising out of occupational or professional conduct.

(14) Whether there has been any denial of an application for, suspension or revocation of or refusal to renew the registration or licensure of the applicant or any other person named pursuant to paragraph (9) as an athlete agent in any state.

(b) Out-of-State agents.--A person who has submitted an application for and received a certificate of registration or licensure as an athlete agent in another state may submit a copy of the application and a valid certificate of registration or licensure from the other state in lieu of submitting an application in the form prescribed pursuant to subsection (a). The commission shall accept the application and the certificate from the other state as an application for registration in this Commonwealth if the application to the other state:

(1) Was submitted in the other state within the six months next preceding the submission of the application in this Commonwealth and the applicant certifies the information contained in the application is current.

(2) Contains information substantially similar to or more comprehensive than that required in an application submitted in this Commonwealth.

(3) Was signed by the applicant.

(4) The unregistered out-of-State agent has never had registration issued under this chapter or a predecessor statute revoked by the commission.

(c) Criminal background check.--Every applicant shall complete an application or process as may be necessary to request the Pennsylvania State Police to provide a copy of the applicant's criminal history record to the commission.

Cross References. Section 3302 is referred to in section 3303 of this title.

§ 3303. Issuance of registration.

Except as otherwise provided in section 3304 (relating to denial of registration), the commission shall issue a certificate of registration to a person:

(1) Who complies with section 3302(a) and (c) (relating to application for registration).

(2) Whose application has been accepted under section 3302(b).

(3) Who is 21 years of age or older.

(4) Who possesses good moral character.

(5) Who neither at the time of application nor within ten years prior to the time of application has been finally found to have participated in any conduct that led to the imposition of sanctions against an individual or student athlete, institution of higher education or professional sports team by any association or organization that establishes rules for the conduct of amateur or professional sports.

Cross References. Section 3303 is referred to in section 3301 of this title.

§ 3304. Denial of registration.

(a) Grounds.--The commission may refuse to issue a certificate of registration if the commission determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to serve as an athlete agent. In making the determination, the commission may consider whether the applicant has:

(1) Made a materially false, misleading, deceptive or fraudulent representation as an athlete agent or in the application.

(2) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity.

(3) Engaged in conduct prohibited by section 3313 (relating to prohibited acts).

(4) Had a registration or licensure as an athlete agent suspended, revoked or denied or been refused renewal of registration or licensure in any state.

(5) Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty or integrity.

(b) Additional considerations.--In making a determination under subsection (a), the commission shall consider:

(1) How recently the conduct occurred.

(2) The nature of the conduct and the context in which it occurred.

(3) Any other relevant conduct of the applicant.

(c) Issuance of registration prohibited.--The commission shall not issue athlete agent registration to or renew the athlete agent registration of a person who has been convicted of any of the following offenses, or any comparable offense in another jurisdiction, within ten years of the date of application:

(1) An offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) An offense under the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 902 (relating to criminal solicitation).

Section 908 (relating to prohibited offensive weapons).

Section 2502 (relating to murder).

Section 2709(a)(4), (5), (6) or (7) (relating to harassment).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 3121 (relating to rape).

Section 3126 (relating to indecent assault).

Section 3923 (relating to theft by extortion).

Section 4109 (relating to rigging publicly exhibited contest).

Section 4302 (relating to incest).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

Section 4701 (relating to bribery in official and political matters).

Section 4902 (relating to perjury).

Section 5501 (relating to riot).

Section 5512 (relating to lotteries, etc.).

Section 5513 (relating to gambling devices, gambling, etc.).

Section 5514 (relating to pool selling and bookmaking).

Section 5901 (relating to open lewdness).

Section 5902 (relating to prostitution and related offenses).

Section 5903 (relating to obscene and other sexual materials and performances).

Section 5904 (relating to public exhibition of insane or deformed person).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

Section 7107 (relating to unlawful actions by athlete agents).

(3) The commission shall not issue registration to any person who has been found by the commission to have engaged in the activities of an athlete agent in this Commonwealth without acquiring registration as required by this chapter within 12 months prior to the date of application.

(Dec. 9, 2002, P.L.1759, No.218, eff. 60 days)

2002 Amendment. Act 218 amended subsec. (a).

Cross References. Section 3304 is referred to in sections 3303, 3307 of this title.

§ 3305. Renewal of registration.

(a) **Procedure.**--An athlete agent may apply to renew a registration by submitting an application for renewal in writing on a form supplied by the commission and approved by the department. The application for renewal must be in the name of an individual and be verified by the applicant and must state, contain or be accompanied by:

(1) Current information on all matters required in an original registration.

(2) Such other information as the commission may reasonably require.

(3) A processing fee of \$100.

(b) **Out-of-state agents.**--An individual who has submitted an application for renewal of registration or licensure in another state, in lieu of submitting an application for renewal in the form prescribed under subsection (a), may file a copy of the application for renewal and a valid certificate of registration from the other state. The commission shall accept the application for renewal from the other state as an application for renewal in this Commonwealth if the application to the other state:

(1) Was submitted to the other state within the last six months and the applicant certifies the information contained in the application for renewal is current.

