

710: 1394

APPROVED AND SIGNED BY THE GOVERNOR

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Date 3-16-83

OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

Com. Sub. for
HOUSE BILL No. 1394

(By Mr. Allbright)



Passed March 7, 1983

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1394

(By MR. ALBRIGHT)

[Passed March 7, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, three, four, seven, eight, nine, twenty and twenty-four, article five-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section twenty-five-a, all relating to renaming the state boxing commission as the state athletic commission; requiring the commission to follow the current United States amateur boxing authority rules and requirements in the sanctioning of amateur boxing events; requiring the commission to promulgate different sets of rules for specified boxing events; and exempting amateur wrestling and boxing events conducted by universities, colleges and high schools from the jurisdiction of the commission.

Be it enacted by the Legislature of West Virginia:

That sections one, three, four, seven, eight, nine, twenty and twenty-four, article five-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section twenty-five-a, all to read as follows:

ARTICLE 5A. STATE ATHLETIC COMMISSION.

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

1 The state boxing commission, heretofore created, is hereby
2 continued and renamed the state athletic commission. The com-
3 mission shall consist of three persons appointed by the gover-
4 nor, by and with the consent of the Senate, no more than two
5 of whom shall belong to the same political party and no two
6 of whom shall be residents of the same county at the same time.
7 The members shall serve without pay. The present members
8 and terms of the members of the state boxing commission shall
9 continue as the state athletic commission. At the expiration
10 of the term of each member, his successor shall be appointed
11 by the governor for a term of four years. In the event of a
12 vacancy in said board, said vacancy shall likewise be filled by
13 appointment by the governor and the governor shall likewise
14 have the power to remove any commissioner at his pleasure.
15 Any two members of the commission shall constitute a quorum
16 for the exercise of the power or authority conferred upon it.
17 The members of the commission shall at the first meeting
18 after their appointment elect one of their number chairman of
19 the commission, and another of their number secretary of the
20 commission, shall adopt a seal for the commission, and shall
21 make such rules for the administration of their office, not in-
22 consistent herewith, as they may deem expedient; and they
23 may hereafter amend or abrogate such rules. The concurrence
24 of at least two commissioners shall be necessary to render a
25 choice or decision of the commission.

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

1 (a) The commission shall have and hereby is vested with
2 the sole direction, management and control of the jurisdiction
3 over all amateur and professional boxing, sparring matches
4 and exhibitions, or any form thereof, to be conducted, held or
5 given within the state by any club, individual, corporation or
6 association; and no boxing, sparring or exhibition shall be con-
7 ducted, held or given within the state except pursuant to its
8 authority and held in accordance with this article. The com-

9 mission may, in its discretion, issue and, at its pleasure, revoke
10 the license to conduct, hold or give boxing or sparring matches
11 or exhibitions to any club, corporation, association or indi-
12 vidual. Every license shall be subject to such rules and regu-
13 lations and amendments thereto as the commission may pre-
14 scribe. Every application for a license, as herein provided for,
15 shall be on a blank form provided by the commission. No pro-
16 moter's license shall be granted to any club, corporation, asso-
17 ciation or individual, unless the signer of the application be a
18 bona fide resident of the state of West Virginia. Upon appli-
19 cation of such promoter's license, the promoter shall pay a
20 state license fee of one hundred twenty-five dollars for one
21 year. Such fee shall be in the form of a certified check or
22 money order and shall be issued to the treasurer of the state
23 of West Virginia to be deposited in the general fund. Should
24 such license not be granted, the treasurer shall refund the full
25 amount. Nonprofit chartered and charitable organizations shall
26 be exempt from this license fee for all amateur events. No
27 municipal corporation shall impose any license tax on such
28 boxing, sparring or exhibition clubs, notwithstanding the pro-
29 visions of any section of the code respecting municipal taxes
30 and licenses. The granting of such license to such club by the
31 commission, or the holding of such license by such club, indi-
32 vidual, corporation or association, shall not prevent the com-
33 mission from canceling or revoking the license to conduct such
34 an event, as hereinbefore provided.

