

ENGROSSED SENATE  
BILL NO. 666

By: Douglass of the Senate

and

Bryant of the House

[ professional boxing - amending Sections 2, 6, 7, 8,  
9, 10 and 17, Chapter 240 - regulation of  
professional boxing - definitions - jurisdiction -  
permits - exemptions - deleting duplicate language  
- obsolete language - tax - terms - closed-circuit  
telecast - forms - filing - licensure -  
notification - reports and payment of assessment -  
liability - penalties - repealing Sections 18, 19  
and 20, Chapter 240 - codification -  
effective date ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 2, Chapter 240, O.S.L.  
1994 (3A O.S. Supp. 1994, Section 602), is amended to read as  
follows:

Section 602. A. As used in the Oklahoma Professional Boxing  
Licensing Act:

1. "Administrator" means the administrator of professional  
boxing licensing within the Department of Labor;

2. "Amateur boxer" means a person who has never received or  
competed for any purse or other article either for the expenses of  
training therefor or for participating in any boxing contest or  
professional exhibition which exceeds in monies or other things of

value a sum to be determined by the Commissioner upon recommendation of the Oklahoma Professional Boxing Advisory Committee;

3. "Applicant" means any individual, club, association, corporation, partnership or trust which submits to the ~~Commission~~ Commissioner of Labor an application for a license or permit pursuant to the Oklahoma Professional Boxing Licensing Act;

4. "Booking agent" means an individual who acts as a booker, agent, agency, representative or manager who secures engagements and contracts for professional boxers;

5. "Boxing" means any form of competitive pugilism or unarmed combat in which a blow is usually struck which may reasonably be expected to inflict injury including but not limited to boxing, wrestling and kickboxing, but shall not include the martial arts as defined by the provisions of this section;

6. "Closed-circuit telecast of professional boxing contests and professional exhibitions" means telecast rights, ~~other than~~ including television, cable television or pay-per-view telecasts, acquired by paying a licensing fee or by paying a contractual price by a business or individual including but not limited to arenas, entertainment or meeting centers, restaurants, bars, taverns, hotels, motels, clubs and organizations, which offers the viewing of ~~said~~ the event to the public or to private residences. Such events shall include local and state professional boxing contests and professional exhibitions as defined in this section;

7. "Club" means an incorporated or unincorporated association or body of individuals voluntarily united and acting together for some common or special purpose;

8. "Committee" means the Oklahoma Professional Boxing Advisory Committee;

9. "Commissioner" means the Commissioner of Labor;

10. "Contest" means a boxing match in which it is reasonable to anticipate that the participants strive earnestly in good faith to win;

11. "Corner person" means, but shall not be limited to, a trainer, a second or any other individual who attends the participant during a match;

12. "Department" means the Department of Labor;

13. "Exhibition" means a boxing match in which the participants show or display their skill without necessarily striving to win, such as sparring;

14. "Judge" means an individual other than a referee who shall have a vote in determining the winner of any contest;

15. "Kickboxing" means any form of competitive pugilistic professional contest in which blows are delivered with the hand and any part of the foot. ~~No blows are permitted below the waist.~~ Such contests take place in a rope-enclosed ring and are fought in timed rounds;

16. "License" means a certificate issued by the Department which authorizes direct or indirect participation or connection with any professional boxing contest or professional exhibition;

17. "Manager" means an individual who controls or administers the affairs of any professional boxer. "Manager" shall include the representative of a manager as defined by the Department;

18. "Martial arts" means any form of karate, kung fu, tae kwon-do or any other forms of ~~full contact or~~ light contact martial arts or self-defense. ~~"Full contact" means the use of full unrestrained physical force in a martial arts contest.~~ "Light contact" means the use of controlled martial arts techniques whereby contact to the body is permitted in a restrained manner;

19. "Matchmaker" means an individual who brings together professional boxers or arranges professional boxing contests or professional exhibitions;

20. "Participant" means a professional who takes part in a professional boxing contest or professional exhibition;

