

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1640

By: Case

COMMITTEE SUBSTITUTE

An Act relating to amusements and sports; amending 3A O.S. 2001, Section 617, which relates to the Oklahoma Professional Boxing Licensing Act; modifying collection of certain assessments and levies; modifying entity responsible for prescribing certain forms and reports; modifying entity responsible for the regulation of records; and providing an effective date.

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

SECTION 1. AMENDATORY 3A O.S. 2001, Section 617, is amended to read as follows:

Section 617. A. 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 Oklahoma Professional Boxing Commission, 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 and vendor to the Oklahoma ~~Tax~~ Professional Boxing Commission; provided, however, if the promotion originates in Oklahoma, the promoter and vendor shall only be liable for assessments on the total gross receipts specified in subsections B and C of this section and shall not also be liable for the assessments specified in Section 622 of this title.

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 contests, events, or exhibitions 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. 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. For the purpose of this section, total gross receipts of every vendor shall include the gross price charged for the sale of food, alcoholic and nonalcoholic beverages, and merchandise including, but not limited to, wearing apparel, souvenirs, and programs, excluding that portion paid to any promoter.

D. 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~~ Professional Boxing Commission.

E. The first 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 further payments shall be due 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~~ Professional Boxing Commission.

F. 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.

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

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

I. 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 Oklahoma Professional Boxing Commission.

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

K. 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~~ Professional Boxing 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~~ Professional Boxing Commission or by any of its authorized employees.

SECTION 2. This act shall become effective November 1, 2003.

49-1-6401 SCE 02/18/03