

CERTIFICATION OF ENROLLMENT

SENATE BILL 5754

Chapter 205, Laws of 1997

55th Legislature
1997 Regular Session

BOXING, KICKBOXING, MARTIAL ARTS, AND WRESTLING

EFFECTIVE DATE: 7/27/97

Passed by the Senate March 19, 1997
YEAS 45 NAYS 4

BRAD OWEN

President of the Senate

Passed by the House April 15, 1997
YEAS 86 NAYS 9

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 24, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5754** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

April 24, 1997 - 4:44 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5754

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By Senators Horn, Franklin and Newhouse; by request of Department of Licensing

Read first time 02/11/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to boxing, kickboxing, martial arts, and wrestling;
2 amending RCW 67.08.002, 67.08.010, 67.08.015, 67.08.017, 67.08.030,
3 67.08.050, 67.08.060, 67.08.080, 67.08.090, 67.08.100, 67.08.110,
4 67.08.120, 67.08.130, 67.08.140, 67.08.170, and 67.08.180; adding new
5 sections to chapter 67.08 RCW; and prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 67.08.002 and 1993 c 278 s 8 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Amateur" means a person who engages in athletic activities as
12 a pastime and not as a professional.

13 (2) "Boxing" (~~((includes, but is not limited to, sumo, judo, and~~
14 ~~karate in addition to fisticuffs))~~ means a contest in which the
15 contestants exchange blows with their fists, but does not include
16 professional wrestling.

17 ((+2)) (3) "Department" means the department of licensing.

18 ((+3)) (4) "Director" means the director of the department of
19 licensing or the director's designee.

1 ~~((4))~~ (5) "Event" includes, but is not limited to, a boxing,
2 wrestling, or martial arts contest, sparring, fisticuffs, match, show,
3 or exhibition.

4 (6) "Face value" means the dollar value of a ticket or order, which
5 value must reflect the dollar amount that the customer is required to
6 pay or, for a complimentary ticket, would have been required to pay to
7 purchase a ticket with equivalent seating priority, in order to view
8 the event.

9 (7) "Gross receipts" means: The amount received from the sale of
10 souvenirs, programs, and other concessions received by the promoter;
11 and the face value of all tickets sold and complimentary tickets
12 redeemed.

13 (8) "Kickboxing" means a type of boxing in which blows are
14 delivered with the hand and any part of the leg below the hip,
15 including the foot.

16 (9) "Martial arts" means a type of boxing including sumo, judo,
17 karate, kung fu, tae kwon do, or other forms of full-contact martial
18 arts or self-defense conducted on a full-contact basis.

19 (10) "Professional" means a person who has received or competed for
20 money or other articles of value for participating in an event.

21 (11) "Promoter" means ~~((any))~~ a person, ~~and((, in the case of a~~
22 ~~corporation, an officer, director, employee, or shareholder thereof))~~
23 includes any officer, director, employee, or stockholder of a corporate
24 promoter, who produces, arranges, ~~((or))~~ stages ~~((any professional~~
25 ~~wrestling exhibition or boxing contest))~~, holds, or gives an event in
26 this state involving a professional boxing, martial arts, or wrestling
27 event, or shows or causes to be shown in this state a closed circuit
28 telecast of a match involving a professional participant whether or not
29 the telecast originates in this state.

30 (12) "Tough man/rough man contest or competition" means an event
31 that utilizes unlicensed, untrained, or otherwise licensed participants
32 who engage in unsanctioned activities that do not comply with this
33 chapter, including a full-contact, tournament-style martial arts
34 contest, match, show, or exhibition in which contestants compete more
35 than once per day.

36 ~~((5))~~ (13) "Wrestling exhibition" or "wrestling show" means a
37 form of sports entertainment in which the participants display their
38 skills in a physical struggle against each other in the ring and either

1 the outcome may be predetermined or the participants do not necessarily
2 strive to win, or both.