21. "Pay-per-view telecasts of professional boxing contests and professional exhibitions" means telecasts offered by cable television companies to subscribers at a cost in addition to the basic monthly cable television subscription rate. Such events shall include local and state professional boxing contests and professional exhibitions as defined in this section;

22. "Person" means any individual, partnership, limited liability company, club, association, corporation or trust;

23. "Physician" means an individual licensed under the laws of this state to engage in the general practice of medicine or osteopathic medicine;

24. "Professional boxer" means an individual eighteen (18) years of age or older who competes for money, prizes or purses, or who teaches, instructs or assists in the practice of boxing or sparring as a means of obtaining pecuniary gain;

25. "Professional boxing contest and professional exhibition" means a boxing match conducted within this state in which the participants are persons who must be licensed pursuant to the provisions of the Oklahoma Professional Boxing Licensing Act;

26. "Promoter" means any individual, a resident or nonresident of Oklahoma, club or corporation, which is domesticated or not domesticated in Oklahoma, who produces or stages professional contests or professional exhibitions conducted within this state and shall include any officer, director or employees as defined by the Department;

27. "Provisional license" means a certificate issued by the Department to participants of sanctioned professional boxing contests and professional exhibitions and is a mandatory requirement for participation in such events;

28. "Pugilism" means boxing or the skill or practice of fighting with the fists;

29. "Purse" means the financial guarantee or any other remuneration or thing of value for which a professional boxer participates in a professional boxing contest or professional exhibition and shall include the participant's share of any payment received for radio broadcasting, television, including cable television, pay-per-view television and closed-circuit television, and motion picture rights. "Purse" shall also include gate receipts and any other prizes;

30. "Ring official" means any individual who performs an official function during the progress of a professional boxing contest or professional exhibition including but not limited to timekeepers, judges, referees and attending physicians;

31. "Sanctioning permit" means a permit issued by÷

a.—the Department to promoters who make application for official approval of professional boxing contests and professional exhibitions,

~~b.—another state boxing commission to promoters, upon contracting with the promoter if such state boxing commission is approved by the Commissioner of Labor and the promoter has made application for official approval of professional boxing contests and professional exhibitions with such state boxing commission, or~~

~~c.—an association of state boxing commissions to promoters, upon contracting with the promoter if such association of state boxing commissions is approved by the Commissioner of Labor and the promoter has made application for official approval of professional boxing contests and professional exhibitions with such association of state boxing commissions and issuance~~

~~of the permit by such association is authorized by  
federal law;~~

32. "Sparring" means to engage in a form of boxing with jabbing or feinting movements, and the exchange of few heavy blows, such as occurs in a practice or exhibition boxing match;

33. "Trainer" means an individual who assists, coaches, or instructs any professional boxer with respect to physical conditioning, strategy, techniques or preparation for competition, professional boxing contests or professional exhibitions; and

34. "Vendor" means any individual, firm, organization, club or corporation who participates in the conduct of a professional boxing contest or professional exhibition by offering for sale food or merchandise including but not limited to wearing apparel, alcoholic and nonalcoholic beverages, souvenirs and programs.

B. The Department may define any term which is not defined in the Oklahoma Professional Boxing Licensing Act and may redefine any term defined in said act.

SECTION 2. AMENDATORY Section 6, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1994, Section 606), is amended to read as follows:

Section 606. A. The Department is hereby vested with jurisdiction to issue sanctioning permits for all professional boxing contests and professional exhibitions held or given within this state, ~~except for the sanctioning permit specified in paragraph 31 of subsection A of Section 2 of this act and except for those events and persons specifically exempt by the provisions of the Oklahoma Professional Boxing Licensing Act.~~

B. Specifically exempt from the provisions of the Oklahoma Professional Boxing Licensing Act are the contests or exhibitions conducted or sponsored by:

1. Any school, college or university where the participants are students regularly enrolled in such institutions and the

instructors, coaches and trainers are employees of such institutions. The term "school, college or university" shall not include a school or other institution whose principal purpose is to furnish instruction in boxing or sparring; ~~and~~

2. Any military installation or branch of the Armed Forces where the participants are employed by the military installation or are members of the branch of the Armed Forces sponsoring the contest or exhibition; and

3. Amateur boxing matches which are sanctioned by a nationally recognized amateur sanctioning body which includes, but is not limited to, Golden Gloves and USA Boxing.

