WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Senate Bill 495

BY SENATOR BLAIR

[Passed April 4, 2017; in effect 90 days from passage]
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Enr. SB 495

AN ACT to amend and reenact §29-5A-1, §29-5A-6, §29-5A-15, §29-5A-16, §29-5A-20 and §29-5A-24 of the Code of West Virginia, 1931, as amended, all relating to regulation of events by the State Athletic Commission; authorizing the commission in limited circumstances to approve certain event changes in writing; providing for the designation and payment of a scorekeeper; clarifying the authority of the commission to designate inspectors for an event; and providing for licensing and rules regarding the regulation of amateur mixed martial arts.

Be it enacted by the Legislature of West Virginia:

That §29-5A-1, §29-5A-6, §29-5A-15, §29-5A-16, §29-5A-20 and §29-5A-24 of the Code of West Virginia, 1931, as amended, be amended and reenacted, 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 five persons appointed by the Governor, by and with the consent of the Senate, no more than three 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. One member shall have at least three years of experience in the sport of boxing. One member shall have at least three years of experience in the sport of mixed martial arts. One member shall have at least three years of experience in the health care industry as a licensed physician, registered nurse, nurse practitioner or physicians' assistant. Two members shall be citizen members who are not licensed under the provisions of this article and who do not perform any services related to the persons regulated under this article. The members shall serve without pay.

At the expiration of the term of each member, his or her successor shall be appointed by the Governor for a term of four years. If there is a vacancy in the board, the vacancy shall likewise be filled by appointment by the Governor and the Governor shall likewise have the power to remove any commissioner at his or her pleasure. Any three 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 consider expedient; and they may hereafter amend or abrogate such rules.
The concurrence of at least three commissioners is necessary to render a choice or decision of
the commission except that, notwithstanding the requirements of the Open Governmental
Proceedings Act, West Virginia Code § 6-9a-1 et seq., a quorum of the commission may vote in
writing to approve changes to the roster of participants or the roster of officials if the need for the
substitution(s) is made known to the commission within forty-eight hours of an event that the
commission previously approved: Provided, That the substitution(s) is necessary to effectuate the
match: Provided, however, That the written decision of the commission is presented at the next
scheduled meeting of the commission and recorded in its minutes.
§29-5A-6. Payment of official in charge.
The deputy, inspector or other officials designated by the commission to be in charge of a
boxing or mixed martial arts event shall be paid by the promoter at a minimum rate of $75 per day
for services performed prior to any event at aweigh-in and each day of an event: Provided, That
not more than one official designated by the commission to be in charge of a boxing or mixed
martial arts event may receive compensation for services performed. If a weigh-in occurs within
three hours before the boxing bouts are scheduled to begin, the deputy, inspector or other officials
will be paid only one rate at a minimum of $75 for that particular night or day’s events. Judges,
timekeepers, scorekeepers and inspectors shall be paid by the promoter at a minimum rate of
$50 per day for services performed prior to any event and each day of an event. Referees shall
be paid by the promoter at a minimum rate of $75 per day of bouts. Payments to the officials in
charge, judges, timekeepers, scorekeepers, inspectors or referees exceeding the amounts under
this section are prohibited without prior written consent of the promoter: Provided, however, That
the commission may revise any fees paid to officials through legislative rule-making process
beginning June 30, 2018, and every three years thereafter. The commission may not revoke an
event permit or license for refusal to pay a fee greater than the fees in this section: Provided further, That approved officials are available, willing and able to work the event for the proscribed fees. Deputies, inspectors, judges, referees, timekeepers, scorekeepers or any other officials designated by the commission to be in charge of an event shall not accept, other than the fees proscribed herein, any gift, pass or other thing of value in connection with any event.

§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 four business days 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. 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 or her from the officers of the club.

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

No contestant, trainer, inspector, referee or professional manager may take part in any boxing contest or exhibition unless holding a license from the state that is issued by the
commission upon payment of the following annual license fee schedule: Professional contestant
$25; amateur contestant $20; trainer $20; inspector $30; referee $30; and professional manager
$50. Semiprofessional contestants shall pay a license fee of $10 for each event. 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 State Athletic
Commission Fund. If a license is not granted, the Treasurer shall refund the full amount.


(a) The commission shall propose rules for legislative approval in accordance with the
provisions of article three, chapter twenty-nine-a of this code.

(b) The commission shall propose such rules to regulate professional and
semiprofessional boxers, professional or amateur mixed martial artists, professional and
semiprofessional boxing matches and exhibitions and professional or amateur mixed martial arts
matches and exhibitions: Provided, That for professional boxers and boxing matches and
exhibitions, the commission rules shall comply with the current unified rules of boxing as adopted
by the Association of Boxing Commissions; for professional mixed martial artists and mixed
martial arts matches and exhibitions, the commission rules shall comply with the current unified
rules of mixed martial arts as adopted by the Association of Boxing Commissions; for amateur
boxers and boxing matches or exhibitions, the commission rules shall comply with the amateur
rules for boxing as adopted by the United States Amateur Boxing Authority; and for amateur mixed
martial artists and mixed martial arts matches or exhibitions, the commission rules shall comply
with the current unified rules of mixed martial arts as recommended and/or adopted by the
Association of Boxing Commissions. For full contact boxing and other boxing events that follow
nontraditional rules, rules guaranteeing the safety of the participants and the fair and honest
conducting of the matches or exhibitions are authorized.

(c) The commission shall propose separate rules for amateur boxers and amateur boxing,
sparring matches and exhibitions as follows:
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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, Senate Committee

Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 21st Day of April, 2017.

Governor
PRESENTED TO THE GOVERNOR

APR 13 2017

Time 9:07 am