(2) Contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in this Commonwealth.

(3) Was verified by the applicant.

(4) The unregistered out-of-State agent has never had registration issued under this chapter or a predecessor statute revoked by the commission.

§ 3306. Period of registration.

A certificate of registration or a renewal of a registration is valid for two years.

§ 3307. Suspension, revocation, restriction or refusal to renew registration.

(a) Investigation.--The commission or its designee may review the operations of all registered athlete agents and shall prepare a written report for review by the commission.

(b) Cease and desist order.--The commission may issue an immediate cease and desist order against an athlete agent who has been found preliminarily by the commission to have committed a violation of 18 Pa.C.S. § 7107 (relating to unlawful actions by athlete agents) or a violation of this chapter. Within 20 days of issuance of the cease and desist order, the commission shall conduct a hearing to determine whether the cease and desist order should be dissolved or made permanent.

(c) Registration suspension, revocation, restriction or refusal to renew.--The commission may suspend, revoke, restrict or otherwise limit registration or refuse to renew a registration for conduct that would have justified denial of registration under section 3304(a) (relating to denial of registration).

(d) Notice and hearing.--The commission may deny, suspend, revoke, restrict or otherwise limit registration or refuse to renew a registration only after proper notice and an opportunity for a hearing in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

(e) Reciprocal disciplinary or corrective action.--The commission may deny, suspend, revoke, restrict or otherwise limit registration or refuse to renew a registration of an athlete agent on the basis of a disciplinary or corrective action having been taken against the athlete agent in another state, territory, possession or country, a branch of the Federal Government or by an athletic association.

§ 3308. Fees.

(a) Amounts.--An application for registration or renewal of registration must be accompanied by a fee in the following amount:

- (1) \$200 for an initial application for registration for an individual or sole proprietor and \$400 for a partnership, association, corporation or other legal entity.
- (2) \$150 for an application for registration based upon a certificate of registration or licensure issued by another state for an individual or sole proprietor and \$300 for a partnership, association, corporation or other legal entity.
- (3) \$200 for an application for renewal of registration for an individual or sole proprietor and \$400 for a partnership, association, corporation or other legal entity.
- (4) \$150 for an application for renewal of registration based upon an application for renewal of registration or licensure submitted in another state for an individual or sole proprietor and \$400 for a partnership, association, corporation or other legal entity.

(b) Fee increase.--If the revenues raised by fees, fines and civil penalties imposed in accordance with this chapter are not sufficient to match the expenditures necessary to carry out the provisions of this chapter, the commission shall increase those fees by regulation so that the revenues match the expenditures.

§ 3309. Form of contract for student athletes.

(a) Form generally.--An agency contract must be in a record and signed by the parties.

(b) Contents.--An agency contract must state or contain:

- (1) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or

will receive from any other source for entering into the contract or for providing the services.

(2) The name of any person not listed in the application for registration or renewal who will be compensated because the student athlete signed the agency contract.

(3) A description of any expenses that the student athlete agrees to reimburse.

(4) A description of the services to be provided to the athlete student.

(5) The duration of the contract.

(6) The date of execution.

(c) Notice.--An agency contract must contain in close proximity to the signature of the student athlete a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT ATHLETE

If you sign this contract:

(1) You may lose your eligibility to compete as a student athlete in your sport.

(2) Both you and your athlete agent are required to tell your athletic director, if you have an athletic director, and the commission within 72 hours after entering into an agency contract.

(3) You may cancel this contract within 14 days after signing it. Cancellation of the contract may not reinstate your eligibility.

(d) Contracts not in conformity.--An agency contract that does not conform to this section is voidable by the student athlete.

(e) Contract copy to student athlete.--The athlete agent shall give a copy of the signed agency contract to the student athlete at the time of signing.

§ 3310. Notice to educational institution.

Within 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first:

(1) The athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the athlete agent has reasonable grounds to believe the student athlete intends to enroll and to the commission.

(2) The student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled that the student athlete has entered into an agency contract and to the commission.

§ 3311. Student athlete's right to cancel.

(a) Procedure.--A student athlete may cancel an agency contract by giving notice in a record to the athlete agent of the cancellation within 14 days after the contract is signed.

(b) Waiver not permitted.--A student athlete may not waive the right to cancel an agency contract.

(c) Consideration.--If a student athlete cancels an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the agent to induce the student athlete to enter into the contract.

§ 3312. Required records.

(a) General rule.--An athlete agent shall retain the following records for a period of five years:

(1) The name and address of each individual represented by the athlete agent.

(2) Any agency contract entered into by the athlete agent.

(3) Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student athlete.

(b) Records open to inspection.--Records required by subsection (a) to be retained are open to inspection by the commission during normal business hours.

Cross References. Section 3312 is referred to in section 3313 of this title.

§ 3313. Prohibited acts.

An athlete agent may not:

(1) Initiate contact with a student athlete unless registered under this part.

(2) Refuse or willfully fail to retain or permit inspection of the records required by section 3312 (relating to required records).

(3) Violate section 3301 (relating to athlete agent registration) by failing to register.

(4) Provide materially false or misleading information in an application for registration or renewal of registration.