C. The following persons are specifically exempt from the provisions of the Oklahoma Professional Boxing Licensing Act:

1. ~~Amateur boxers as defined in Section 2 of this act;~~

~~2.~~ Practitioners and instructors of the martial arts as defined ~~by~~ in Section ~~2~~ 602 of this ~~act~~ title; and

~~3.~~ 2. Instructors of amateur boxers if such instructors are not required to be licensed pursuant to other provisions of Section 601 et seq. of this act title.

SECTION 3. AMENDATORY Section 7, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1994, Section 607), is amended to read as follows:

Section 607. A. The Commissioner of Labor shall promulgate rules necessary to implement a process for issuing sanctioning permits for professional boxing contests and professional exhibitions held or given in this state and provisional licenses for participants of sanctioned contests and exhibitions, except those events and persons specifically exempt by the provisions of Section 601 et seq. of this act title.

B. ~~Beginning October 1, 1994, any~~ Any promoter may voluntarily make application to the Department of Labor for a sanctioning permit for any professional boxing contest or professional exhibition

sanctioned by the Department, ~~another state boxing commission or an association of state boxing commissions such~~ which the promoter may conduct, sponsor or hold within this state.

C. ~~Beginning October 1, 1994, all~~ All persons or entities who participate in any professional boxing contest or professional exhibition sanctioned by the Department, ~~another state boxing commission or an association of state boxing commissions~~ including but not limited to professional boxers, trainers, managers, corner persons, matchmakers, promoters, referees, judges, timekeepers, booking agents, clubs and corporations associated with a professional boxing contest or professional exhibition sanctioned by the Department, ~~another state boxing commission or an association of state boxing commissions,~~ shall be required to make application to the Department for a provisional license to participate in this state in any professional boxing contest or professional exhibition sanctioned by the Department, ~~another state boxing commission or an association of state boxing commissions.~~

D. An application for a sanctioning permit or a provisional license shall be on such form and require such information as shall be prescribed by the Department.

E. The Department shall determine reasonable cost and fees associated with issuing sanctioning permits and provisional licenses. All costs and fees for sanctioning an event shall be payable by the promoter making application for a sanctioning permit. Cost and fees for a provisional license may be paid by the participant making application or by the promoter of an event sanctioned by the Department, ~~another state boxing commission or an association of state boxing commissions.~~

F. A sanctioning permit shall be in effect upon the date issued by the Department, ~~another state boxing commission or an association of state boxing commissions~~ and shall expire upon the conclusion of ~~said~~ the event, unless ~~said~~ the sanctioning permit is suspended or

revoked for just cause by the Department, ~~another state boxing commission or an association of state boxing commissions.~~ A provisional license shall be in effect upon the date issued by the Department and shall expire June 30, 1995, unless ~~said~~ the provisional license is suspended or revoked for just cause by the Department.

G. Only promoters whose professional boxing contests and professional exhibitions have been sanctioned by the Department, ~~another state boxing commission or an association of state boxing commissions~~ are authorized to place a notice of sanction on printed and promotional materials associated with the sanctioned event, which shall include but not be limited to advertising, tickets, programs, posters, souvenirs, wearing apparel, billboards, marquees and promotional signs inside and outside the venue where the event is to be held, and broadcasting including but not limited to radio, television, including cable television, pay-per-view television and closed-circuit television and motion pictures of ~~said~~ the event. The notice of sanction shall substantially state the following:

"Pursuant to the provisions of ~~Title 3A O.S. Supp. 1994, Section 500 et seq.~~ Section 601 et seq. of Title 3A of the Oklahoma Statutes and the rules of the Department of Labor, THIS EVENT IS SANCTIONED BY \_\_\_\_\_ .  
Sanctioning Permit No. \_\_\_\_\_."

