

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2746

By: Kirby

4  
5  
6 AS INTRODUCED

7 An Act relating to amusements and sports; amending 3A  
8 O.S. 2011, Sections 602, 604.1, 604.2, 605, 606, 607,  
9 609, 610, 611, 612, 613, 614, 615, 617 and 619, which  
10 relate to the Oklahoma State Athletic Commission;  
11 defining terms; updating terminology to reflect  
12 modification of definitions; modifying Commission  
13 membership qualifications; requiring sanctioning of  
14 certain events; requiring certain notice; expanding  
15 scope of certain license considerations; removing  
16 ability to request certain action of Attorney  
17 General; providing punishment for repeated offenses;  
18 providing an effective date; and declaring an  
19 emergency.

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

21 SECTION 1. AMENDATORY 3A O.S. 2011, Section 602, is  
22 amended to read as follows:

23 Section 602. A. As used in the Oklahoma State Athletic  
24 Commission Act:

1. "Administrator" means the administrator of the Oklahoma  
State Athletic Commission;

2. "Amateur boxer" means a person who has never received or  
competed for any purse or other article either for the expenses of

1 training therefor or for participating in any ~~boxing~~ combative  
2 sports contest or ~~professional~~ exhibition which exceeds in monies or  
3 other things of value a sum to be determined by the Oklahoma State  
4 Athletic Commission;

5 3. "Amateur combative sports event" means a combative sports  
6 event in which the participants have never been licensed as  
7 professionals in any combative sport;

8 4. "Amateur mixed martial artist" means a person eighteen (18)  
9 years of age or older who has never received or competed for any  
10 purse or other article either for the expenses of training therefor  
11 or for participating in any combative sport contest or professional  
12 exhibition which exceeds in monies or other things of value a sum to  
13 be determined by the Oklahoma State Athletic Commission;

14 ~~4.~~ 5. "Amateur mixed martial arts" means any form of  
15 competitive pugilistic contest in which the participants have never  
16 been licensed as professionals in any combative sport and blows are  
17 delivered with any part of the hands, feet, or knees and multiple  
18 combative disciplines are used including grappling. Such contests  
19 take place in a rope-enclosed ring or fenced enclosed cage and are  
20 fought in timed rounds;

21 ~~5.~~ 6. "Applicant" means any individual, club, association,  
22 corporation, partnership or trust which submits to the Oklahoma  
23 State Athletic Commission an application for a license or permit  
24 pursuant to the Oklahoma State Athletic Commission Act;

1       ~~6.~~ 7. "Booking agent" means independent contractors who act as  
2 bookers, agents, agencies and representatives who secure engagements  
3 and contracts for combative sports participants;

4       ~~7.~~ 8. "Boxing" means any form of competitive pugilism or  
5 unarmed combat in which a blow is usually struck which may  
6 reasonably be expected to inflict injury, including, but not limited  
7 to, boxing, wrestling, mixed martial arts, and kickboxing, but shall  
8 not include the martial arts as defined by the provisions of this  
9 section;

10       ~~8.~~ 9. "Broadcast" means any audio or visual transmission sent  
11 by any means of signal within, into, or from this state, whether  
12 live or taped or time delayed, and includes any replays thereof;

13       ~~9.~~ 10. "Cable system operator" means any person who makes  
14 available or provides customers a closed-circuit telecast which is  
15 pay-per-view, including any person who does so as a direct broadcast  
16 satellite provider or other multichannel video service provider;

17       ~~10.~~ 11. "Closed-circuit telecast of professional combative  
18 sporting events" means telecast rights, including television, cable  
19 television, or pay-per-view telecasts, acquired by paying a  
20 licensing fee or by paying a contractual price by a business or  
21 individual, including, but not limited to, arenas, entertainment or  
22 meeting centers, restaurants, bars, taverns, hotels, motels, clubs,  
23 and organizations, which offers the viewing of the event to the  
24 public or to private residences. Such events shall include local

1 and state professional ~~boxing~~ combative sports contests and  
2 professional exhibitions as defined in this section. For purposes  
3 of Section 622 of this title, "closed-circuit telecast" means any  
4 such telecast of a professional combative sporting event as  
5 described herein which is not intended to be available for viewing  
6 without the payment of a fee, collected for or based upon each event  
7 viewed, for the privilege of viewing the telecast, and includes pay-  
8 per-view;

9 ~~11.~~ 12. "Club" means an incorporated or unincorporated  
10 association or body of individuals voluntarily united and acting  
11 together for some common or special purpose;

12 ~~12.~~ 13. "Combative sports" means any form of competitive  
13 pugilism or unarmed combat in which a blow is usually struck which  
14 may reasonably be expected to inflict injury, including but not  
15 limited to boxing, wrestling, mixed martial arts, and kickboxing,  
16 but shall not include the martial arts (singular) as defined by the  
17 provisions of this section;

18 ~~13.~~ 14. "Combative sports practitioner" means a person who  
19 competes or spars in a combative sports event and includes boxers,  
20 kickboxers, mixed martial artists and wrestlers;

21 15. "Commission" means the Oklahoma State Athletic Commission;

22 ~~14.~~ 16. "Contest" means a combative sports ~~match~~ event in which  
23 it is reasonable to anticipate that the participants strive  
24 earnestly in good faith to win;

1       ~~15.~~ 17. "Corner person" means, but shall not be limited to, a  
2 trainer, a second, or any other individual who attends the  
3 participant during a match;