3 **Sec. 2.** RCW 67.08.010 and 1993 c 278 s 10 are each amended to read
4 as follows:

5 (1) The department shall have power to issue and for cause to
6 revoke, suspend, or deny a license to conduct, hold, or promote boxing
7 ~~((contests, sparring matches, or wrestling shows or exhibitions~~
8 ~~including a simultaneous telecast of any live, current or spontaneous~~
9 ~~boxing, sparring or wrestling match or performance on a closed circuit~~
10 ~~telecast within this state, whether originating in this state or~~
11 ~~elsewhere, and for which a charge is made)), martial arts, or wrestling~~
12 ~~events or closed circuit telecasts of these events as ((herein))~~
13 ~~provided in this chapter under such terms and conditions and at such~~
14 ~~times and places as the department may determine.~~

15 ~~((Such licenses shall entitle the holder thereof to conduct boxing~~
16 ~~contests and sparring and/or wrestling matches and exhibitions under~~
17 ~~such terms and conditions and at such times and places as the~~
18 ~~department may determine.))~~

19 (2) In case the department ~~((shall refuse to grant a license to any~~
20 ~~applicant, or shall cancel)) revokes, suspends, or denies any license~~
21 ~~or issues a fine, such applicant, or ((the holder of such canceled))~~
22 ~~license shall be entitled, upon application, to a hearing to be held~~
23 ~~((not less than sixty days after the filing of such order at such place~~
24 ~~as the department may designate: PROVIDED, HOWEVER, That if it has~~
25 ~~been found by a valid finding and such finding is fully set forth in~~
26 ~~such order, that the applicant or licensee has been guilty of~~
27 ~~disobeying any provision of this chapter, such hearing shall be~~
28 ~~denied)) under chapter 34.05 RCW, the administrative procedure act.~~

29 **Sec. 3.** RCW 67.08.015 and 1993 c 278 s 12 are each amended to read
30 as follows:

31 (1) In the interest of ensuring the safety and welfare of the
32 participants, the department shall have power and it shall be its duty
33 to direct, supervise, and control all boxing ((contests, sparring
34 matches, and wrestling shows or exhibitions)), martial arts, and
35 wrestling events conducted within ~~((the))~~ this state and ~~((no such~~
36 ~~boxing contest, sparring match, or wrestling show or exhibition shall~~
37 ~~be held or given within)) an event may not be held in this state except~~

1 in accordance with the provisions of this chapter. The department may,
2 in its discretion, issue and for cause deny, revoke, or suspend a
3 license to promote, conduct, or hold (~~((or give))~~) boxing (~~((and sparring~~
4 ~~contests, and wrestling shows and exhibitions))~~), kickboxing, martial
5 arts, or wrestling events where an admission fee is charged by any
6 person, club, corporation, organization, association, or fraternal
7 society(~~((: PROVIDED, HOWEVER, That))~~).

8 (2) All boxing (~~((contests, sparring or wrestling matches or~~
9 ~~exhibitions which))~~), kickboxing, martial arts, or wrestling events
10 that:

11 ~~((1))~~ (a) Are conducted by any common school, college, or
12 university, whether public or private, or by the official student
13 association thereof, whether on or off the school, college, or
14 university grounds, where all the participating contestants are bona
15 fide students enrolled in any common school, college, or university,
16 within or without this state; or

17 ~~((2))~~ (b) Are entirely amateur events promoted on a nonprofit
18 basis or for charitable purposes; (~~shall~~)
19 are not (~~be~~) subject to the licensing provisions of this chapter(~~((:~~
20 ~~PROVIDED, FURTHER, That every contestant in any boxing contest or~~
21 ~~sparring match not conducted under the provisions of this chapter,~~
22 ~~prior to engaging in any such contest or match, shall be examined by a~~
23 ~~practicing physician at least once in each calendar year or, where such~~
24 ~~contest is conducted by a common school, college or university as~~
25 ~~further described in this section, once in each academic year in which~~
26 ~~instance such physician shall also designate the maximum and minimum~~
27 ~~weights at which such contestant shall be medically certified to~~
28 ~~participate: PROVIDED FURTHER, That no contestant shall be permitted~~
29 ~~to participate in any such boxing contest, sparring or wrestling match~~
30 ~~or exhibition in any weight classification other than that or those for~~
31 ~~which he is certificated: PROVIDED FURTHER, That the organizations~~
32 ~~exempted by this section from the provisions of this chapter shall be~~
33 ~~governed by RCW 67.08.080 as said section applies to boxing contests or~~
34 ~~sparring matches or exhibitions conducted by organizations exempted by~~
35 ~~this section from the general provisions of this chapter)).~~ ~~((No))~~ A
36 boxing (~~((contest, sparring match, or wrestling show or exhibition~~
37 ~~shall))~~), martial arts, kickboxing, or wrestling event may not be
38 conducted within the state except (~~pursuant to~~) under a license
39 issued in accordance with (~~the provisions of~~) this chapter and the

1 rules ((and regulations)) of the department except as ((hereinabove))
2 provided in this section.