H. ~~Any promoter of a professional boxing contest or professional exhibition not sanctioned by the Department, another state boxing commission or an association of state boxing commissions shall place a notice that the event is not sanctioned on printed and promotional materials associated with the event, which shall include but not be limited to advertising, tickets, programs, posters, billboards, marquees and promotional signs inside and outside the venue where the event is to be held, and broadcasting including but not limited to radio, television, including cable~~

~~television, pay-per-view television and closed circuit television and motion pictures of said event. The notice shall substantially state the following:~~

~~"Pursuant to the provisions of Title 3A O.S. Supp. 1994, Section 500 et seq. and the rules of the Department of Labor, THIS EVENT IS NOT SANCTIONED BY THE STATE OF OKLAHOMA."~~

~~I. No sanctioning permit shall be issued for conducting or holding any professional boxing contest or professional exhibition within any political subdivision of this state where local ordinance or resolution prohibits such contests or exhibitions within the limits of the political subdivision.~~

~~J. All fees and other monies resulting from sanctioning professional boxing contests and professional exhibitions and provisional licenses shall be placed to the credit of the Oklahoma Professional Boxing Licensing Revolving Fund.~~

SECTION 4. AMENDATORY Section 8, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1994, Section 608), is amended to read as follows:

Section 608. ~~Beginning January 1, 1995, each~~ Each professional boxer, trainer, manager, corner person, matchmaker, promoter, referee, judge, timekeeper, booking agent, club or corporation or any other individual or entity associated with professional boxing contests and professional exhibitions, unless otherwise exempted by the provisions of Section ~~7~~ 607 of this ~~act~~ title, shall procure a license from the Department of Labor before acting directly or indirectly in any capacity in connection with professional boxing and sparring and the contests and exhibitions related thereto.

SECTION 5. AMENDATORY Section 9, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1994, Section 609), is amended to read as follows:

Section 609. A. ~~Beginning January 1, 1995, a~~ A sanctioning permit issued by the Department of Labor shall be required in order to conduct, sponsor, hold or participate in professional boxing contests or professional exhibitions.

B. No sanctioning permit shall be issued for conducting or holding any professional boxing contest or professional exhibition within any political subdivision of this state where a local ordinance or resolution prohibits such contests or exhibitions within the limits of the political subdivision.

SECTION 6. AMENDATORY Section 10, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1994, Section 610), is amended to read as follows:

Section 610. A. The Department of Labor may issue, withhold, suspend or revoke any and all licenses and sanctioning permits required by the provisions of the Oklahoma Professional Boxing Licensing Act or the rules promulgated by the Commissioner of Labor. The Department may also censure or reprimand any licensee or sanctioning permit holder. ~~The Department, another state boxing commission or an association of state boxing commissions~~ may issue, withhold, suspend or revoke any sanctioning permit required by the provisions of the Oklahoma Professional Boxing Licensing Act, ~~if such entity is authorized pursuant to paragraph 31 of subsection A of Section 2 of this act or by the rules promulgated by the~~ Commissioner.

B. The Department shall fix a uniform scale of fees for all licenses, sanctioning permits and examinations. ~~Said~~ The fees shall be set at reasonable cost and shall not exceed the actual expense of issuing licenses and sanctioning permits and administering examinations.

SECTION 7. AMENDATORY Section 17, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1994, Section 617), is amended to read as follows:

Section 617. A. ~~Beginning January 1, 1995, in~~ In addition to the payment of any other fees and monies due pursuant to the Oklahoma Professional Boxing Licensing Act and the rules promulgated by the Commissioner of Labor, an assessment in an amount equal to five percent (5%) of the total gross receipts of any professional boxing contest or professional exhibition, exclusive of any federal tax or tax imposed by any political subdivision of this state, shall be hereby levied and shall be remitted by every promoter to the Oklahoma Tax Commission.