4       ~~16.~~ 18. "Event" means a combative sports contest or exhibition  
5 including but not limited to a match, bout, contest, show or  
6 tournament;

7       19. "Exhibition" means a ~~boxing match~~ combative sports event in  
8 which the participants show or display their skill by sparring  
9 without necessarily striving to win, ~~such as sparring;~~

10       ~~17.~~ 20. "Judge" means an individual other than a referee who  
11 shall have a vote in determining the winner of any contest;

12       ~~18.~~ 21. "Kickboxing" means any form of competitive pugilistic  
13 professional contest or exhibition in which blows are delivered with  
14 the hand and any part of the foot. Such contests or exhibitions  
15 take place in a rope-enclosed ring and are fought in timed rounds;

16       ~~19.~~ 22. "License" means a certificate issued by the Commission  
17 to participants of sanctioned professional combative sports  
18 contests, professional exhibitions, and amateur mixed martial arts  
19 contests and is a mandatory requirement for participation in such  
20 events;

21       ~~20.~~ 23. "Manager" means an individual who controls or  
22 administers the affairs of any professional combative sports  
23 participant, including acting as a booking agent. "Manager" shall  
24

1 include the representative of a manager as defined by the  
2 Commission;

3 ~~21.~~ 24. "Martial arts" means any form of karate, kung fu, tae  
4 kwon-do, or any other form of martial or self-defense art;

5 ~~22.~~ 25. "Matchmaker" means an individual who brings together  
6 professional combative sports participants or arranges professional  
7 combative sports contests or professional exhibitions;

8 ~~23.~~ 26. "Participant" means an individual who takes part in a  
9 ~~professional combative sports contest, an amateur mixed martial arts~~  
10 ~~contest, or professional exhibition event;~~

11 ~~24.~~ 27. "Pay-per-view telecasts of professional ~~boxing~~  
12 combative sports events" means telecasts offered by cable television  
13 companies to subscribers at a cost in addition to the monthly cable  
14 television subscription rate. Such events shall include local and  
15 state professional ~~boxing~~ combative sports contests and professional  
16 exhibitions as defined in this section;

17 ~~25.~~ 28. "Person" means any individual, partnership, limited  
18 liability company, club, association, corporation, ~~or~~ trust or other  
19 entity;

20 ~~26.~~ 29. "Physician" means an individual licensed under the laws  
21 of this state to engage in the general practice of medicine or  
22 osteopathic medicine;

23 ~~27.~~ 30. "Professional ~~boxer~~ combative sports practitioner"  
24 means an individual eighteen (18) years of age or older who competes

1 for money, prizes, or purses, or who teaches, instructs, or assists  
2 in the practice of ~~boxing~~ combative sports or sparring as a means of  
3 obtaining pecuniary gain;

4 ~~28.~~ 31. "Professional ~~boxing contest, amateur mixed martial~~  
5 ~~arts contest, and professional exhibition~~" mean a combative sports  
6 ~~match conducted within this state in which the participants are~~  
7 ~~persons who must be licensed pursuant to the provisions of the~~  
8 ~~Oklahoma State Athletic Commission Act~~ combative sports event" means  
9 a combative sports event in which the participants are paid a purse;

10 ~~29.~~ 32. "Professional mixed martial arts" means any form of  
11 competitive pugilistic contest in which the participants are paid a  
12 purse and blows are delivered with any part of the hands, feet,  
13 elbows, or knees and multiple combative disciplines are used to  
14 include grappling. Such contests take place in a rope-enclosed ring  
15 or fenced enclosed cage and are fought in timed rounds;

16 ~~30.~~ 33. "Promoter" means any individual, whether a resident or  
17 nonresident of Oklahoma, or club or corporation, whether  
18 domesticated or not domesticated in Oklahoma, that produces or  
19 stages professional contests, amateur mixed martial arts contests,  
20 or professional exhibitions conducted within this state and shall  
21 include any officer, director, or employees as defined by the  
22 Commission;

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1       ~~31.~~ 34. "Promoting" a combative sports event means producing,  
2 staging, sponsoring, organizing or otherwise holding an event  
3 whether or not the event is open to the public;

4       35. "Pugilism" means combative sports or the skill or practice  
5 of fighting with the fists;

6       ~~32.~~ 36. "Purse" means the financial guarantee or any other  
7 remuneration or thing of value for which a ~~professional boxer~~  
8 combative sports practitioner participates in a professional ~~boxing~~  
9 ~~contest or professional exhibition~~ combative sports events and shall  
10 include the participant's share of any payment received for radio  
11 broadcasting, television, including cable television, pay-per-view  
12 television, and closed-circuit television, and motion picture  
13 rights. "Purse" shall also include gate receipts and any other  
14 prizes;

15       ~~33.~~ 37. "Ring official" means any individual who performs an  
16 official function during the progress of a ~~professional boxing~~  
17 ~~contest,~~ combative sports event or amateur mixed martial arts  
18 ~~contest, or professional exhibition~~ event including but not limited  
19 to timekeepers, judges, referees, and attending physicians;

20       ~~34.~~ 38. "Sanctioning permit" means a permit issued by the  
21 Commission to promoters who make application for official approval  
22 of professional ~~boxing contests,~~ combative sports events and amateur  
23 mixed martial arts ~~contests and professional exhibitions~~ events;



