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OFFICE OF
SECRETARY OF STATE
MARTINSBURG, WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976



ENROLLED

HOUSE BILL No. 1479

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



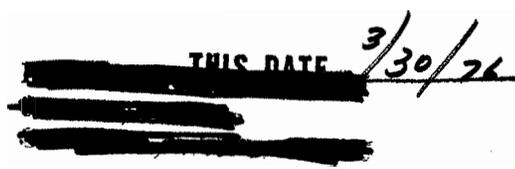
PASSED March 12, 1976

In Effect ninety days from



**FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA**

THIS DATE 3/30/76



ENROLLED

H. B. 1479

(By MR. SPEAKER, MR. MCMANUS, and MR. SEIBERT)

[Passed March 12, 1976; in effect ninety days from passage.]

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
2 nine hundred thirty-one and known as the state athletic com-
3 mission shall become known as the state boxing commission.
4 The commission shall consist of three persons appointed by the
5 governor, no more than two of whom shall belong to the same
6 political party, and no two of whom shall be residents of the
7 same county at the same time, and who shall serve without pay.
8 The present members and terms of the members of the state
9 athletic commission shall continue as the state boxing com-
10 mission. At the expiration of the term of each member, his
11 successor shall be appointed by the governor for a term of
12 four years. In the event of a vacancy in said board said
13 vacancy shall likewise be filled by appointment by the governor
14 and the governor shall likewise have the power to remove any

15 commissioner at his pleasure. Any two members of the com-
16 mission shall constitute a quorum for the exercise of the power
17 or authority conferred upon it. The members of the commission
18 shall at the first meeting after their appointment elect one
19 of their number chairman of the commission, and another
20 of their number secretary of the commission, shall adopt a
21 seal for the commission, and shall make such rules for the
22 administration of their office, not inconsistent herewith, as
23 they may deem expedient; and they may hereafter amend
24 or abrogate such rules. The concurrence of at least two com-
25 missioners shall be necessary to render a choice or decision
26 of the commission.

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

1 The office of the commission may be changed at pleasure
2 by the said commission. The commission may designate as
3 its official headquarters the residence or place of business of
4 any one of its members. It shall be the duty of the secretary
5 to keep a full and true record of all proceedings of said
6 commission, to preserve all its books, documents and papers,
7 to prepare for service such notices and other papers as
8 may be required of him by the commission, and to perform
9 such other duties as the commission may prescribe; and he
10 may at the direction of the commission issue subpoenas for
11 the attendance of witnesses before the commission with the
12 same effect as if they were issued in an action in any circuit
13 court of the state, and may administer oaths in all matters
14 pertaining to the duties of his office or connected with the
15 administration of the affairs of the commission. The sub-
16 poenas shall be on forms subscribed by the commission and
17 served by the sheriff's department of the county in which
18 the individual being subpoenaed resides. Such subpoenas
19 shall be signed by at least two members. Disobedience of
20 such subpoena and false swearing before such secretary shall
21 be attended by the same consequences and be subject to the
22 same penalties as if such disobedience or false swearing
23 occurred in an action in any circuit court of the state. The
24 commission shall make to the Legislature biennial reports of
25 their proceedings for the two years ending with the last day

26 of the preceding December, and may submit with such report,
27 such recommendations pertaining to its affairs, as to it shall
28 deem advisable.

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

1 The commission shall have and hereby is vested with the
2 sole direction, management and control of the jurisdiction
3 over all boxing, sparring matches and exhibitions or any
4 form thereof, to be conducted, held or given with the state
5 by any club, individual, corporation or association; and no
6 boxing, sparring or exhibition shall be conducted, held or
7 given within the state except pursuant to its authority and
8 held in accordance with this article. The commission may,
9 in its discretion, issue and at its pleasure, revoke the license
10 to conduct, hold, or give boxing or sparring or exhibitions
11 to any club, corporation, association, or individual. Every
12 license shall be subject to such rules and regulations and
13 amendments thereto as the commission may prescribe. Every
14 application for a license, as herein provided for, shall be on
15 a blank form provided by the commission. No promoters
16 license shall be granted to any club, corporation, association,
17 or individual, unless the signer of the application be a bona
18 fide resident of the state of West Virginia. Upon application
19 of such promoters license, the promoter shall pay a state
20 license fee of one hundred twenty-five dollars for one year.
21 Such fee shall be in the form of a certified check or money
22 order and shall be issued to the treasurer of the state of
23 West Virginia to be deposited to the general fund. Should
24 such license not be granted, the treasurer shall refund the
25 full amount. Nonprofit chartered and charitable organizations
26 shall be exempt from this license fee for all amateur events.
27 No municipal corporation shall impose any license tax on
28 such boxing, sparring or exhibitions clubs, notwithstanding
29 the provisions of any section of the code respecting municipal
30 taxes and licenses. The granting of such license to such club
31 by the commission, or the holding of such license by such
32 club, individual, corporation, or association, shall not prevent
33 the commission from canceling or revoking the license to
34 conduct such an event, as hereinbefore provided.