B. For the purpose of this section, total gross receipts of every promoter shall include:

1. The gross price charged by the promoter for the sale, lease or other use of broadcasting including but not limited to radio, television, including cable television, pay-per-view television and closed circuit television, or motion picture rights of boxing contest, event or exhibition conducted within this state, without any deductions for commissions, brokerage fees, distribution fees, advertising or other expenses or charges;

2. The face value of all tickets sold; and

3. ~~The promoter's proceeds~~ Proceeds from a vendor, or the promoter's gross price charged for the sale of food, alcoholic and nonalcoholic beverages, or merchandise including but not limited to wearing apparel, souvenirs and programs.

C. Payment of the assessment on gross receipts, excepting for motion picture rights, shall be due within seventy-two (72) hours after the holding of the professional boxing contest or professional exhibition and shall be accompanied by a report in such form as shall be prescribed by the Oklahoma Tax Commission.

D. The payment of the assessment on gross income received from the sale of motion picture rights shall be due at the end of the month after the date of the sale of the motion picture rights and continue every thirty (30) days thereafter, during the presentation

of the picture, and shall be accompanied by a gross receipts report in such form as shall be prescribed by the Oklahoma Tax Commission.

E. Gross receipts reports signed under oath shall also include:

1. The name of the promoter;

2. The boxing contest or professional exhibition sanctioning permit number;

3. The promoter's business address and any license or permit number required of such promoter by law;

4. Gross receipts as specified by this section, during the period specified by this section; and

5. Such further information as the Oklahoma Tax Commission may require to enable it to compute correctly and collect the assessment levied pursuant to this section.

F. In addition to the information required on reports, the Oklahoma Tax Commission may request and the promoter shall furnish any information deemed necessary for a correct computation of the assessment levied pursuant to this section.

G. All levies pursuant to this section shall be collected by the Oklahoma Tax Commission and shall be placed to the credit of the Oklahoma Professional Boxing Licensing Revolving Fund.

H. The monies collected from the assessment levied pursuant to the provisions of this section shall be in addition to all other revenues and funds received by the Department of Labor.

I. ~~Such~~ The promoter shall compute and pay to the Oklahoma Tax Commission the required assessment due. If the payment of ~~such~~ the assessment is not postmarked or delivered to the Oklahoma Tax Commission as specified in subsection C or D of this section, whichever is appropriate, the assessment shall be delinquent from such date.

J. It shall be the duty of every promoter required to make a gross receipts report and pay any assessment pursuant to the provisions of this section to keep and preserve suitable records and

documents which may be necessary to determine the amount of assessment due as will substantiate and prove the accuracy of such reports. All such records shall be preserved for a period of three (3) years, unless the Oklahoma Tax Commission, in writing, has authorized their destruction or disposal at an earlier date, and shall be open to examination at any time by the Oklahoma Tax Commission or by any of its authorized employees.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 621 of Title 3A, unless there is created a duplication in numbering, reads as follows:

As used in Sections 8 through 10 of this act:

1. "Broadcast" means any audio or visual transmission sent by any means of signal within, into or from this state, whether live, or tape or time delayed and includes any replays thereof;

2. "Cable system operator" means any person who makes available or provides its customers a closed circuit telecast utilizing the term currently known as pay-per-view;

3. "Closed-circuit telecast" means any telecast of a professional boxing event 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, and includes the term "pay-per-view". This definition includes, but is not limited to, telecasts to arenas, bars, clubs, entertainment or meeting centers and private residences; and

4. "Promoter" means any person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, stages, holds or gives any professional boxing event in this state involving a participant as defined in Section 602 of Title 3A of the Oklahoma Statutes, or shows or causes to be shown in this state a closed-circuit telecast of any professional boxing event involving any participant whether or not the telecast originates in this state.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 622 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. The promoter of a closed-circuit telecast must first apply for a permit for a telecast to be issued upon the approval of the Department of Labor. The application for a permit shall be on forms provided by the Department and shall contain:

1. The date of the broadcast;
2. The origination address of the broadcast;
3. A statement that the applicant acknowledges responsibility for the payment of an assessment to the Department;
4. The timeframe by which the post-event assessment reports must be filed;
5. The portion of the closed-circuit rights for which the applicant is acknowledging responsibility; and
6. Such other information as the Department may deem necessary to carry out the provisions of this act.