1       ~~35.~~ 39. "Sparring" means to engage in a form of ~~boxing~~  
2 combative sport with jabbing or feinting movements, and the exchange  
3 of few heavy blows, such as occurs in a practice or exhibition  
4 boxing match;

5       ~~36.~~ 40. "Telecast promoter", for purposes of Section 622 of  
6 this title, means any promoter who shows or causes to be shown in  
7 this state a closed-circuit telecast of any professional ~~boxing~~  
8 combative sports event, whether or not the telecast or event  
9 originates in this state. "Telecast promoter" shall not include a  
10 cable system operator;

11       ~~37.~~ 41. "Trainer" means an individual who assists, coaches, or  
12 instructs any professional ~~boxer~~ combative sports practitioner or  
13 amateur mixed martial arts ~~participant~~ artist with respect to  
14 physical conditioning, strategy, techniques, or preparation for  
15 competition, professional ~~boxing~~ combative sports contests, or  
16 professional exhibitions; and

17       ~~38.~~ 42. "Vendor" means any individual, firm, organization,  
18 club, or corporation that participates in the conduct of a  
19 professional ~~boxing contest,~~ combative sports event or amateur mixed  
20 martial arts ~~contest, or professional exhibition~~ event by offering  
21 for sale food or merchandise, including, but not limited to, wearing  
22 apparel, alcoholic and nonalcoholic beverages, souvenirs, and  
23 programs.

1 B. The Commission may define any term which is not defined in  
2 the Oklahoma State Athletic Commission Act.

3 SECTION 2. AMENDATORY 3A O.S. 2011, Section 604.1, is  
4 amended to read as follows:

5 Section 604.1 A. There is hereby re-created, until July 1,  
6 2015, in accordance with the Oklahoma Sunset Law, the Oklahoma State  
7 Athletic Commission, which shall be composed of nine (9) members  
8 appointed by the Governor with the advice and consent of the Senate.  
9 The member of the Commission initially appointed pursuant to this  
10 act shall serve a term of three (3) years that shall expire on June  
11 30, 2006. Members appointed to the Commission shall serve for terms  
12 of three (3) years. Terms of office shall expire on June 30. All  
13 vacancies and unexpired terms shall be filled in the same manner as  
14 the original appointment and within sixty (60) days from the date of  
15 the vacancy. Members may be removed by the Governor for  
16 incompetence, willful neglect of duty, corruption in office, or  
17 malfeasance in office.

18 B. Members appointed to the Commission shall reside in this  
19 state and shall have the following qualifications:

20 1. Two members shall have experience as a professional ~~boxer~~  
21 combative sports practitioner, other than as a professional wrestler  
22 or in professional ~~boxing~~ combative sports promotions;

23 2. One member shall have experience as a professional wrestler  
24 or in professional wrestling promotions;

1 3. One member shall have experience in sports medicine;

2 4. One member shall have experience in the cable television  
3 business; and

4 5. Four members shall represent the public at large as lay  
5 members.

6 C. No member of the Commission or any person related to a  
7 member within the third degree by consanguinity or affinity shall  
8 promote, sponsor, or have any financial interest in the promotion or  
9 sponsorship of any professional ~~boxing contest~~ combative sports  
10 event or ~~professional exhibition~~ amateur mixed martial arts event  
11 while a member of the Commission.

12 D. The members of the Commission shall elect from their  
13 membership a chair and vice-chair to serve for one (1) year terms.  
14 A majority of the members shall constitute a quorum for the purpose  
15 of conducting the business of the Commission. The Commission shall  
16 meet at least quarterly, and special meetings may be called by the  
17 chair.

18 E. The Commission shall comply with the provisions of the  
19 Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the  
20 Administrative Procedures Act.

21 F. All members of the Commission and such employees as  
22 determined by the Commission shall be bonded as required by Sections  
23 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

1 G. Members of the Commission shall serve without compensation  
2 but shall be reimbursed for expenses incurred in the performance of  
3 their duties as provided in the State Travel Reimbursement Act.

4 SECTION 3. AMENDATORY 3A O.S. 2011, Section 604.2, is  
5 amended to read as follows:

6 Section 604.2 A. The mission of the Oklahoma State Athletic  
7 Commission shall be to expand and promote existing combative  
8 sporting events in Oklahoma and to actively work to bring new  
9 combative sporting events into Oklahoma.

10 B. The Commission shall have the power to:

11 1. Promulgate rules and issue orders necessary to carry out the  
12 purposes of the Oklahoma State Athletic Commission Act, and enforce  
13 the provisions of said act and the rules promulgated pursuant  
14 thereto;

15 2. Assume jurisdiction over all matters relating to the  
16 licensing of professional ~~boxers, trainers, managers~~ combative  
17 sports practitioners, corner persons, booking agents, matchmakers,  
18 promoters, referees, judges, timekeepers, vendors, physicians,  
19 announcers, clubs, and corporations associated with a professional  
20 ~~boxing contest, combative sports event or professional exhibition~~  
21 amateur mixed martial arts event related thereto;

22 3. Set license and permit fees pursuant to the requirements of  
23 the Oklahoma State Athletic Commission Act;

24

1 4. Conduct investigations into the qualifications of applicants  
2 for licensure and registration;

3 5. Conduct investigations and proceedings for alleged  
4 violations of the Oklahoma State Athletic Commission Act and order  
5 or subpoena the attendance of witnesses, the inspection of records  
6 and premises, and the production of relevant books and papers  
7 necessary to such investigations and proceedings;

8 6. Develop and administer examinations for applicants for  
9 licenses and permits; and

10 7. Make such expenditures as may be necessary in the  
11 performance of its duties.