(5) Predate or postdate an agency contract.

(6) Fail to notify a student athlete prior to the student athlete's signing an agency contract for a particular sport that the signing by the student athlete may make the student athlete ineligible to participate as a student athlete in that sport.

(7) Enter into an oral or written contract or professional sport services contract with a student athlete before the student athlete's eligibility for collegiate athletics has expired.

(8) Before the student athlete's eligibility for collegiate athletics has expired, give, offer or promise anything of value to:

(i) a student athlete;

(ii) any member of the student athlete's immediate family; or

(iii) any individual who substantially contributes to the economic support of the student athlete. For purposes of this subparagraph, an individual shall be deemed to have substantially contributed to the economic support of a student athlete if the individual provides 25% or more of the cost of tuition, room and board and incidental expenses of the student athlete's education or provides to the student athlete at minimal or no cost non-college-based lodging or meals or transportation to and from college classes.

(9) Give, offer or promise an oral or written contract which would require the athlete agent to give, offer or promise anything of value to any employee of an institution of higher education in return for a referral of a student athlete by the employee.

(10) Engage in the activities of an athlete agent without a current valid registration.

(11) Violate any provision of this part or regulation of the commission.

Cross References. Section 3313 is referred to in section 3304 of this title.

§ 3314. Civil remedies.

(a) Right of action.--An educational institution has a right of action against an athlete agent or a former student athlete for damages caused by a violation of this part or for a violation of 18 Pa.C.S. § 7107 (relating to unlawful actions by athlete agents). In an action under this section, the court may award to the prevailing party costs and reasonable attorney fees.

(b) Damages.--Damages of an educational institution under subsection (a) include losses and expenses incurred because, as a result of the activities of an athlete agent or former student athlete, the educational institution was injured by a violation of this part or was penalized, disqualified or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference or by reasonable self-imposed disciplinary action taken to mitigate sanctions.

(c) Accrual of action.--A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student athlete.

(d) Liability.--Any liability of the athlete agent or the former student athlete under this section is several and not joint.

(e) Other rights and remedies.--This part does not restrict rights, remedies or defenses of any person under law.

§ 3315. Administrative penalty.

(a) Civil penalty.--The commission may assess a civil penalty against an athlete agent not to exceed \$25,000 per violation of this part or per violation of 18 Pa.C.S. § 7107 (relating to unlawful actions by athlete agents).

(b) Injunctive relief.--The commission may, in the name of the people of this Commonwealth, through the Office of Attorney General, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of this chapter. Injunctive relief shall be in addition to and not in lieu of all penalties and other remedies in this chapter.

§ 3316. Bonding requirements.

(a) Amount.--Before any athlete agent registration is issued, the applicant shall be required to execute and file a surety bond with the commission in such reasonable amount, but not less than \$20,000, as the commission shall require.

(b) Bond forms.--All bonds shall be upon forms supplied by the commission and which have been approved by the department. All bonds shall be accompanied by a \$25 filing fee.

(c) Conditions of bond.--The surety bond shall be conditioned upon the following:

- (1) Compliance with this chapter.
- (2) The payment of all sums due a person at the time the sums are due and payable.
- (3) The payment of damages suffered by any person as a result of intentional or unintentional misstatements, misrepresentation, fraud, deceit or unlawful or negligent acts of the student athlete agent while acting as a student athlete agent.

(d) Alternate security.--

- (1) In lieu of a surety bond, a registrant may deposit with the commission cash, a certified check or a letter of credit in an equivalent amount. The provisions of this section regarding bonds shall apply to the alternate security provided for in this subsection.

(2) The security shall not be returned to a registrant until one year after the student athlete agent's registration has expired. After that time if there are no claims against the registered athlete agent, the alternate security shall be returned to the depositor.

(e) Recovery on bond.--Recovery may be had on a bond or deposit of alternate security in the same manner as penalties are recoverable at law.

§ 3317. Exemption from registration and bonding requirement.

(a) Immediate family members.--Athlete agents who are representing an immediate family member are exempt from the provisions of this chapter.

(b) Definition.--As used in this section, the term "immediate family" means a spouse, parent, sibling, son, daughter or grandparent.

§ 3318. Disposition of commission receipts.

All fees, civil penalties, forfeitures and other moneys collected under this chapter and the regulations of the commission shall be paid into the Athletic Commission Augmentation Account.

§ 3319. Records.

A record of all persons registered under this chapter shall be kept in the office of the commission and shall be open to public inspection and copying upon payment of a nominal fee for copying the record.

§ 3320. Transferability of registration.

No registration issued under this chapter shall be assignable or transferable. In the event of a corporate change of status, the entity must register within 90 days.

**APPENDIX TO TITLE 5
ATHLETICS AND SPORTS**

Supplementary Provisions of Amendatory Statutes

1992, MAY 13, P.L.180, NO.32

§ 2. Status of existing licenses and permits.

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

Explanatory Note. Act 32 added Part I of Title 5.

§ 3. Current members of State Athletic Commission and Medical Advisory Board.

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

§ 4. Effect of prior rules and regulations.

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

§ 5. Repayment of appropriation.

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