35 (b) In exercising its jurisdiction over amateur boxing, sparr-
36 ing matches and exhibitions, the commission shall follow the
37 current United States boxing authority rules and requirements
38 to enable the proper sanctioning of all participants, referees,
39 judges and matches or exhibitions conducted under the rules
40 described in subdivision (1), subsection (c), section twenty-four
41 of this article and shall cooperate fully with said boxing author-
42 ity in order that said sanctioning be extended to state boxers.

§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 licenses or license taxes of the state of West Virginia, and no
3 county, city, town or other municipality or other political sub-
4 division of the state of West Virginia shall be empowered to levy

5 or impose any license or license tax on any such person engaged
6 in the business of conducting boxing or sparring matches and
7 exhibitions under the jurisdiction of and being licensed by the
8 commission.

**§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 conducting of any professional boxing
6 match or exhibition of this state.

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

1 The commission, at its discretion, may issue a license to
2 promote, conduct or hold professional boxing, sparring matches
3 and exhibitions to any person, corporation, association, club or
4 organization 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
9 boxing;

10 (b) Is of good moral character;

11 (c) Is physically fit and mentally sound;

12 (d) Will conduct his business in the best interest and
13 welfare of the public, preserving the safety and health of
14 participants and the best interests of professional boxing
15 generally;

16 (e) Will adhere to and comply with all the rules and regu-
17 lations of the commission pertaining to such license.

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

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

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

1 No boxing, sparring matches or exhibitions shall be con-
2 ducted by any individual, club, organization or corporation
3 having a license to conduct any such exhibitions in this state
4 except by a sanction or permit from the commission.

§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 exhibi-
3 tion unless holding a license from the state, said license to be
4 issued by the commission upon payment of five dollars a year
5 for contestants and referees and three dollars a year for a man-
6 ager. Such fees shall accompany the application and shall be
7 in the form of a certified check or money order and shall be
8 issued to the treasurer of the state of West Virginia to be de-
9 posited in the general fund. Should such license not be granted,
10 the treasurer shall refund the full amount.

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

1 (a) The commission shall promulgate its rules in com-
2 pliance with the provisions of article three of chapter twenty-
3 nine-a of this code.

4 (b) The commission shall promulgate such rules as it deter-
5 mines to be necessary to regulate professional boxers, pro-
6 fessional boxing matches and exhibitions.

7 (c) The commission shall promulgate separate rules for
8 amateur boxers and amateur boxing, sparring matches and
9 exhibitions as follows:

10 (1) Rules which comply with the requirements of the rules
11 of the current United States amateur boxing authority to the
12 extent that any boxer complying with them will be eligible to
13 participate in any state, national or international boxing match
14 sanctioned by the current United States amateur boxing
15 authority or the international amateur boxing association.

16 (2) Rules which may differ from the rules of the current
17 United States amateur boxing authority but which ade-
18 quately guarantee the safety of the participants and the fair
19 and honest conducting of the matches or exhibitions. As a part
20 of these rules, the commission shall include a requirement that
21 all boxers participating in matches or exhibitions conducted
22 under these rules be informed prior to such participation that
23 such participation will disqualify them from participating in
24 state, national or international matches and exhibitions sanc-
25 tioned by the current United States amateur boxing authority
26 or the international amateur boxing association.

§29-5A-25a. Certain amateur matches exempt.

1 The provisions of this article do not apply to amateur
2 wrestling, amateur boxing, or amateur sparring matches or
3 exhibitions conducted by any university, college or high school.

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

James L. Davis

Chairman Senate Committee

Amel Brewer

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

John C. Wick

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Waverly R. Upshaw

President of the Senate

Walter H. See, Jr.

Speaker House of Delegates

The within *is approved* this the *16*
day of *March*, 1983.

John A. Relyea
Governor

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SECY.