12 C. Any rule promulgated, order made, or action taken prior to  
13 July 1, 1999, by the Commissioner of Labor or the Department of  
14 Labor pursuant to the provisions of, or rules issued pursuant to,  
15 the Oklahoma State Athletic Commission Act shall be considered valid  
16 and in effect unless amended, repealed, or rescinded by the  
17 Commission.

18 D. Any valid license, permit, certificate, or registration  
19 issued prior to July 1, 1999, by the Commissioner of Labor pursuant  
20 to the Oklahoma State Athletic Commission Act, or rules promulgated  
21 pursuant thereto, shall remain valid and in effect until it expires  
22 pursuant to law or unless suspended or revoked by the Commission.

23 Any application for a license, permit, certificate, or registration  
24

1 which is pending on June 30, 1999, is hereby transferred to the  
2 Commission.

3 E. All personnel, powers, duties, responsibilities, fund  
4 balances, encumbrances, obligations, and property, which shall  
5 include records, furniture, and equipment of the Department of Labor  
6 relating to the regulation of ~~boxing~~ combative sports, are hereby  
7 transferred to the Oklahoma State Athletic Commission.

8 SECTION 4. AMENDATORY 3A O.S. 2011, Section 605, is  
9 amended to read as follows:

10 Section 605. A. The Oklahoma State Athletic Commission may  
11 employ an administrator to oversee the organization and activities  
12 of the Commission and to ensure compliance with rules promulgated by  
13 the Commission. The administrator shall perform such other duties  
14 as the Commission may prescribe. The salary of the administrator  
15 shall be set by the Commission. The position of administrator shall  
16 be an unclassified position.

17 B. The Commission may employ an assistant to keep records of  
18 all proceedings relating to professional ~~boxing~~ combative sports and  
19 amateur mixed martial arts and to preserve all books, documents, and  
20 papers belonging to the Commission. The assistant shall perform  
21 such other duties as the Commission may prescribe. The Commission  
22 may employ such other personnel as necessary, subject to statutory  
23 full-time-equivalent (FTE) limits applicable to the State Department  
24 of Health.

1 C. The State Department of Health shall provide administrative  
2 support for the Commission, including, but not limited to, office  
3 space, equipment, and furnishings, payroll and employee benefit  
4 administration and processing, and travel and expense reimbursement,  
5 and shall manage the Commission's funds at the direction of the  
6 Commission. The State Department of Health shall be entitled to  
7 reimbursement for the actual cost of providing said administrative  
8 support to the Commission from the Oklahoma State Athletic  
9 Commission Revolving Fund; provided that said reimbursement shall  
10 not exceed in any year ten percent (10%) of the total revenue  
11 deposited in the fund in the preceding fiscal year received from  
12 fees, administrative fines, reimbursements, bond proceeds and sale  
13 of materials, but not including cash bonds held in trust by the  
14 Commission. Upon a written directive of expenditure from Commission  
15 funds signed by a majority of the Commission members or the  
16 Commission administrator, the State Department of Health shall  
17 process and make payment for said expenditure from Commission funds  
18 within fifteen (15) business days of receipt of the written  
19 directive from the State Department of Health. All other  
20 Commission-directed expenditures shall be processed according to  
21 State Department of Health policy.

22 D. Employees of the Commission shall be considered unclassified  
23 employees of the State Department of Health only for the purpose of  
24 administrative support provided by the State Department of Health as

1 prescribed in subsection C of this section. Persons employed by the  
2 Commission shall serve at the direction and pleasure of the  
3 Commission and shall answer directly to the Commission administrator  
4 and the Commission.

5 E. The administrator, the assistant, and any other employees of  
6 the Commission or any persons related to said employees within the  
7 third degree by either consanguinity or affinity shall be prohibited  
8 from promoting, sponsoring, or having any pecuniary interest in any  
9 professional ~~boxing contest or professional exhibition~~ combative  
10 sports event or amateur mixed martial arts event regulated by the  
11 Commission with the exception of medical personnel.

12 SECTION 5. AMENDATORY 3A O.S. 2011, Section 606, is  
13 amended to read as follows:

14 Section 606. A. The Oklahoma State Athletic Commission is  
15 hereby vested with jurisdiction to issue sanctioning permits for all  
16 professional ~~boxing~~ combative sports contests, and exhibitions and  
17 for all amateur mixed martial arts contests, ~~and professional~~  
18 ~~exhibitions~~ and exhibitions held or given within this state and to  
19 issue licenses for participants of sanctioned contests and  
20 exhibitions.

21 B. ~~Specifically exempt from the provisions of the Oklahoma~~  
22 ~~State Athletic Commission Act are the contests or exhibitions~~  
23 ~~conducted or sponsored by:~~

24



1       ~~1. Any school, college, or university~~ No person shall promote,  
2 nor shall any person participate in, a professional combative sports  
3 contest or exhibition unless the event is sanctioned by the  
4 Commission.

