STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3165 By: Bryant

AS INTRODUCED

An Act relating to amusements; amending Section 2, Chapter 240, O.S.L. 1994, as amended by Section 1, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1997, Section 602), which relates to boxing; and clarifying language.

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

SECTION 1. AMENDATORY Section 2, Chapter 240, O.S.L. 1994, as amended by Section 1, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1997, 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. After July 1, 1997, any modification in such determination shall be made by the Commissioner of Labor;

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

4. "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;

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

6. "Cable system operator" means any person who makes available or provides its customers a closed-circuit telecast which is pay-per-view;

7. "Closed-circuit telecast of professional boxing events" means telecast rights, 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 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. For purposes of Sections 10 and 11 of this act, "closed-circuit telecast" means any such telecast of a professional boxing event as described herein 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 pay-per-view;

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

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

10. "Commissioner" means the Commissioner of Labor;

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

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

13. "Department" means the Department of Labor;

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

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

16. "Kickboxing" means any form of competitive pugilistic professional contest in which blows are delivered with the hand and any part of the foot. Such contests take place in a rope-enclosed ring and are fought in timed rounds;

17. "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;

18. "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;

19. "Martial arts" means any form of karate, kung fu, tae kwon-do or any other forms of martial arts or self-defense;

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

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

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

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

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

25. "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;

26. "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;

27. "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;

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 the Department to promoters who make application for official approval of professional boxing contests and professional exhibitions;

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. "Telecast promoter", for purposes of Sections 10 and 11 of this act, means any promoter who shows or causes to be shown in this state a closed-circuit telecast of any professional boxing event, whether or not the telecast or event originates in this state. "Telecast promoter" shall not include a cable system operator;

34. "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

35. "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~~ is authorized to define any term which is not defined in the Oklahoma Professional Boxing Licensing Act.

46-2-8856 MCD