

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1187 Session of
2009

INTRODUCED BY GERGELY, BARBIN, BRENNAN, CALTAGIRONE, D. COSTA,
DeLUCA, GEORGE, HARHAI, HARKINS, KORTZ, KULA, MAHONEY,
MURPHY, MURT, M. O'BRIEN, PARKER, PASHINSKI, PAYTON, PRESTON,
READSHAW, K. SMITH, SOLOBAY, WALKO, WANSACZ, WHITE, GIBBONS
AND CLYMER, APRIL 3, 2009

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 2, 2009

AN ACT

1 Amending Title 5 (Athletics and Sports) of the Pennsylvania
2 Consolidated Statutes, further providing for duties of State
3 Athletic Commission; in regulation of boxing contests and
4 exhibitions, further providing for age of participants and, ←
5 for gloves AND FOR CONTRACTS; in wrestling, further providing ←
6 for definitions and for physician to be in attendance; and,
7 in registration of athlete agents, further providing for
8 PENALTIES AND FOR bonding requirements. ←

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 103(b) of Title 5 of the Pennsylvania
12 Consolidated Statutes is amended by adding a paragraph to read:

13 § 103. Duties of commission.

14 * * *

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

17 * * *

18 (4) May enter into agreements with other states,
19 territories or possessions of the United States or tribal

organizations to permit the commission to supervise boxing matches in the other states, territories or possessions or on tribal reservations, in accordance with the Professional Boxing Safety Act of 1996 (Public Law 104-272, 15 U.S.C. § 6301 et seq.)

Section 2. Sections 702 and 712 of Title 5 are amended to read:

§ 702. Age of participants.

(a) [General rule] Professional contests and exhibitions.--
No person under 18 years of age shall be a participant in any professional 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.

1 (3) Fourteen and fifteen years of age.

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

4 (d) Amateur contests and exhibitions.--Any age restriction
5 or requirement for amateur boxer participation in any amateur
6 contest or exhibition shall conform with local amateur
7 association rules as approved by the commission.

8 § 712. Gloves.

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

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

15 (2) Over 160 pounds, boxing gloves weighing not less
16 than ten ounces each.] set by regulation of the commission.

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

23 SECTION 2.1. SECTION 1103 OF TITLE 5 IS AMENDED BY ADDING A
24 SUBSECTION TO READ:

25 § 1103. PROVISIONS IN CONTRACTS BETWEEN MANAGERS AND
26 PROFESSIONAL BOXERS.

27 * * *

28 (C) MANDATORY ARBITRATION.--ON OR AFTER THE EFFECTIVE DATE
29 OF THIS SUBSECTION, A CONTRACT BETWEEN A BOXER AND A MANAGER
30 THAT IS EXECUTED ON A FORM PROVIDED BY THE COMMISSION SHALL

1 PROVIDE FOR BINDING ARBITRATION OF DISPUTES BY THE COMMISSION.
2 THE ARBITRATION MUST BE CONDUCTED BY A REPRESENTATIVE OF THE
3 COMMISSION APPOINTED BY THE CHAIRMAN. THE ARBITRATION MUST BE
4 CONDUCTED PURSUANT TO THE UNIFORM ARBITRATION ACT, 42 PA.C.S.
5 CH. 73 SUBCH. A (RELATING TO STATUTORY ARBITRATION).

6 Section 3. The definition of "promoter" in section 1902 of
7 Title 5 is amended to read:

8 § 1902. Definitions.

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

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

18 * * *

19 Section 4. ~~Section 2104 of Title 5 is~~ SECTIONS 2104 AND 2109 ←
20 OF TITLE 5 ARE amended to read:

21 § 2104. Physician or ambulance with emergency medical personnel
22 to be in attendance.

23 Before any professional wrestling contest or exhibition shall
24 take place, the promoter and the operator of the arena or
25 facility shall employ a physician or ambulance with emergency
26 medical personnel to be present at every wrestling contest or
27 exhibition. The physician or emergency medical personnel shall
28 observe the physical condition of the participants throughout
29 the contest or exhibition and shall be authorized to terminate
30 the contest or exhibition when, in his judgment, severe injury

1 would result if the contest or exhibition were to continue. The
2 [physician's] fee for the physician or ambulance and emergency
3 medical personnel shall be paid by the promoter.

4 § 2109. [PENALTIES.] CRIMINAL AND CIVIL PENALTIES.

5 (A) CRIMINAL PENALTIES.--EXCEPT FOR A VIOLATION OF SECTION
6 2101 (RELATING TO PROMOTER'S LICENSE) OR 2107 (RELATING TO
7 PROHIBITED ACTS), A KNOWING OR RECKLESS VIOLATION OF ANY
8 PROVISION OF THIS SUBPART SHALL BE A SUMMARY OFFENSE. A KNOWING
9 OR RECKLESS VIOLATION OF SECTION 2101 OR 2107 SHALL BE A
10 MISDEMEANOR OF THE THIRD DEGREE. IN ADDITION TO ANY OTHER
11 PROCEDURE FOR INSTITUTING PROCEEDINGS, THE EXECUTIVE DIRECTOR
12 MAY, UPON RECEIVING A REPORT OF AN UNLAWFUL INCIDENT OR A
13 VIOLATION OF THIS SUBPART, AUTHORIZE THE FILING OF A COMPLAINT
14 OR CITATION PURSUANT TO THE PENNSYLVANIA RULES OF CRIMINAL
15 PROCEDURE.

16 (B) CIVIL PENALTY.--IN ADDITION TO THE PENALTIES UNDER
17 SUBSECTION (A), THE COMMISSION MAY IMPOSE A CIVIL PENALTY OF NOT
18 MORE THAN \$5,000 FOR ANY VIOLATION OF ANY PROVISION OF THIS
19 SUBPART OR THE RULES AND REGULATIONS PROMULGATED UNDER THOSE
20 PROVISIONS. ANY LICENSEE OR PERMITTEE UPON WHOM A CIVIL PENALTY
21 IS IMPOSED UNDER THIS SUBSECTION SHALL HAVE A RIGHT TO A HEARING
22 BEFORE THE COMMISSION WITHIN TEN DAYS AFTER NOTICE OF THE
23 COMMISSION'S INTENT TO IMPOSE THE PENALTY IS RECEIVED.

24 Section 5. Section 3316(a) of Title 5 is amended and the
25 section is amended by adding a subsection to read:

26 § 3316. Bonding requirements.

27 (a) Amount.--[Before] Except as required by subsection (f),
28 before any athlete agent registration is issued, the applicant
29 shall be required to execute and file a surety bond with the
30 commission in such reasonable amount, but not less than \$20,000,

as the commission shall require.

* * *

(f) Athlete agents.--

(1) An athlete agent who:

(i) represents professional athletes only;

(ii) holds a current registration with a
professional sports organization or association;

(iii) does not enter into agency contracts with
student athletes; and

(iv) does not directly or indirectly recruit or
solicit student athletes to enter into an agency
contract;

is not required to execute and file a surety bond or
alternate security under this section.

(2) An applicant under this subsection shall execute and
file an affidavit with the commission verifying that the
applicant does not act as an athlete agent with regard to
student athletes as defined in section 3102 (relating to
definitions).

Section 6. This act shall take effect in 60 days.