3 **Sec. 4.** RCW 67.08.017 and 1993 c 278 s 11 are each amended to read
4 as follows:

5 The director or the director's designee has the following authority
6 in administering this chapter:

7 (1) Adopt, amend, and rescind rules as deemed necessary to carry
8 out this chapter;

9 (2) Issue subpoenas and administer oaths in connection with an
10 investigation, hearing, or proceeding held under this chapter;

11 (3) Take or cause depositions to be taken and use other discovery
12 procedures as needed in an investigation, hearing, or proceeding held
13 under this chapter;

14 (4) Compel attendance of witnesses at hearings;

15 (5) In the course of investigating a complaint or report of
16 unprofessional conduct, conduct practice reviews;

17 (6) Take emergency action ordering summary suspension of a license,
18 or restriction or limitation of the licensee's practice pending
19 proceedings by the director;

20 (7) Use the office of administrative hearings as authorized in
21 chapter 34.12 RCW to conduct hearings. However, the director or the
22 director's designee shall make the final decision in the hearing;

23 (8) Enter into contracts for professional services determined to be
24 necessary for adequate enforcement of this chapter;

25 (9) Adopt standards of professional conduct or practice;

26 (10) In the event of a finding of unprofessional conduct by an
27 applicant or license holder, impose sanctions against a license
28 applicant or license holder as provided by this chapter;

29 (11) Enter into an assurance of discontinuance in lieu of issuing
30 a statement of charges or conducting a hearing. The assurance shall
31 consist of a statement of the law in question and an agreement not to
32 violate the stated provision. The applicant or license holder shall
33 not be required to admit to any violation of the law, and the assurance
34 shall not be construed as such an admission. Violation of an assurance
35 under this subsection is grounds for disciplinary action;

36 (12) Designate individuals authorized to sign subpoenas and
37 statements of charges;

1 (13) Employ the investigative, administrative, and clerical staff
2 necessary for the enforcement of this chapter; ~~((and))~~

3 (14) Compel the attendance of witnesses at hearings; and

4 (15) Establish and assess fines for violations of this chapter that
5 may be subject to payment from a contestant's purse.

6 **Sec. 5.** RCW 67.08.030 and 1993 c 278 s 13 are each amended to read
7 as follows:

8 (1) Every ~~((boxing))~~ promoter, as a condition for receiving a
9 license, shall file with the department a ~~((good and sufficient))~~
10 surety bond in ~~((the sum of))~~ an amount to be determined by the
11 department, but not less than ten thousand dollars ~~((with the~~
12 department)), to cover all of the event locations applied for within
13 the state during the license period, conditioned upon the faithful
14 performance by such licensee of the provisions of this chapter, the
15 payment of the taxes, officials, and contracts as provided for herein
16 and the observance of all rules ~~((and regulations))~~ of the
17 department~~((, which bond shall be subject to the approval of the~~
18 ~~attorney general))~~.

19 ~~((Every promoter of a wrestling exhibition or closed circuit~~
20 ~~telecast as a condition of receiving a license as provided for under~~
21 ~~this chapter shall file a good and sufficient bond in the sum of one~~
22 ~~thousand dollars with the department in cities of less than one hundred~~
23 ~~fifty thousand inhabitants and of two thousand five hundred dollars in~~
24 ~~cities of more than one hundred fifty thousand inhabitants conditioned~~
25 ~~upon the faithful performance by such licensee of the provisions of~~
26 ~~this chapter, the payment of the taxes and officials provided for~~
27 ~~herein and the observance of all rules and regulations of the~~
28 ~~department, which bond shall be subject to the approval of the attorney~~
29 ~~general.~~

30 ~~((3))~~ Boxing promoters must obtain medical insurance in an amount
31 set by the director, but not less than fifty thousand dollars, to cover
32 any injuries incurred by participants at the time of ~~((the))~~ each event
33 held in this state and provide proof of insurance to the department
34 seventy-two hours before each event. The evidence of insurance must
35 specify, at a minimum, the name of the insurance company, the insurance
36 policy number, the effective date of the coverage, and evidence that
37 each participant is covered by the insurance. The promoter must pay
38 any deductible associated with the insurance policy.

