

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1640

By: Case

AS INTRODUCED

An Act relating to amusements and sports; amending 3A O.S. 2001, Section 622, which relates to the Oklahoma Professional Boxing Licensing Act; modifying responsibility of paying certain assessments to the Commission; providing penalty for failure to pay assessments; and providing an effective date.

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

SECTION 1. AMENDATORY 3A O.S. 2001, Section 622, is amended to read as follows:

Section 622. 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 telecast promoter and must, prior to the telecast, be licensed as a telecast promoter by the Oklahoma Professional Boxing Commission. The Commission may provide, by rule, for additional licensed telecast promoters to participate in the distribution rights and share in the liability for assessments to be paid to the Commission. Closed-circuit telecasts of a boxing event shall not be telecast from, in, or into this state except under the auspices of a telecast promoter licensed in this state. The telecast promoter and cable system operator shall be responsible for filing the appropriate reports with the Commission and the cable system operator shall be responsible for paying assessments to the Commission.

B. In the case of closed-circuit telecasts other than pay-per-view, the telecast promoter shall notify the Commission 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 Commission 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 telecast 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 telecast promoter is prohibited. Delayed showing of a closed-circuit telecast also requires the authorization of the telecast promoter. Information received by the Commission 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 telecast promoter shall, within eight (8) days after the telecast, inclusive of mailing time, file with the Commission 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, which is to be paid by the owner or operator of the facility where the telecast is to be shown and shall be equal to four percent (4%) of the total amount paid to the telecast promoter for the right to broadcast the telecast.

3. The Commission 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 telecast promoter for the right to broadcast the telecast, the quality of the audio and video signal, and any other information the Commission 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 ~~telecast promoter~~ cable system operator shall, except as provided for in subsection A of Section 617 of this title, within thirty (30) days following receipt of the notice of the assessment from the Commission, file with the Commission an assessment payment equal to four percent (4%) of the total gross receipts excluding any federal, state, or local taxes.

2. The Commission 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 Commission deems appropriate.

3. ~~Cable system operators~~ Telecast promoters shall not be liable to the Commission for the assessment payment. Nothing in this section shall be deemed to prevent a cable system operator from billing its customer for the assessment payment.

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

F. Any promoter 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 telecast promoter who willfully fails, neglects, or refuses to make a report ~~or to pay the assessment as prescribed,~~ or who refuses to allow the Commission to examine the books, papers, and records of any promotion is guilty of a misdemeanor, punishable as provided by law. Any cable system operator who willfully fails,

neglects, or refuses to pay the assessment as prescribed, is guilty of a misdemeanor, punishable as provided by law.

H. By rule, the Commission shall establish administrative penalties as specified in Section 601 et seq. of this title for the late payment of assessments, noncompliance with Section 601 et seq. of this title, and the late filing of reports and shall prescribe conditions, if any, under which a fine may be waived.

I. No cable system operator shall be:

1. Prohibited from broadcasting any boxing event, whether or not the promoter or distributor is in compliance with the provisions of Section 601 et seq. of this title, for which it has a contract or other legal obligation to broadcast;

2. Required, as a result of any noncompliance with the provisions of this act by any promoter or distributor, to modify, delete, or cancel any programming which it has a contractual or legal obligation to air; and

3. This act shall not apply in any manner to any basic or premium channel programming broadcast on cable television systems within this state, but shall apply only to "pay-per-view" broadcasts of boxing events for which a separate one-time fee is charged the cable subscriber.

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

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