WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED

HOUSE BILL No. 1479

(By Mr. Speaker, Mr. McManus; Mr. Dilbeck)

PASSED March 12, 1976

In Effect ninety days from

FILED IN THE OFFICE OF SECRETARY OF STATE OF WEST VIRGINIA

THIS DATE 3/30/76
AN ACT to amend and reenact article five-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to state boxing commission.

Be it enacted by the Legislature of West Virginia:

That article five-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5A. STATE BOXING COMMISSION.

§29-5A-1. Creation of commission; members; officers; seal and rules.

1 Upon passage of this bill, the board created in one thousand nine hundred thirty-one and known as the state athletic commission shall become known as the state boxing commission.
2 The commission shall consist of three persons appointed by the governor, no more than two of whom shall belong to the same political party, and no two of whom shall be residents of the same county at the same time, and who shall serve without pay.
3 The present members and terms of the members of the state athletic commission shall continue as the state boxing commission. At the expiration of the term of each member, his successor shall be appointed by the governor for a term of four years. In the event of a vacancy in said board said vacancy shall likewise be filled by appointment by the governor and the governor shall likewise have the power to remove any
commissioner at his pleasure. Any two members of the com-
mission shall constitute a quorum for the exercise of the power
or authority conferred upon it. The members of the commission
shall at the first meeting after their appointment elect one
of their number chairman of the commission, and another
of their number secretary of the commission, shall adopt a
seal for the commission, and shall make such rules for the
administration of their office, not inconsistent herewith, as
they may deem expedient: and they may hereafter amend
or abrogate such rules. The concurrence of at least two com-
missioners shall be necessary to render a choice or decision
of the commission.

§29-5A-2. Power and duties of secretary; penalty for false swear-
ing, etc.; biennial reports of commission.

The office of the commission may be changed at pleasure
by the said commission. The commission may designate as
its official headquarters the residence or place of business of
any one of its members. It shall be the duty of the secretary
to keep a full and true record of all proceedings of said
commission, to preserve all its books, documents and papers,
to prepare for service such notices and other papers as
may be required of him by the commission, and to perform
such other duties as the commission may prescribe; and he
may at the direction of the commission issue subpoenas for
the attendance of witnesses before the commission with the
same effect as if they were issued in an action in any circuit
court of the state, and may administer oaths in all matters
pertaining to the duties of his office or connected with the
administration of the affairs of the commission. The sub-
poenas shall be on forms subscribed by the commission and
served by the sheriff's department of the county in which
the individual being subpoenaed resides. Such subpoenas
shall be signed by at least two members. Disobedience of
such subpoena and false swearing before such secretary shall
be attended by the same consequences and be subject to the
same penalties as if such disobedience or false swearing
occurred in an action in any circuit court of the state. The
commission shall make to the Legislature biennial reports of
their proceedings for the two years ending with the last day
of the preceding December, and may submit with such report, such recommendations pertaining to its affairs, as to it shall deem advisable.

§29-5A-3. Commission to have sole control of boxing, etc., matches; licenses; municipality not to tax boxing, etc., club.

The commission shall have and hereby is vested with the sole direction, management and control of the jurisdiction over all boxing, sparring matches and exhibitions or any form thereof, to be conducted, held or given with the state by any club, individual, corporation or association; and no boxing, sparring or exhibition shall be conducted, held or given within the state except pursuant to its authority and held in accordance with this article. The commission may, in its discretion, issue and at its pleasure, revoke the license to conduct, hold, or give boxing or sparring or exhibitions to any club, corporation, association, or individual. Every license shall be subject to such rules and regulations and amendments thereto as the commission may prescribe. Every application for a license, as herein provided for, shall be on a blank form provided by the commission. No promoters license shall be granted to any club, corporation, association, or individual, unless the signer of the application be a bona fide resident of the state of West Virginia. Upon application of such promoters license, the promoter shall pay a state license fee of one hundred twenty-five dollars for one year. Such fee shall be in the form of a certified check or money order and shall be issued to the treasurer of the state of West Virginia to be deposited to the general fund. Should such license not be granted, the treasurer shall refund the full amount. Nonprofit chartered and charitable organizations shall be exempt from this license fee for all amateur events. No municipal corporation shall impose any license tax on such boxing, sparring or exhibitions clubs, notwithstanding the provisions of any section of the code respecting municipal taxes and licenses. The granting of such license to such club by the commission, or the holding of such license by such club, individual, corporation, or association, shall not prevent the commission from canceling or revoking the license to conduct such an event, as hereinbefore provided.
§29-5A-4. Licenses to be in lieu of all other licenses.