1 (3) In lieu of the insurance requirement of subsection (2) of this
2 section, a promoter of the boxing event who so chooses may, as a
3 condition for receiving a license under this chapter, file proof of
4 medical insurance coverage that is in effect for the entire term of the
5 licensing period.

6 (4) The department shall cancel a boxing event if the promoter
7 fails to provide proof of medical insurance within the proper time
8 frame.

9 **Sec. 6.** RCW 67.08.050 and 1993 c 278 s 15 are each amended to read
10 as follows:

11 (1) Any promoter ~~((as herein provided))~~ shall within seven days
12 prior to the holding of any ~~((boxing contest or sparring match or~~
13 ~~exhibition))~~ event file with the department a statement setting forth
14 the name of each licensee who is a potential participant, his or her
15 manager or managers, and such other information as the department may
16 require. ~~((Any promoter shall, within seven days before holding any~~
17 ~~wrestling exhibition or show, file with the department a statement~~
18 ~~setting forth the name of each contestant, his or her manager or~~
19 ~~managers, and such other information as the department may require.))~~
20 Participant changes ~~((within a twenty-four hour period))~~ regarding a
21 wrestling ~~((exhibition or show))~~ event may be allowed after notice to
22 the department, if the new participant holds a valid license under this
23 chapter. The department may stop any ~~((event that is a part of a))~~
24 wrestling ~~((exhibition wherein any))~~ event in which a participant is
25 not licensed under this chapter.

26 (2) Upon the termination of any ~~((contest or exhibition))~~ event the
27 promoter shall file with the designated department representative a
28 written report, duly verified as the department may require showing the
29 number of tickets sold for ~~((such contest))~~ the event, the price
30 charged for ~~((such))~~ the tickets and the gross proceeds thereof, and
31 such other and further information as the department may require. The
32 promoter shall pay to the department at the time of filing the
33 ~~((above))~~ report under this section a tax equal to five percent of such
34 gross receipts ~~((and said))~~. However, the tax may not be less than
35 twenty-five dollars. The five percent of such gross receipts shall be
36 immediately paid by the department into the state general fund.

37 ~~((+2))~~ (3) A complimentary ticket may not have a face value of
38 less than the least expensive ticket available for sale to the general

1 public. It must include charges and fees, such as dinner, gratuity,
2 parking, surcharges, or other charges or fees that are charged to and
3 must be paid by the customer in order to view the event. The number of
4 untaxed complimentary tickets shall be limited to ((two)) five percent
5 of the total tickets sold per event location, not to exceed three
6 hundred tickets. All complimentary tickets exceeding this ((set
7 amount)) exemption shall be subject to taxation.

8 **Sec. 7.** RCW 67.08.060 and 1993 c 278 s 17 are each amended to read
9 as follows:

10 The department may appoint official inspectors at least one of
11 which, in the absence of a member of the department, shall be present
12 at any ~~((boxing contest or sparring match or exhibition))~~ event held
13 under the provisions of this chapter ~~((and may be present at any~~
14 ~~wrestling exhibition or show))~~. Such inspectors shall carry a card
15 signed by the director ~~((of the department))~~ evidencing their
16 authority. It shall be their duty to see that all rules ~~((and~~
17 ~~regulations))~~ of the department and the provisions of this chapter are
18 strictly complied with and to be present at the accounting of the gross
19 receipts of any ~~((contest))~~ event, and such inspector is authorized to
20 receive from the licensee conducting the ~~((contest))~~ event the
21 statement of receipts herein provided for and to immediately transmit
22 such reports to the department. Each inspector shall receive a fee and
23 travel expenses from the ~~((licensee))~~ promoter to be set by the
24 ~~((department))~~ director for each ~~((contest))~~ event officially attended.
25 ~~((Each inspector shall also receive from the state travel expenses in~~
26 ~~accordance with RCW 43.03.050 and 43.03.060 as now existing or~~
27 ~~hereafter amended.))~~