5       C. No person shall promote, nor shall any person participate  
6 in, an amateur combative sports contest or exhibition in Oklahoma,  
7 except for the following:

8       1. Persons promoting, and persons participating in, an amateur  
9 mixed martial arts event sanctioned by the Commission;

10       2. Schools, colleges or universities where the participants are  
11 students regularly enrolled in such institutions and the  
12 instructors, coaches, and trainers are employees of such  
13 institutions. The term "school, college, or university" shall not  
14 include a school or other institution whose principal purpose is to  
15 furnish instruction in ~~boxing~~ combative sports or sparring;

16       ~~2. Any military installation or branch~~ 3. Military  
17 installations or branches of the Armed Forces where the participants  
18 are employed by the military installation or are members of the  
19 branch of the Armed Forces sponsoring the contest or exhibition; and

20       ~~3. Amateur boxing matches which are~~

21       4. Persons promoting, or persons participating in, an amateur  
22 combative sports event sanctioned by a Commission-approved and  
23 nationally recognized amateur sanctioning body. ~~To obtain an~~  
24 ~~exemption from the Oklahoma State Athletic Commission Act under this~~

1 ~~paragraph,~~ a The nationally recognized amateur sanctioning body must  
2 present itself to the Commission and provide a copy of its rules and  
3 bylaws for Commission review and approval. Upon approval, the  
4 Commission, or its designated representatives, may visit, attend,  
5 investigate and audit, as the Commission deems necessary, any match,  
6 event, sanctioning body office or event office for the purpose of  
7 determining whether the rules and bylaws of the amateur sanctioning  
8 body as submitted to the Commission are being followed. The  
9 Commission administrator shall immediately rescind approval of any  
10 nationally recognized amateur sanctioning body, pending a hearing,  
11 if said sanctioning body is found to be negligent or noncommittal in  
12 the enforcement of the rules and bylaws presented to and approved by  
13 the Commission.

14 ~~C.~~ D. The following persons are specifically exempt from the  
15 provisions of the Oklahoma State Athletic Commission Act:

16 1. Practitioners and instructors of the martial arts as defined  
17 in Section 602 of this title; and

18 2. Instructors of amateur boxers if such instructors are not  
19 required to be licensed pursuant to other provisions of the Oklahoma  
20 State Athletic Commission Act.

21 SECTION 6. AMENDATORY 3A O.S. 2011, Section 607, is  
22 amended to read as follows:

23 Section 607. A. The Oklahoma State Athletic Commission shall  
24 promulgate rules necessary to implement processes for issuing

1 sanctioning permits for professional ~~boxing contests and~~  
2 ~~professional exhibitions~~ combative sports events and amateur mixed  
3 martial arts events held or given in this state and for issuing  
4 licenses for participants of sanctioned contests and exhibitions,  
5 except those events and persons specifically exempt by the  
6 provisions of the Oklahoma State Athletic Commission Act.

7 B. All persons or entities who participate in any professional  
8 ~~boxing contest or professional exhibition~~ combative sports event or  
9 amateur mixed martial arts event sanctioned by the Commission,  
10 including, but not limited to, professional ~~boxers, trainers,~~  
11 ~~managers~~ combative sports practitioners, corner persons, booking  
12 agents, matchmakers, promoters, referees, judges, timekeepers,  
13 vendors, physicians, announcers, clubs, and corporations associated  
14 with a professional ~~boxing contest or professional exhibition~~  
15 combative sports event or amateur mixed martial arts event  
16 sanctioned by the Commission, shall be required to make application  
17 to the Commission for a license to participate in this state in any  
18 professional ~~boxing contest or professional exhibition~~ combative  
19 sports event or amateur mixed martial arts event sanctioned by the  
20 Commission.

21 C. An application for a sanctioning permit or a license shall  
22 be on such form and require such information as shall be prescribed  
23 by the Commission.

24

1 D. The Commission shall determine reasonable costs and fees  
2 associated with issuing sanctioning permits and licenses. All costs  
3 and fees for sanctioning an event shall be payable by the promoter  
4 making application for a sanctioning permit. Costs and fees for a  
5 license may be paid by the participant making application or by the  
6 promoter of an event sanctioned by the Commission.

7 E. A sanctioning permit shall be in effect upon the date issued  
8 by the Commission and shall expire upon the conclusion of the event,  
9 unless the sanctioning permit is suspended or revoked for just cause  
10 by the Commission. Licenses shall be in effect upon the date issued  
11 by the Commission, and all licenses shall expire June 30 unless the  
12 license is suspended or revoked for just cause by the Commission.

13 F. Only promoters whose professional ~~boxing contests and~~  
14 ~~professional exhibitions~~ combative sports events or amateur mixed  
15 martial arts events have been sanctioned by the Commission are  
16 authorized to place a notice of sanction on printed and promotional  
17 materials associated with the sanctioned event, which shall include  
18 but not be limited to advertising, tickets, programs, posters,  
19 souvenirs, wearing apparel, billboards, marquees and promotional  
20 signs inside and outside the venue where the event is to be held,  
21 and broadcasting, including, but not limited to, radio, television,  
22 including cable television, pay-per-view television, and closed-  
23 circuit television and motion pictures of the event. The notice of  
24 sanction shall substantially state the following:

1 "Pursuant to the provisions of Section 601 et seq. of Title  
2 3A of the Oklahoma Statutes and the rules of the Oklahoma  
3 State Athletic Commission, THIS EVENT IS SANCTIONED BY THE  
4 OKLAHOMA STATE ATHLETIC COMMISSION. Sanctioning Permit No.  
5 \_\_\_\_\_."