The licenses herein imposed shall be in lieu of all other license, or license taxes of the state of West Virginia, and no county, city, town or other municipality or other political subdivision of the state of West Virginia shall be empowered to levy or impose any license, or license tax on any such person engaged in the business of conducting boxing or sparring matches and exhibitions under the jurisdiction of and being licensed by the commission.

§29-5A-5. Expense of commission.

On or before December thirty-one of each year, the secretary of the commission shall present to the governor projected expenses for the following year. Such projections shall include all expenses of the commission and its official headquarters. Necessary expenses incurred by the commission shall be submitted on a standard expense form to the treasurer of the state of West Virginia to be paid from the general fund. Such expenses shall not exceed five thousand five hundred dollars per year.

§29-5A-6. Payment of official in charge.

The deputy, inspector or official designated by the commission to be in charge of a boxing event shall be paid by the promoter at a rate of twenty-five dollars for each weigh-in ceremony and twenty-five dollars for each day of bouts. If a weigh-in occurs within three hours before the boxing bouts are scheduled to begin, he will be paid only twenty-five dollars once for that particular night or day’s events.

§29-5A-7. Interference with or restraining of professional boxing or exhibitions.

No person or persons, club, organization or corporation, shall, except in accordance with law, interfere with or restrain, or attempt to interfere with or restrain, by any act, threat or otherwise, either within or without this state, the putting on or the conduct of any professional boxing match or exhibition of this state.
§29-5A-8. Issuance of license; qualification of licenses; application of other provisions of chapter; hearings.

The commission, at its discretion, may issue a license to promote, conduct or hold boxing, sparring matches and exhibitions to any person, corporation, association, club or organization eligible for a license under this chapter.

Before being granted a license, or the renewal of such license the applicant must establish to the satisfaction of the commission that he:

(a) Is skilled, or has knowledge, in the profession of boxing;
(b) Is of good moral character;
(c) Is physically fit and mentally sound;
(d) Will conduct his business in the best interest and welfare of the public, preserving the safety and health of participants and the best interests of professional boxing generally;
(e) Will adhere to and comply with all the rules and regulations of the commission pertaining to such license.

In the case of a corporate applicant, these factors shall pertain to its officers, directors, principal stockholders and employees.

Every license and licensee shall be subject to such rules and regulations, and amendments thereof, as the commission may prescribe.

§29-5A-9. Sanction or permit from commission.

No boxing, sparring or exhibitions shall be conducted by any individual, club, organization or corporation having a license to conduct any such exhibitions in this state except by a sanction or permit from the commission.

§29-5A-10. Sanction of comission and reports, etc., for showing of telecasts of boxing, sparring, etc.

Every club, corporation or association holding, showing or exhibiting a simultaneous telecast of any live, current or spontaneous boxing, sparring or exhibition or performance on a closed circuit telecast or subscription television viewed within
this state, whether originating in this state or another state and
for which an admission charge is made shall obtain a permit
from the commission, and shall within twenty-four hours after
the termination of such showing, furnish the commission a
written report, duly verified by one of its officers showing the
number of tickets sold for such showing and the amount of the
gross proceeds thereof, and such other matters as the com-
mission may prescribe.


No intoxicating liquor shall be given away, sold or offered
for sale in any building or part thereof, in which boxing or
sparring exhibitions are being conducted.

§29-5A-12. Length of rounds; weight of gloves; no contest on Sunday.

No boxing or sparring match or exhibition shall be more
than fifteen rounds of three minutes each in length with
intermission of one minute each between rounds; and the
contestants shall wear, during such contests, gloves weighing
at least ten ounces.

§29-5A-13. Cancellation of license for fake boxing, etc., exhibition; penalty for participating in such exhibition.