B. 1. There shall be no fee for a permit issued for a closed-circuit telecast.

2. The permit must be filed a minimum of thirty (30) days prior to the date of the broadcast.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 623 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Where the Oklahoma distribution rights for a closed-circuit telecast to be viewed in this state are in whole owned by, sold to, acquired by or held by any person who intends to or subsequently sells or, in some other manner, extends such rights in part to another, then such person is deemed to be a promoter and must, prior to the telecast, be licensed as a promoter by the Department of Labor. The Department may provide, by rule, for additional licensed promoters to participate in the distribution rights and share in the

liability for assessments to be paid to the Department. Closed-circuit telecasts of a boxing event shall not be telecast from, in or into this state except under the auspices of a promoter licensed in this state. The promoter shall be responsible for filing the appropriate reports with and paying assessments to the Department.

B. In the case of closed circuit telecasts other than pay-per-view, the promoter shall notify the Department of the names and addresses of all facilities to or through which the closed circuit telecast will be shown fourteen (14) days prior to the date of the closed-circuit event and shall provide daily updates to the Department of any additions and deletions of facilities.

C. Any person or facility owner or operator intending to show the closed-circuit telecast, whether or not an admission fee will be charged, must receive authorization to show the telecast from the promoter prior to the telecast. The showing of a closed-circuit telecast, whether or not an admission fee is charged, without the authorization of the licensed promoter is prohibited. This includes the delayed showing of a closed-circuit telecast when the showing requires the authorization of the promoter. Information received by the Department of the names of persons showing a closed-circuit telecast in violation of this section shall be furnished to the appropriate district attorney's office for prosecution.

D. 1. In the case of facilities at or through which the closed-circuit telecast is shown other than a cable system operator's pay-per-view facilities, the promoter shall, within eight (8) days after the telecast inclusive of mailing time, file with the Department a written report detailing the name, address, telephone number, contact person's name and the details of the payment arrangement for the right to receive the telecast for each facility to which the broadcast was transmitted.

2. The report shall be accompanied by an assessment payment equal to five percent (5%) of the total amount paid to the promoter for the right to broadcast the telecast.

3. The Department may require the owner or operator of the facility where the telecast is being shown to file a report containing information regarding the amount paid to the promoter for the right to broadcast the telecast, the quality of the audio and video signal, and any other information the Department deems appropriate.

E. 1. In the case of a cable system operator's pay-per-view facilities at or through which a closed-circuit telecast was shown, the promoter shall, within fifteen (15) days following receipt of the notice of the assessment from the Department, file with the Department an assessment payment equal to five percent (5%) of the total gross receipts excluding any federal, state or local taxes.

2. The Department shall require the cable system operator to file reports containing information regarding the number of orders sold and the price charged for orders and any other information the Department deems appropriate.

3. Cable systems shall not be liable to the Department for the assessment payment. Nothing in this section shall be deemed to prevent a cable system from billing its customer for the assessment payment.

4. The Department shall provide the promoter with a report detailing the number of orders and the assessment payment due.

F. Any promoter, facility owner or operator, or cable system operator who willfully makes a false and fraudulent report under this section is guilty of perjury and, upon conviction, is subject to punishment as provided by law. This penalty shall be in addition to any other penalties imposed in this section.

G. Any promoter, facility owner or operator, or cable system operator who willfully fails, neglects, or refuses to make a report

or to pay the assessment as prescribed or who refuses to allow the Department to examine the books, papers, and records of any promotion is guilty of a misdemeanor, punishable as provided by law.

H. The Department, by rule, shall establish administrative penalties for the late payment of assessments and the late filing of reports and shall prescribe conditions, if any, under which a fine may be waived.

SECTION 11. REPEALER Sections 18, 19 and 20, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1994, Sections 618, 619 and 620), are hereby repealed.

SECTION 12. This act shall become effective November 1, 1995.

Passed the Senate the 28th day of February, 1995.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of

\_\_\_\_\_, 1995.

Speaker of the House of Representatives