28 **Sec. 8.** RCW 67.08.080 and 1993 c 278 s 18 are each amended to read
29 as follows:

30 ~~((No))~~ A boxing ((contest or sparring exhibition)), kickboxing, or
31 martial art event held in this state ~~((whether under the provisions of~~
32 ~~this chapter or otherwise shall))~~ may not be for more than ten rounds
33 and no one round of any ~~((such contest or exhibition))~~ bout shall be
34 scheduled for ~~((less than or))~~ longer than three minutes and there
35 shall be not less than one minute intermission between each round. In
36 the event of bouts involving state ~~((or)),~~ regional, national, or world
37 championships the department may grant an extension of no more than two

1 additional rounds to allow total bouts of twelve rounds (~~(, and in bouts~~
2 ~~involving national championships the department may grant an extension~~
3 ~~of no more than five additional rounds to allow total bouts of fifteen~~
4 ~~rounds))~~. ~~((No))~~ A contestant in any boxing ~~((contest or sparring~~
5 ~~match or exhibition whether))~~ event under this chapter ~~((or otherwise~~
6 ~~shall))~~ may not be permitted to wear gloves weighing less than eight
7 ounces. The ~~((department))~~ director shall ~~((promulgate))~~ adopt rules
8 ~~((and regulations))~~ to assure clean and sportsmanlike conduct on the
9 part of all contestants and officials, and the orderly and proper
10 conduct of the ~~((contest))~~ event in all respects, and to otherwise make
11 rules ~~((and regulations))~~ consistent with this chapter, but such rules
12 ~~((and regulations))~~ shall apply only to ~~((contests))~~ events held under
13 the provisions of this chapter.

14 **Sec. 9.** RCW 67.08.090 and 1993 c 278 s 19 are each amended to read
15 as follows:

16 (1) Each contestant for boxing ~~((or sparring))~~ events shall be
17 examined within ~~((eight))~~ twenty-four hours ~~((prior to))~~ before the
18 contest by a competent physician appointed by the department. The
19 physician shall ~~((forthwith and before such contest))~~ report in writing
20 and over his or her signature before the event the physical condition
21 of each and every contestant to the inspector present at such contest.
22 No contestant whose physical condition is not approved by the examining
23 physician shall be permitted to participate in any ~~((contest))~~ event.
24 Blank forms of physicians' report shall be provided by the department
25 and all questions upon such blanks shall be answered in full. The
26 examining physician shall be paid a fee ~~((designated by the~~
27 ~~department))~~ and travel expenses by the promoter ~~((conducting such~~
28 ~~match or exhibition.~~

29 ~~The department may have a participant in a wrestling exhibition or~~
30 ~~show examined by a physician appointed by the department prior to the~~
31 ~~exhibition or show. A participant in a wrestling exhibition or show~~
32 ~~whose condition is not approved by the examining physician shall not be~~
33 ~~permitted to participate in the exhibition or show))~~.

34 (2) The department may require that a physician be present at a
35 wrestling event. The promoter shall pay any physician present at a
36 wrestling event. ~~((No))~~ A boxing ~~((contest, sparring match, or~~
37 ~~exhibition shall))~~ event may not be held unless a licensed physician of
38 the department or his or her duly appointed representative is present

1 throughout the ~~((contest. The department may require that a physician~~
2 ~~be present at a wrestling exhibition or show. Any physician present at~~
3 ~~a wrestling show or exhibition shall be paid for by the promoter))~~
4 event.

5 (3) Any practicing physician and surgeon may be selected by the
6 department as the examining physician. Such physician present at such
7 contest shall have authority to stop any ~~((contest))~~ event when in the
8 physician's opinion it would be dangerous to a contestant to continue,
9 and in such event it shall be the physician's duty to stop ~~((such~~
10 ~~contest))~~ the event.

11 (4) The department may have a participant in a wrestling event
12 examined by a physician appointed by the department prior to the event.
13 A participant in a wrestling event whose condition is not approved by
14 the examining physician shall not be permitted to participate in the
15 event.