§29-5A-4. Licenses to be in lieu of all other licenses.

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

§29-5A-5. Expense of commission.

1 On or before December thirty-one of each year, the secre-
2 tary of the commission shall present to the governor pro-
3 jected expenses for the following year. Such projections shall
4 include all expenses of the commission and its official head-
5 quarters. Necessary expenses incurred by the commission shall
6 be submitted on a standard expense form to the treasurer of
7 the state of West Virginia to be paid from the general fund.
8 Such expenses shall not exceed five thousand five hundred
9 dollars per year.

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

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

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

1 No person or persons, club, organization or corporation,
2 shall, except in accordance with law, interfere with or re-
3 strain, or attempt to interfere with or restrain, by any act,
4 threat or otherwise, either within or without this state, the
5 putting on or the conduct of any professional boxing match
6 or exhibition of this state.

§29-5A-8. Issuance of license; qualification of licenses; application of other provisions of chapter; hearings.

1 The commission, at its discretion, may issue a license to
2 promote, conduct or hold boxing, sparring matches and exhi-
3 bitions to any person, corporation, association, club or or-
4 ganization eligible for a license under this chapter.

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

8 (a) Is skilled, or has knowledge, in the profession of boxing;

9 (b) Is of good moral character;

10 (c) Is physically fit and mentally sound;

11 (d) Will conduct his business in the best interest and wel-
12 fare of the public, preserving the safety and health of partici-
13 pants and the best interests of professional boxing generally;

14 (e) Will adhere to and comply with all the rules and regula-
15 tions of the commission pertaining to such license.

16 In the case of a corporate applicant, these factors shall per-
17 tain to its officers, directors, principal stockholders and em-
18 ployees.

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

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

1 No boxing, sparring or exhibitions shall be conducted by
2 any individual, club, organization or corporation having a
3 license to conduct any such exhibitions in this state except
4 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.

1 Every club, corporation or association holding, showing or
2 exhibiting a simultaneous telecast of any live, current or
3 spontaneous boxing, sparring or exhibition or performance on a
4 closed circuit telecast or subscription television viewed within

5 this state, whether originating in this state or another state and
6 for which an admission charge is made shall obtain a permit
7 from the commission, and shall within twenty-four hours after
8 the termination of such showing, furnish the commission a
9 written report, duly verified by one of its officers showing the
10 number of tickets sold for such showing and the amount of the
11 gross proceeds thereof, and such other matters as the com-
12 mission may prescribe.

§29-5A-11. Intoxicating liquor.

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

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

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

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

1 Any club, corporation, association, or individual which may
2 conduct, hold or give or participate in any sham or fake box-
3 ing, sparring or exhibition shall thereby forfeit its license
4 issued in accordance with the provisions of this article, which
5 shall thereupon be, by the commission, canceled and de-
6 clared void; and it shall not be entitled to receive another
7 such license or any license pursuant to the provisions of
8 this article, nor shall any license thereafter be granted to any
9 club, corporation, association or individual, including among
10 its members, directors, partners or stockholders, any mem-
11 ber, director, partner or stockholder of the club, corpora-
12 tion, association, or individual whose license has been so
13 forfeited. Any contestant who shall participate in any sham
14 or fake boxing, sparring or exhibition, and any other person
15 whatsoever who shall in any manner be connected with the
16 arranging, planning, holding, conducting or giving of any

17 such sham or fake boxing, sparring or exhibition shall be
18 guilty of a misdemeanor, and shall, upon conviction thereof, be
19 fined not less than five hundred dollars, nor more than one
20 thousand dollars, or be confined in jail for a period of not
21 less than six months, nor more than one year or both;
22 and any contestant so participating shall be further totally
23 disqualified from further admission or participation in any
24 boxing or sparring held or given by any club, corporation,
25 association or individual duly licensed for said purpose.