Any club, corporation, association, or individual which may
conduct, hold or give or participate in any sham or fake box-
ing, sparring or exhibition shall thereby forfeit its license
issued in accordance with the provisions of this article, which
shall thereupon be, by the commission, canceled and de-
clared void; and it shall not be entitled to receive another
such license or any license pursuant to the provisions of
this article, nor shall any license thereafter be granted to any
club, corporation, association or individual, including among
its members, directors, partners or stockholders, any mem-
ber, director, partner or stockholder of the club, corpora-
tion, association, or individual whose license has been so
forfeited. Any contestant who shall participate in any sham
or fake boxing, sparring or exhibition, and any other person
whatoever who shall in any manner be connected with the
arranging, planning, holding, conducting or giving of any
such sham or fake boxing, sparring or exhibition shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than five hundred dollars, nor more than one thousand dollars, or be confined in jail for a period of not less than six months, nor more than one year or both; and any contestant so participating shall be further totally disqualified from further admission or participation in any boxing or sparring held or given by any club, corporation, association or individual duly licensed for said purpose.

§29-5A-14. Suspension, revocation, etc., of license.

The commission shall have the additional authority and power to suspend, revoke or place on probation the license of any licensee licensed under this chapter, who in the discretion of the commission:

(a) Is guilty of failure to obey any lawful order of the commission, the secretary or any inspector thereof;

(b) Is guilty of gross immorality;

(c) Is unfit or incompetent by reason of negligence;

(d) Is guilty of violating any provision of this chapter or rules and regulations of the commission;

(e) Has committed fraud or deceit in securing a license for himself or another;

(f) Has been convicted of a felony or misdemeanor involving moral turpitude in any jurisdiction within one year preceding the suspension or revocation and such conviction not previously reported to the commission by said licensee;

(g) Is an habitual drunkard or addicted to the use of narcotics;

(h) Is or has become mentally incompetent;

(i) Is or has been guilty of unprofessional or unethical conduct, or such conduct as to require a suspension or revocation of license in the interest of the public;

(j) Has failed to furnish the proper party a copy of any contract or statement required by this chapter or the
rules and regulations promulgated hereunder, or has breached such a contract;

(k) Has loaned or permitted another person to use his license, or has borrowed or used the license of another;

(1) Has failed to maintain in force the bond required by this chapter;

(m) Has by act or ommision conducted himself in a manner which would tend to be detrimental to the best interests of boxing generally, or to the public interest and general welfare;

(n) Has been disciplined in any manner by the boxing commission or similar agency or body of any jurisdiction;

(o) Has failed to pay a fine or forfeiture imposed by this chapter;

(p) Has, either within or without this state, by any act, threat, statement or otherwise, restrained, hindered, interfered with or prevented another promoter, club, association or booking agent, or has attempted, either within or without this state, in any such manner to restrain, hinder, interfere with or prevent another promoter, club, association or booking agent from presenting any boxing match or exhibition within or without the state of West Virginia;

(q) Has, either within or without this state, engaged, directly or indirectly, in restraints or monopolies or taken any action tending to create or establish restraints or monopolies or conspired with others to restrain any person or persons from participating or competing in any boxing match or exhibition for any promoter, club, association or booking agent.

§29-5A-15. Reports by clubs to commission; bonds of applicants for license.

Every club, corporation, association, or individual which may hold or exercise any of the privileges conferred by this article, shall within twenty-four hours after the determination of any contest, furnish to the commission a written report, duly verified by one of its officers, showing the number of tickets sold for such contest and the amount of the gross proceeds
thereof, and such other matters as the commission may prescribe. Before any license shall be granted to any club, corporation, association, or individual to conduct, hold or give any boxing, sparring or exhibition, such applicant therefor shall execute and file with the commission a surety bond in the sum of which shall be at the discretion of said commission, to be approved as to form and the sufficiency of the security thereon by the said commission. Such bond shall cover all purses, awards and payments to be paid by the promoter.

§29-5A-16. Presence of members of commission or inspector at exhibitions and matches.

