

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1783

By: Luttrell

AS INTRODUCED

An Act relating to amusements and sports; amending 3A O.S. 2011, Sections 604.2, as last amended by Section 2, Chapter 290, O.S.L. 2013, 606, as amended by Section 6, Chapter 359, O.S.L. 2012, 607, as amended by Section 7, Chapter 359, O.S.L. 2012, 609, as amended by Section 8, Chapter 359, O.S.L. 2012, 612, as amended by Section 11, Chapter 359, O.S.L. 2012, 617, as last amended by Section 5, Chapter 290, O.S.L. 2013 and 619, as amended by Section 16, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2020, Sections 604.2, 606, 607, 609, 612, 617 and 619), which relate to the Oklahoma State Athletic Commission Act; authorizing the Oklahoma State Athletic Commission to assume jurisdiction over amateur kickboxing; authorizing issuance of permits for amateur kickboxing events; requiring certain amateur kickboxing participation be sanctioned by the Commission; modifying entity authorized to sanction promotion of certain events; exempting certain sponsors from the Oklahoma State Athletic Commission Act; authorizing promulgation of certain rules; requiring certain applications; modifying sanction notice requirement; imposing certain fees; requiring certain security; requiring certain assessment; requiring receipts contain certain information; requiring annual report; and providing an effective date.

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

1 SECTION 1. AMENDATORY 3A O.S. 2011, Section 604.2, as
2 last amended by Section 2, Chapter 290, O.S.L. 2013 (3A O.S. Supp.
3 2020, Section 604.2), is amended to read as follows:

4 Section 604.2 A. The mission of the Oklahoma State Athletic
5 Commission shall be to preserve and protect the health, safety and
6 welfare of combative sports event participants and the general
7 public through the effective regulation of combative sports in the
8 State of Oklahoma, while fostering an environment that expands
9 existing combative sports events and brings new events into the
10 state.

11 B. The Commission shall have the power to:

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

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

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

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
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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 combative sports, are hereby
7 transferred to the Oklahoma State Athletic Commission.

8 SECTION 2. AMENDATORY 3A O.S. 2011, Section 606, as
9 amended by Section 6, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2020,
10 Section 606), is amended to read as follows:

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

18 B. 1. No person shall promote, nor shall any person
19 participate in, a professional combative sports event or an amateur
20 mixed martial arts event or an amateur kickboxing event unless the
21 event is sanctioned by the Commission.

22 2. Except as provided in paragraphs 1 and 2 of subsection C of
23 this section, no person shall promote an amateur combative sports
24 event unless the event has been sanctioned by ~~a nationally~~

1 ~~recognized amateur sanctioning body that has been approved by the~~
2 Commission.

3 3. Any person violating the provisions of this subsection shall
4 be punishable pursuant to the provisions of Section 615 of this
5 title.

6 C. Specifically exempt from the provisions of the Oklahoma
7 State Athletic Commission Act are the amateur combative sports
8 contests or exhibitions conducted or sponsored by:

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

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

19 3. ~~Amateur combative sports events which are sanctioned by a~~
20 ~~Commission-approved and nationally recognized amateur sanctioning~~
21 ~~body. The nationally recognized amateur sanctioning body must~~
22 ~~present itself to the Commission and provide a copy of its rules and~~
23 ~~bylaws for Commission review and approval. Upon approval, the~~
24 ~~Commission, or its designated representatives, may visit, attend,~~

~~investigate and audit, as the Commission deems necessary, any match, event, sanctioning body office or event office for the purpose of determining whether the rules and bylaws of the amateur sanctioning body as submitted to the Commission are being followed. The Commission administrator shall immediately rescind approval of any nationally recognized amateur sanctioning body, pending a hearing, if said sanctioning body is found to be negligent or noncommittal in the enforcement of the rules and bylaws presented to and approved by the Commission~~ USA Boxing; and

4. The International Olympic Committee.

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

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

2. Instructors of amateur combative sports practitioners if such instructors are not required to be licensed pursuant to other provisions of the Oklahoma State Athletic Commission Act.

SECTION 3. AMENDATORY 3A O.S. 2011, Section 607, as amended by Section 7, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2020, Section 607), is amended to read as follows:

Section 607. A. The Oklahoma State Athletic Commission shall promulgate rules necessary to implement processes for issuing sanctioning permits for professional combative sports events ~~and,~~ amateur mixed martial arts events and amateur kickboxing events held

1 or given in this state and for issuing licenses for participants of
2 sanctioned contests and exhibitions, except those events and persons
3 specifically exempt by the provisions of the Oklahoma State Athletic
4 Commission Act.

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

17 C. An application for a sanctioning permit or a license shall
18 be on such form and require such information as shall be prescribed
19 by the Commission.

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

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

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

21 "Pursuant to the provisions of Section 601 et seq. of Title
22 3A of the Oklahoma Statutes and the rules of the Oklahoma
23 State Athletic Commission, THIS EVENT IS SANCTIONED BY THE
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1 OKLAHOMA STATE ATHLETIC COMMISSION. Sanctioning Permit No.
2 _____."