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

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

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

7 (b) Is guilty of gross immorality;

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

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

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

13 (f) Has been convicted of a felony or misdemeanor in-
14 volving moral turpitude in any jurisdiction within one
15 year preceding the suspension or revocation and such con-
16 viction not previously reported to the commission by said
17 licensee;

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

20 (h) Is or has become mentally incompetent;

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

24 (j) Has failed to furnish the proper party a copy of
25 any contract or statement required by this chapter or the

26 rules and regulations promulgated hereunder, or has breached
27 such a contract;

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

31 (l) Has failed to maintain in force the bond required by
32 this chapter;

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

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

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

40 (p) Has, either within or without this state, by any act,
41 threat, statement or otherwise, restrained, hindered, inter-
42 fered with or prevented another promoter, club, association
43 or booking agent, or has attempted, either within or without
44 this state, in any such manner to restrain, hinder, interfere
45 with or prevent another promoter, club, association or booking
46 agent from presenting any boxing match or exhibition within
47 or without the state of West Virginia;

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

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

1 Every club, corporation, association, or individual which
2 may hold or exercise any of the privileges conferred by this
3 article, shall within twenty-four hours after the determination
4 of any contest, furnish to the commission a written report, duly
5 verified by one of its officers, showing the number of tickets
6 sold for such contest and the amount of the gross proceeds

7 thereof, and such other matters as the commission may pre-
8 scribe. Before any license shall be granted to any club, cor-
9 poration, association, or individual to conduct, hold or give
10 any boxing, sparring or exhibition, such applicant therefor
11 shall execute and file with the commission a surety bond in the
12 sum of which shall be at the discretion of said commission, to
13 be approved as to form and the sufficiency of the security
14 thereon by the said commission. Such bond shall cover all
15 purses, awards and payments to be paid by the promoter.

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

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

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

1 The chief official of the boxing match or exhibition shall
2 be the referee. The referee and judges shall be appointed by
3 the commission, and shall receive from the commission a
4 card authorizing them to act as such, and no club shall
5 employ or permit anyone to act as referee except one holding
6 such card of authorization from the commission. The referee
7 shall have general supervision and control over the match
8 or exhibition and shall be paid by the promoter twenty-five
9 dollars for each day or night's services. The referee shall
10 be limited to refereeing a maximum of thirty rounds per day
11 or night unless special consent is given by the commission.

§29-5A-18. Examination of contestants by physician; presence at contest; report to commission.

1 In any boxing or exhibition match, each contestant must be
2 examined by a qualified physician prior to entering the ring.
3 The physician shall certify in writing over his signature, as
4 to contestant's physical condition to engage in such contest.
5 Qualified technicians may assist the physician in the exami-
6 nations, and a physician shall be in attendance during any
7 boxing bouts prepared to deal with any emergency which
8 may arise. But in the event that said physician is convinced
9 of the unfitness of either of the contestants to enter the
10 contest, he shall at once certify such opinion to the club,
11 corporation, association, or individual under whose manage-
12 ment the contest is conducted, and it shall thereupon be
13 unlawful for said club, corporation, association, or individual
14 to proceed with such. Whenever a participant, in the
15 opinion of the physician, is unable to continue in a boxing
16 match, the physician may stop the bout.

§29-5A-19. Weight of boxers.

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

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

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

§29-5A-21. Penalty for engaging in unlawful contest.

1 Any person who shall engage in boxing contest with another
2 person for money or other such things of value, or for any
3 championship, when an admission fee is charged, either directly

4 or indirectly in this state, except when such contest is held in
5 compliance with this article, shall be deemed guilty of a mis-
6 demeanor and upon conviction thereof shall be fined not less
7 than fifty dollars, and not more than five hundred dollars.

§29-5A-22. Penalty for violation not expressly provided for.

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

§29-5A-23. Injunctive relief for violation of chapter.

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

§29-5A-24. Rules and regulations governing contestants and matches.

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

§29-5A-25. Special permits to American Legion and other organizations.

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

§29-5A-26. Severability.

1 If any section, clause, provision or portion of this article
2 shall be held to be invalid or unconstitutional by any court of
3 competent jurisdiction, such holding shall not affect any other
4 section, clause or provision of this article which is not and
5 of itself unconstitutional.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Christman
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Dillon, Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. B. Brantley
President of the Senate

Lewis N. McManus
Speaker House of Delegates

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

Arch A. Moore, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/23/76

Time 3:10 p.m.