6 G. All fees and other monies resulting from sanctioning  
7 professional ~~boxing contests and professional exhibitions~~ combative  
8 sports events and amateur mixed martial arts events and licenses  
9 shall be placed to the credit of the Oklahoma State Athletic  
10 Commission Revolving Fund.

11 SECTION 7. AMENDATORY 3A O.S. 2011, Section 609, is  
12 amended to read as follows:

13 Section 609. A. A sanctioning permit issued by the Oklahoma  
14 State Athletic Commission shall be required in order to conduct,  
15 sponsor, hold, or participate in professional ~~boxing contests or~~  
16 ~~professional exhibitions~~ combative sports events or amateur mixed  
17 martial arts events.

18 B. No sanctioning permit shall be issued for conducting or  
19 holding any professional ~~boxing contest or professional exhibition~~  
20 combative sports event or amateur mixed martial arts event within  
21 any political subdivision of this state where a local ordinance or  
22 resolution prohibits such contests or exhibitions within the limits  
23 of the political subdivision.

1 SECTION 8. AMENDATORY 3A O.S. 2011, Section 610, is  
2 amended to read as follows:

3 Section 610. A. The Oklahoma State Athletic Commission may  
4 issue, withhold, suspend, or revoke any and all licenses and  
5 sanctioning permits required by the provisions of the Oklahoma State  
6 Athletic Commission Act or the rules promulgated by the Commission.  
7 The Commission may also censure or reprimand any licensee or  
8 sanctioning permit holder.

9 B. The Commission shall fix a uniform scale of reasonable fees  
10 for all licenses, sanctioning permits, and examinations. ~~The fees~~  
11 ~~shall be set at reasonable cost and shall not exceed the actual~~  
12 ~~expense of issuing licenses and sanctioning permits and~~  
13 ~~administering examinations.~~

14 SECTION 9. AMENDATORY 3A O.S. 2011, Section 611, is  
15 amended to read as follows:

16 Section 611. Before issuing any license or sanctioning permit,  
17 the Oklahoma State Athletic Commission shall consider the following  
18 in order of importance:

- 19 1. The preservation of the safety and health of the  
20 participants;
- 21 2. The best interest and welfare of the public; and
- 22 3. The best interest of ~~professional boxing~~ combative sports in  
23 general.

24

1 SECTION 10. AMENDATORY 3A O.S. 2011, Section 612, is  
2 amended to read as follows:

3 Section 612. A. Before any sanctioning permit is issued to any  
4 promoter to conduct or hold a professional ~~boxing contest or~~  
5 ~~professional exhibition~~ combative sports event or amateur mixed  
6 martial arts event, the applicant shall file with the Oklahoma State  
7 Athletic Commission a security in the form of a bond, cash,  
8 certificate of deposit, or other securities acceptable to the  
9 Commission, payable to the State of Oklahoma in an amount determined  
10 by the Commission, executed by the applicant and a surety company or  
11 companies authorized to do business in this state, and conditioned  
12 upon the faithful performance by the promoter, which shall include  
13 but not be limited to the cancellation of a professional ~~boxing~~  
14 ~~contest or professional exhibition~~ combative sports event or amateur  
15 mixed martial arts event without good cause as determined by the  
16 Commission once the ~~professional boxing contest or professional~~  
17 ~~exhibition~~ event has been approved by the Commission.

18 B. The security required under this section shall guarantee the  
19 payment of all taxes, fees, fines and other monies due and payable  
20 pursuant to the provisions of the Oklahoma State Athletic Commission  
21 Act and the rules promulgated by the Commission, including, but not  
22 limited to, the payment of purses to the competitors, any  
23 contributions for required insurance, pensions, disability and  
24 medical examinations, the repayment to ticket holders of purchased

1 tickets, the payment of fees to ring officials and physicians, and,  
2 in the event of the cancellation of a professional ~~boxing contest or~~  
3 ~~professional exhibition~~ combative sports event or amateur mixed  
4 martial arts event approved by the Commission without good cause, an  
5 amount determined by the Commission.

6 C. After issuance of a sanctioning permit to a promoter, the  
7 Commission may modify the amount of security required to ensure  
8 adequate and sufficient coverage for payments of taxes, fees, fines,  
9 purses, and other monies due and payable pursuant to the provisions  
10 of this section. Failure of any promoter to obtain the modified  
11 security required pursuant to this subsection within such period of  
12 time as the Commission may prescribe, shall be grounds for  
13 revocation of the sanctioning permit of such promoter.

14 D. All proceeds of securities collected pursuant to the  
15 provisions of this section shall be placed to the credit of the  
16 Oklahoma State Athletic Commission Revolving Fund.

17 SECTION 11. AMENDATORY 3A O.S. 2011, Section 613, is  
18 amended to read as follows:

19 Section 613. The Oklahoma State Athletic Commission may:

20 1. Subpoena witnesses and compel the production of any and all  
21 books, memoranda, documents, papers, and records showing the  
22 receipts and disbursements of any individual, club, or corporation  
23 licensed under the provisions of the Oklahoma State Athletic  
24 Commission Act;



1 2. Administer oaths or affirmations to witnesses;

2 3. Require, at any time, the suspension for just cause from  
3 involvement in any activity associated with professional ~~boxing~~  
4 combative sports or amateur mixed martial arts of any employee or  
5 official employed by any licensee or permittee pursuant to the  
6 Oklahoma State Athletic Commission Act;

7 4. Prescribe the manner that books and financial or other  
8 statements of any licensee or permittee relating to professional  
9 ~~boxing~~ combative sports or amateur mixed martial arts shall be kept;  
10 and

11 5. Visit, investigate, audit, and place accountants and such  
12 other persons as the Commission may deem necessary in the offices or  
13 places of business related to professional ~~boxing~~ combative sports  
14 or amateur mixed martial arts of any licensee or permittee for the  
15 purpose of ensuring that the rules of the Commission are complied  
16 with.