3 G. All fees and other monies resulting from sanctioning
4 professional combative sports events ~~and~~, amateur mixed martial arts
5 events and amateur kickboxing events and licenses shall be placed to
6 the credit of the Oklahoma State Athletic Commission Revolving Fund.

7 SECTION 4. AMENDATORY 3A O.S. 2011, Section 609, as
8 amended by Section 8, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2020,
9 Section 609), is amended to read as follows:

10 Section 609. A. A sanctioning permit issued by the Oklahoma
11 State Athletic Commission shall be required in order to conduct,
12 sponsor, hold, or participate in professional combative sports
13 events ~~or~~, amateur mixed martial arts events or amateur kickboxing
14 events.

15 B. No sanctioning permit shall be issued for conducting or
16 holding any professional combative sports event ~~or~~, amateur mixed
17 martial arts event or amateur kickboxing event within any political
18 subdivision of this state where a local ordinance or resolution
19 prohibits such contests or exhibitions within the limits of the
20 political subdivision.

21 SECTION 5. AMENDATORY 3A O.S. 2011, Section 612, as
22 amended by Section 11, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2020,
23 Section 612), is amended to read as follows:

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

15 B. The security required under this section shall guarantee the
16 payment of all taxes, fees, fines and other monies due and payable
17 pursuant to the provisions of the Oklahoma State Athletic Commission
18 Act and the rules promulgated by the Commission, including, but not
19 limited to, the payment of purses to the competitors, any
20 contributions for required insurance, pensions, disability and
21 medical examinations, the repayment to ticket holders of purchased
22 tickets, the payment of fees to ring officials and physicians, and,
23 in the event of the cancellation of a professional combative sports
24 event ~~or,~~ amateur mixed martial arts event or amateur kickboxing

1 event approved by the Commission without good cause, an amount
2 determined by the Commission.

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

11 D. All proceeds of securities collected pursuant to the
12 provisions of this section shall be placed to the credit of the
13 Oklahoma State Athletic Commission Revolving Fund.

14 SECTION 6. AMENDATORY 3A O.S. 2011, Section 617, as last
15 amended by Section 5, Chapter 290, O.S.L. 2013 (3A O.S. Supp. 2020,
16 Section 617), is amended to read as follows:

17 Section 617. A. Except as otherwise provided in the Oklahoma
18 State Athletic Commission Act, in addition to the payment of any
19 other fees and monies due pursuant to the Oklahoma State Athletic
20 Commission Act and the rules promulgated by the Oklahoma State
21 Athletic Commission, an assessment equal to five percent (5%) of the
22 total gross receipts of any professional combative sports event ~~or,~~
23 amateur mixed martial arts event or amateur kickboxing event
24 conducted in this state, exclusive of any federal tax or tax imposed

1 by any political subdivision of this state, shall be hereby levied
2 and shall be remitted by every promoter and vendor to the Oklahoma
3 State Athletic Commission.

4 B. The assessment established in subsection A of this section
5 shall not exceed Thirty-five Thousand Dollars (\$35,000.00).

6 C. Promoters of professional boxing events, professional mixed
7 martial arts ~~and~~ events, amateur mixed martial arts events and
8 amateur kickboxing events shall pay the greater of the five-percent
9 assessment levied pursuant to subsection A of this section or Four
10 Hundred Fifty Dollars (\$450.00) to the Commission.

11 D. Promoters of professional wrestling events shall pay the
12 greater of the five-percent assessment levied pursuant to subsection
13 A of this section or Eighty Dollars (\$80.00) to the Commission.

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

16 1. The face value of all tickets sold; and

17 2. Proceeds from a vendor, or the promoter's gross price
18 charged for the sale of food, alcoholic and nonalcoholic beverages,
19 or merchandise, including, but not limited to, wearing apparel,
20 souvenirs and programs.

21 F. For professional combative sports events ~~or~~, amateur mixed
22 martial arts events or amateur kickboxing events at which admission
23 tickets are not sold, the promoter shall remit an assessment equal
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1 to five percent (5%) of the revenues received by the promoter for
2 the event.

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

8 H. Payment of the assessment on gross receipts, unless
9 otherwise specified, shall be due within five (5) business days
10 after the holding of the professional combative sports event ~~or~~,
11 amateur mixed martial arts event or amateur kickboxing event and
12 shall be accompanied by a report in such form as shall be prescribed
13 by the Oklahoma State Athletic Commission.