Each member of the commission shall have the privilege of being present at all exhibitions and matches without charge therefor, and shall, when present, see that the rules are strictly observed, and may be present at the counting of the gross receipts; and in the event that no member of the commission can be present, the commission may appoint an inspector to be present representing said commission, which inspector shall have the same privilege hereby conferred upon a member of the commission; and said inspector shall immediately mail to the commission the official box office statement received by him from the officers of the club.

§29-5A-17. Referee and judges; appointment by commission; powers, payment.

The chief official of the boxing match or exhibition shall be the referee. The referee and judges shall be appointed by the commission, and shall receive from the commission a card authorizing them to act as such, and no club shall employ or permit anyone to act as referee except one holding such card of authorization from the commission. The referee shall have general supervision and control over the match or exhibition and shall be paid by the promoter twenty-five dollars for each day or night's services. The referee shall be limited to refereeing a maximum of thirty rounds per day or night unless special consent is given by the commission.
§29-5A-18. Examination of contestants by physician; presence at contest; report to commission.

In any boxing or exhibition match, each contestant must be examined by a qualified physician prior to entering the ring. The physician shall certify in writing over his signature, as to contestant's physical condition to engage in such contest. Qualified technicians may assist the physician in the examinations, and a physician shall be in attendance during any boxing bouts prepared to deal with any emergency which may arise. But in the event that said physician is convinced of the unfitness of either of the contestants to enter the contest, he shall at once certify such opinion to the club, corporation, association, or individual under whose management the contest is conducted, and it shall thereupon be unlawful for said club, corporation, association, or individual to proceed with such. Whenever a participant, in the opinion of the physician, is unable to continue in a boxing match, the physician may stop the bout.


No boxer shall be permitted to contest against an opponent ten pounds heavier than himself when the weight of either contestant is less than one hundred fifty pounds.

§29-5A-20. Licenses for contestants, referees and managers.

No professional contestant, referee, or professional manager shall be permitted to take part in any boxing contest or exhibition unless holding a license from the state, said license to be issued by the commission upon payment of five dollars a year for contestants and referees and three dollars a year for a manager. Such fees shall accompany the application and shall be in the form of certified check or money order and shall be issued to the treasurer of the state of West Virginia to be deposited to the general fund. Should such license not be granted, the treasurer shall refund the full amount.


Any person who shall engage in boxing contest with another person for money or other such things of value, or for any championship, when an admission fee is charged, either directly
or indirectly in this state, except when such contest is held in
compliance with this article, shall be deemed guilty of a mis-
demeanor and upon conviction thereof shall be fined not less
than fifty dollars, and not more than five hundred dollars.

§29-SA-22. penalty for violation not expressly provided for.

If any person shall violate any provision of this article, for
which violation a penalty is not here expressly provided, he
shall be guilty of a misdemeanor, and upon conviction thereof,
shall be fined not less than fifty dollars, nor more than five
hundred dollars.

§29-SA-23. Injunctive relief for violation of chapter.

In the event of violation of any provision of this chapter,
in addition to any other remedy, the commission may apply to
any court of record in the state of West Virginia for relief
without being compelled to allege or prove that any adequate
remedy at law does not exist.

§29-SA-24. Rules and regulations governing contestants and
matches.

The commission is empowered to prescribe and promulgate
such rules and regulations as it may deem desirable, not in
conflict with this chapter, governing boxers and boxing con-
tests, matches and exhibitions.

§29-SA-25. Special permits to American Legion and other organi-
zations.

Nothing in this article contained shall be construed to render
unlawful boxing, sparring or exhibition contests for any
charitable purpose, the American Legion, National Guard,
Veterans of Foreign Wars, or other charitable organizations, but
a permit shall be obtained from the commisison. No charge
shall be made for such permit.


If any section, clause, provision or portion of this article
shall be held to be invalid or unconstitutional by any court of
competent jurisdiction, such holding shall not affect any other
section, clause or provision of this article which is not and
of itself unconstitutional.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chwayne E. Chambers
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J. Coleman, Jr.
Clerk of the Senate

C. A. Lankford
Clerk of the House of Delegates

W. B. Botts
President of the Senate

Lewis F. M. Mann
Speaker House of Delegates

The within approved this the 27th day of March, 1976.

Robert E. Hughes
Governor
PRESENTED TO THE GOVERNOR

Date 3/23/76
Time 3:10 p.m.