17 SECTION 12. AMENDATORY 3A O.S. 2011, Section 614, is  
18 amended to read as follows:

19 Section 614. A. If upon inspection or investigation, or  
20 whenever the Oklahoma State Athletic Commission determines that a  
21 violation of the Oklahoma State Athletic Commission Act or of any  
22 order, standard, or rule promulgated pursuant to the provisions of  
23 the Oklahoma State Athletic Commission Act has occurred, the  
24 Commission shall give written notice to the alleged violator

1 specifying the cause of the determination. Such notice shall  
2 require that the violations be corrected and specify the terms of  
3 such correction or require that the alleged violator appear before  
4 the Commission at a time and place specified in the notice and  
5 answer the charges.

6 B. The Commission shall afford the alleged violator an  
7 opportunity for a hearing conducted in conformity with, and records  
8 made thereof as provided by the provisions of, the ~~Oklahoma~~  
9 Administrative Procedures Act. On the basis of the evidence  
10 produced at the hearing, the Commission shall make findings of fact  
11 and conclusions of law and enter an order thereon. The Commission  
12 shall provide written notice of such order to the alleged violator  
13 and to such other persons as shall have appeared at the hearing and  
14 made written request for notice of the order.

15 ~~C. Upon the request of the Commission, the Attorney General~~  
16 ~~shall bring an action against any person violating any of the~~  
17 ~~provisions of the Oklahoma State Athletic Commission Act or~~  
18 ~~violating any order or determination of the Commission.~~

19 SECTION 13. AMENDATORY 3A O.S. 2011, Section 615, is  
20 amended to read as follows:

21 Section 615. A. Any person who violates the provisions of the  
22 Oklahoma State Athletic Commission Act, upon first conviction, shall  
23 be guilty of a misdemeanor and shall be punished by the imposition  
24 of a fine of not more than One Thousand Dollars (\$1,000.00) or by

1 incarceration in the county jail for not more than thirty (30) days  
2 or by both such fine and incarceration. Any person convicted of a  
3 second or subsequent violation shall be guilty of a felony  
4 punishable by a fine of not more than Five Thousand Dollars  
5 (\$5,000.00) or by incarceration in the county jail for a term of not  
6 more than one (1) year or by incarceration in the custody of the  
7 Department of Corrections for a period of not more than two (2)  
8 years or by both such fine and incarceration. The Oklahoma State  
9 Athletic Commission shall suspend or revoke the license of any  
10 person convicted of violating the provisions of the Oklahoma State  
11 Athletic Commission Act.

12 B. In addition to other penalties provided by law, if after a  
13 hearing in accordance with the provisions of Section 601 et seq. of  
14 this title, the Commission shall find any person licensed by the  
15 Commission to be in violation of any of the provisions, such person  
16 may be subject to an administrative fine of not more than Five  
17 Hundred Dollars (\$500.00) or not more than one percent (1%) of gross  
18 revenues received for each violation. Each day a person is in  
19 violation of the provisions of Section 601 et seq. of this title may  
20 constitute a separate violation. All administrative fines collected  
21 pursuant to the provisions of this subsection shall be placed to the  
22 credit of the Oklahoma State Athletic Commission Revolving Fund  
23 created pursuant to the provisions of Section 601 et seq. of this  
24

1 title. Administrative fines imposed pursuant to this subsection  
2 shall be enforceable in the district courts of this state.

3 C. Upon the request of the Commission, the Attorney General or  
4 the district attorney of the appropriate district court may make  
5 application to the appropriate court for an order enjoining the acts  
6 or practices prohibited by the provisions of Section 601 et seq. of  
7 this title, and upon a showing that the person has engaged in any of  
8 the prohibited acts or practices, an injunction, restraining order,  
9 or other order as may be appropriate shall be granted by the court.

10 SECTION 14. AMENDATORY 3A O.S. 2011, Section 617, is  
11 amended to read as follows:

12 Section 617. A. Except as otherwise provided in the Oklahoma  
13 State Athletic Commission Act, in addition to the payment of any  
14 other fees and monies due pursuant to the Oklahoma State Athletic  
15 Commission Act and the rules promulgated by the Oklahoma State  
16 Athletic Commission, an assessment as provided herein in an amount  
17 not to exceed five percent (5%) of the total gross receipts of any  
18 professional ~~boxing contest or professional exhibition~~ combative  
19 sports event or amateur mixed martial arts event, exclusive of any  
20 federal tax or tax imposed by any political subdivision of this  
21 state, shall be hereby levied and shall be remitted by every  
22 promoter and vendor to the Oklahoma State Athletic Commission;  
23 provided, however, if the promotion originates in Oklahoma, the  
24 promoter and vendor shall only be liable for assessments on the

1 total gross receipts specified in subsections C, D and E of this  
2 section and shall not also be liable for the assessments specified  
3 in Section 622 of this title.