14 I. A promoter shall not issue complimentary tickets for more
15 than ten percent (10%) of the seats for any event. The promoter
16 shall be responsible to pay the five-percent assessment levied
17 pursuant to subsection A of this section on total receipts as
18 prescribed in this section for any complimentary tickets in excess
19 of ten percent (10%). All complimentary tickets must clearly
20 indicate on the ticket that it is a complimentary ticket and state
21 the value of the complimentary ticket. The face value of a
22 complimentary ticket shall be equal to like tickets sold in that
23 particular section of the venue. The complimentary tickets that are
24 exempt from the five-percent assessment levied pursuant to

1 subsection A of this section shall be those tickets with the lowest
2 face value.

3 J. Complimentary tickets shall not be given to a sponsor,
4 elected official, person or any entity that gives the promoter of
5 any event anything of value, including but not limited to money, in-
6 kind goods or services, or advertising.

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

14 L. Except as otherwise provided in the Oklahoma State Athletic
15 Commission Act, in addition to the payment of any other fees and
16 monies due pursuant to the Oklahoma State Athletic Commission Act
17 and the rules promulgated by the Oklahoma State Athletic Commission,
18 an assessment in an amount of five percent (5%) of the total gross
19 receipts of every telecast promoter shall be levied. Total gross
20 receipts shall include the gross price charged for the sale, lease,
21 or other use of broadcasting, including, but not limited to, radio,
22 television, including cable television, pay-per-view television, and
23 closed-circuit television, or motion picture rights of combative
24 sports or amateur mixed martial arts contests, events, or

1 exhibitions conducted within this state, without any deductions for
2 commissions, brokerage fees, distribution fees, advertising, or
3 other expenses or charges.

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

12 2. The report shall be accompanied by the assessment payment
13 required under subsection L of this section, excluding any federal,
14 state or local taxes.

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

21 N. 1. In the case of a cable system operator's pay-per-view
22 facilities at or through which a closed-circuit telecast was shown
23 within the state, the telecast promoter shall, within thirty (30)
24 days following receipt of the notice of the assessment from the

1 Commission, cause to be filed with the Commission the assessment
2 required pursuant to subsection L of this section, excluding any
3 federal, state, or local taxes.

4 2. The cable system operator shall withhold from the proceeds
5 due to the telecast promoter the assessment payment required
6 pursuant to subsection L of this section and remit the assessment to
7 the Commission on behalf of the telecast promoter. The cable system
8 operator shall not be liable for the remittance of the assessment
9 fee required pursuant to subsection L of this section from any
10 proceeds due to the cable system operator from its pay-per-view
11 events.

12 3. The Commission shall require the cable system operator to
13 file reports containing information regarding the number of orders
14 sold and the price charged for orders and any other information the
15 Commission deems appropriate.

16 4. Cable system operators shall not be liable to the Commission
17 for the assessment payment required under subsection L of this
18 section. Nothing in this section shall be deemed to prevent a cable
19 system operator from billing its customer for the assessment
20 payment.

21 5. The Commission shall, upon request, provide the telecast
22 promoter with a report detailing the number of orders and the
23 assessment payment due.

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1 O. Any promoter who willfully makes a false and fraudulent
2 report under this section is guilty of perjury and, upon conviction,
3 is subject to punishment as provided by law. This penalty shall be
4 in addition to any other penalties imposed in this section.

5 P. Gross receipts reports signed under oath shall also include:

6 1. The name of the promoter;

7 2. The professional combative sports event or amateur mixed
8 martial arts event or amateur kickboxing event sanctioning permit
9 number;

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

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

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

17 Q. In addition to the information required on reports, the
18 Oklahoma State Athletic Commission may request, and the promoter
19 shall furnish, any information deemed necessary for a correct
20 computation of the assessment levied pursuant to this section.

21 R. All levies pursuant to this section shall be collected by
22 the Commission and shall be placed to the credit of the Oklahoma
23 State Athletic Commission Revolving Fund.

1 S. The monies collected from the assessment levied pursuant to
2 the provisions of this section shall be in addition to all other
3 revenues and funds received by the Oklahoma State Athletic
4 Commission.

5 T. The promoter shall compute and pay to the Oklahoma State
6 Athletic Commission the required assessment due. If the payment of
7 the assessment is not postmarked or delivered to the Oklahoma State
8 Athletic Commission as specified in subsections H through L of this
9 section, whichever is appropriate, the assessment shall be
10 delinquent from such date.

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

21 SECTION 7. AMENDATORY 3A O.S. 2011, Section 619, as
22 amended by Section 16, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2020,
23 Section 619), is amended to read as follows:
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1 Section 619. Beginning February 1, 2000, the Oklahoma State
2 Athletic Commission shall file an annual report of combative sports
3 activities in Oklahoma with the Governor, the President Pro Tempore
4 of the Senate, and the Speaker of the House of Representatives.
5 Said report shall include, but not be limited to, the amount of
6 revenue collected, the number of permits and licenses issued and
7 revoked, the number of violations of the Oklahoma State Athletic
8 Commission Act, and the number of professional combative sports
9 events ~~and~~, amateur mixed martial arts events and amateur kickboxing
10 events conducted.

11 SECTION 8. This act shall become effective November 1, 2021.

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