WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2562

(By Delegates Morgan, Stephens, Hartman, Manypenny, Martin, Staggers, Swartzmiller, Talbott and Azinger)

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Passed March 12, 2011

In Effect Ninety Days From Passage
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COMMITTEE SUBSTITUTE

FOR

H. B. 2562

(BY DELEGATES MORGAN, STEPHENS, HARTMAN, MANYPENNY, MARTIN, STAGGERS, SWARTZMILLER, TALBOTT AND AZINGER)

[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-5A-3a, relating to the State Athletic Commission; authorizing the commission to regulate mixed martial arts; providing for use of the unified rules of mixed martial arts; stating powers of the commission; defining terms; creating licensing requirements; providing for rule-making authority; and prohibiting municipalities from imposing a license tax on mixed martial arts clubs.

Be it enacted by the Legislature of West Virginia:
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That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §29-5A-3a, to read as follows:

ARTICLE 5A. STATE ATHLETIC COMMISSION.

§29-5A-3a. Power to regulate mixed martial arts.

(a) The commission has sole power, direction, management and control over all professional mixed martial arts contests, matches and exhibitions, or any form thereof, to be promoted, conducted, held or given within the state.

(b) As used in this article, the term “mixed martial arts” means a combative sporting contest, the rules of which allow two competitors to attempt to achieve dominance over one another by utilizing a variety of techniques including, but not limited to, striking, grappling and the application of submission holds.

(c) A mixed martial arts contest, match or exhibition promoted, conducted, held or given within the state shall be under the commission’s authority and be in accordance with the provision of this section. The provisions of this article that apply to boxing shall also apply to mixed martial arts as appropriate.

(d) In exercising its jurisdiction over professional mixed martial arts contests matches and exhibitions, the commission shall follow the current unified rules of mixed martial arts as adopted by the Association of Boxing Commissions, to enable the proper licensing of all participants, referees and judges, and the approval of contests, matches or exhibitions conducted under the provisions of this section.
(e) The commission may issue and revoke a license to promote, conduct, hold or give mixed martial arts contests, matches or exhibitions and may issue and revoke a license to be a contestant. Each license is subject to the provisions of this section and article, and the rules of the commission.

(f) The commission shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this section, including:

1. Procedures and requirements for the issuance and renewal of licenses: Provided, That the procedures and requirements shall not:

   A. Limit or prohibit mixed martial arts contests, matches or exhibitions; nor

   B. Include a provision that a licensee be a West Virginia resident;

2. Exemptions from licensure;

3. Procedures for revoking licenses;

4. Adopting the unified rules of mixed martial arts;

5. A fee schedule;

6. Limitations or restrictions necessary to guarantee the safety of the participants;

7. The requirements for fair and honest conducting of the contests, matches or exhibitions; and

8. Any other rules necessary to effectuate the provisions of this section.
(g) Notwithstanding the provisions of this code to the contrary, a municipality may not impose a municipal license tax under section four, article thirteen, chapter eight of this code on mixed martial arts clubs. The granting of a license to a club by the commission, or the holding of a license by a club, individual, corporation or association, does not prevent the commission from revoking the license to conduct an event, as provided in this section: Provided, That nothing in this subsection limits the authority of a municipality to impose any other taxes or fees on mixed martial arts contests, matches or exhibitions, pursuant to article thirteen, chapter eight of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 31st day of March, 2011.

Governor
PRESENTED TO THE GOVERNOR

MAR 31 2011

Time 11:30 am

EDT