4 B. The assessment established in subsection A of this section  
5 shall be calculated as follows:

6 1. Five percent (5%) for an event for which the total gross  
7 receipts do not exceed One Hundred Thousand Dollars (\$100,000.00);

8 2. Four percent (4%) for an event for which the total gross  
9 receipts are between One Hundred Thousand One Dollars (\$100,001.00)  
10 and Two Hundred Thousand Dollars (\$200,000.00);

11 3. Three percent (3%) for an event for which the total gross  
12 receipts are between Two Hundred Thousand One Dollars (\$200,001.00)  
13 and Three Hundred Fifty Thousand Dollars (\$350,000.00);

14 4. Two percent (2%) for an event for which the total gross  
15 receipts are between Three Hundred Fifty Thousand One Dollars  
16 (\$350,001.00) and Five Hundred Thousand Dollars (\$500,000.00); and

17 5. One and one-half percent (1.5%) for an event for which the  
18 total gross receipts are more than Five Hundred Thousand One Dollars  
19 (\$500,001.00).

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

22 1. The gross price charged by the promoter for the sale, lease,  
23 or other use of broadcasting, including, but not limited to, radio,  
24 television, including cable television, pay-per-view television, and

1 closed-circuit television, or motion picture rights of ~~boxing~~  
2 combative sports or amateur mixed martial arts contests, events, or  
3 exhibitions conducted within this state, without any deductions for  
4 commissions, brokerage fees, distribution fees, advertising, or  
5 other expenses or charges;

6 2. The face value of all tickets sold; and

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

11 D. For professional ~~boxing contests or professional exhibitions~~  
12 combative sports events or amateur mixed martial arts events at  
13 which admission tickets are not sold, the promoter shall remit an  
14 assessment equal to five percent (5%) of the revenues received by  
15 the promoter for the event.

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

21 F. Payment of the assessment on gross receipts, excepting for  
22 motion picture rights, shall be due within seventy-two (72) hours  
23 after the holding of the professional ~~boxing contest or professional~~  
24 ~~exhibition~~ combative sports event or amateur mixed martial arts

1 event and shall be accompanied by a report in such form as shall be  
2 prescribed by the Oklahoma State Athletic Commission.

3 G. The first payment of the assessment on gross income received  
4 from the sale of motion picture rights shall be due at the end of  
5 the month after the date of the sale of the motion picture rights,  
6 and further payments shall be due every thirty (30) days thereafter,  
7 during the presentation of the picture, and shall be accompanied by  
8 a gross receipts report in such form as shall be prescribed by the  
9 Oklahoma State Athletic Commission.

10 H. Gross receipts reports signed under oath shall also include:

11 1. The name of the promoter;

12 2. The ~~boxing contest or professional exhibition~~ professional  
13 combative sports event or amateur mixed martial arts event  
14 sanctioning permit number;

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

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

19 5. Such further information as the Oklahoma State Athletic  
20 Commission may require to enable it to compute correctly and collect  
21 the assessment levied pursuant to this section.

22 I. In addition to the information required on reports, the  
23 Oklahoma State Athletic Commission may request, and the promoter  
24

1 shall furnish, any information deemed necessary for a correct  
2 computation of the assessment levied pursuant to this section.

3 J. All levies pursuant to this section shall be collected by  
4 the Commission and shall be placed to the credit of the Oklahoma  
5 State Athletic Commission Revolving Fund.

6 K. The monies collected from the assessment levied pursuant to  
7 the provisions of this section shall be in addition to all other  
8 revenues and funds received by the Oklahoma State Athletic  
9 Commission.

10 L. The promoter shall compute and pay to the Oklahoma State  
11 Athletic Commission the required assessment due. If the payment of  
12 the assessment is not postmarked or delivered to the Oklahoma State  
13 Athletic Commission as specified in subsection F or G of this  
14 section, whichever is appropriate, the assessment shall be  
15 delinquent from such date.

16 M. It shall be the duty of every promoter required to make a  
17 gross receipts report and pay any assessment pursuant to the  
18 provisions of this section to keep and preserve suitable records and  
19 documents which may be necessary to determine the amount of  
20 assessment due as will substantiate and prove the accuracy of such  
21 reports. All such records shall be preserved for a period of three  
22 (3) years, unless the Oklahoma State Athletic Commission, in  
23 writing, has authorized their destruction or disposal at an earlier  
24



1 date, and shall be open to examination at any time by the Oklahoma  
2 State Athletic Commission or by any of its authorized employees.

3 SECTION 15. AMENDATORY 3A O.S. 2011, Section 619, is  
4 amended to read as follows:

5 Section 619. Beginning February 1, 2000, the Oklahoma State  
6 Athletic Commission shall file an annual report of ~~boxing~~ combative  
7 sports activities in Oklahoma with the Governor, the President Pro  
8 Tempore of the Senate, and the Speaker of the House of  
9 Representatives. Said report shall include but not be limited to  
10 the amount of revenue collected, the number of permits and licenses  
11 issued and revoked, the number of violations of the Oklahoma State  
12 Athletic Commission Act, and the number of professional ~~boxing~~  
13 ~~contests and exhibitions~~ combative sports events and amateur mixed  
14 martial arts events conducted.

15 SECTION 16. This act shall become effective July 1, 2012.

16 SECTION 17. It being immediately necessary for the preservation  
17 of the public peace, health and safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

20

21 53-2-9150 CJB 01/18/12

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