WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Com. Sub. for
HOUSE BILL No. 1394

(By Mr. Albright)

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.

The state boxing commission, heretofore created, is hereby continued and renamed the state athletic commission. The commission shall consist of three persons appointed by the governor, by and with the consent of the Senate, 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. The members shall serve without pay. The present members and terms of the members of the state boxing commission shall continue as the state athletic 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 commission 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 commissioners shall be necessary to render a 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.

(a) The commission shall have and hereby is vested with the sole direction, management and control of the jurisdiction over all amateur and professional boxing, sparring matches and exhibitions, or any form thereof, to be conducted, held or given within 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 com-
mission may, in its discretion, issue and, at its pleasure, revoke
the license to conduct, hold or give boxing or sparring matches
or exhibitions to any club, corporation, association or individ-
ual. Every license shall be subject to such rules and regu-
lations and amendments thereto as the commission may pre-
scribe. Every application for a license, as herein provided for,
shall be on a blank form provided by the commission. No pro-
moter’s license shall be granted to any club, corporation, asso-
ciation or individual, unless the signer of the application be a
bona fide resident of the state of West Virginia. Upon appli-
cation of such promoter’s 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 in 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 exhibition clubs, notwithstanding the pro-
visions 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, indi-
vidual, corporation or association, shall not prevent the com-
mision from canceling or revoking the license to conduct such
an event, as hereinafore provided.

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

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

The licenses herein imposed shall be in lieu of all other
licenses or license taxes of the state of West Virginia, and no
county, city, town or other municipality or other political sub-
division 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-SA-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 conducting of any professional boxing match or exhibition of this state.

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

The commission, at its discretion, may issue a license to promote, conduct or hold professional 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 matches 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-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 a certified check or money order and shall be issued to the treasurer of the state of West Virginia to be deposited in the general fund. Should such license not be granted, the treasurer shall refund the full amount.


(a) The commission shall promulgate its rules in compliance with the provisions of article three of chapter twenty-nine-a of this code.

(b) The commission shall promulgate such rules as it determines to be necessary to regulate professional boxers, professional boxing matches and exhibitions.

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

(1) Rules which comply with the requirements of the rules of the current United States amateur boxing authority to the extent that any boxer complying with them will be eligible to participate in any state, national or international boxing match sanctioned by the current United States amateur boxing authority or the international amateur boxing association.
(2) Rules which may differ from the rules of the current United States amateur boxing authority but which adequately guarantee the safety of the participants and the fair and honest conducting of the matches or exhibitions. As a part of these rules, the commission shall include a requirement that all boxers participating in matches or exhibitions conducted under these rules be informed prior to such participation that such participation will disqualify them from participating in state, national or international matches and exhibitions sanctioned by the current United States amateur boxing authority or the international amateur boxing association.


The provisions of this article do not apply to amateur wrestling, amateur boxing, or amateur sparring matches or 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

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jane C. Wise
Clerk of the Senate

Donald L. Vogt
Clerk of the House of Delegates

Wanda R. Mathews
President of the Senate

John W. S. Lee, Jr.
Speaker House of Delegates

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

John R. Dwyer
Governor