16 **Sec. 10.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
17 read as follows:

18 (1) ~~The department ((may grant annual licenses upon application in~~
19 ~~compliance with the rules and regulations prescribed by the director,~~
20 ~~and the payment of the fees, the amount of which is to be set by the~~
21 ~~director in accordance with RCW 43.24.086, prescribed to promoters,~~
22 ~~managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the~~
23 ~~provisions of this section shall not apply to contestants or~~
24 ~~participants in strictly amateur contests and/or fraternal~~
25 ~~organizations and/or veterans' organizations chartered by congress or~~
26 ~~the defense department or any bona fide athletic club which is a member~~
27 ~~of the Pacific northwest association of the amateur athletic union of~~
28 ~~the United States, holding and promoting athletic contests and where~~
29 ~~all funds are used primarily for the benefit of their members.))~~ upon
30 receipt of a properly completed application and payment of a
31 nonrefundable fee, may grant an annual license to an applicant for the
32 following: (a) Promoter; (b) manager; (c) boxer; (d) second; (e)
33 wrestling participant; (f) inspectors; (g) judge; (h) timekeeper; (i)
34 announcers; and (j) physicians.

35 (2) Any ~~((such))~~ license may be revoked, suspended, or denied by
36 the ~~((department))~~ director for ~~((any cause which it shall deem~~
37 ~~sufficient))~~ a violation of this chapter or a rule adopted by the
38 director.

1 (3) No person shall participate or serve in any of the above
2 capacities unless licensed as provided in this chapter.

3 (4) The referees, judges, timekeepers, physicians, and inspectors
4 for any boxing ~~((contest))~~ event shall be designated by the department
5 from among ~~((such))~~ licensed ~~((referees))~~ officials.

6 (5) The referee for any wrestling ~~((exhibition or show))~~ event
7 shall be provided by the promoter and shall be licensed ~~((by the~~
8 ~~department))~~ as a wrestling participant.

9 (6) A person may not be issued a license if the person has an
10 unpaid fine outstanding to the department.

11 (7) A person may not be issued a license unless they are at least
12 eighteen years of age.

13 (8) This section shall not apply to contestants or participants in
14 events at which only amateurs are engaged in contests and/or fraternal
15 organizations and/or veterans' organizations chartered by congress or
16 the defense department or any recognized amateur sanctioning body
17 recognized by the department, holding and promoting athletic events and
18 where all funds are used primarily for the benefit of their members.
19 Upon request of the department, a promoter, contestant, or participant
20 shall provide sufficient information to reasonably determine whether
21 this chapter applies.

22 **Sec. 11.** RCW 67.08.110 and 1993 c 278 s 21 are each amended to
23 read as follows:

24 Any person or any member of any group of persons or corporation
25 promoting boxing ~~((exhibitions or contests))~~ events who shall
26 participate directly or indirectly in the purse or fee of any manager
27 of any boxers or any boxer and any licensee who shall conduct or
28 participate in any sham or fake boxing ~~((contest or sparring match or~~
29 ~~exhibition))~~ event shall ~~((thereby forfeit its license))~~ be subject to
30 license revocation and ~~((the department shall declare such license~~
31 ~~canceled and void and))~~ such revoked licensee shall not ~~((thereafter))~~
32 be entitled to receive ~~((another such, or))~~ any license issued
33 ~~((pursuant to the provisions of))~~ under this chapter.

34 **Sec. 12.** RCW 67.08.120 and 1993 c 278 s 22 are each amended to
35 read as follows:

36 Any unlicensed participant contestant or licensee who ~~((shall~~
37 ~~participate in any sham or fake boxing contest, match, or exhibition~~

1 ~~and any licensee or participant who violates any rule or regulation of~~
2 ~~the department shall be penalized in the following manner: For the~~
3 ~~first offense he or she shall be restrained by order of the department~~
4 ~~for a period of not less than three months from participating in any~~
5 ~~contest held under the provisions of this chapter, such suspension to~~
6 ~~take effect immediately after the occurrence of the offense; for any~~
7 ~~second offense such contestant shall be forever suspended from~~
8 ~~participation in any contest held under the provisions of this~~
9 ~~chapter)) violates any rule of the department shall be fined,~~
10 ~~suspended, revoked, or any combination thereof, by order of the~~
11 ~~director. Assessed fines shall not exceed five hundred dollars for~~
12 ~~each violation of this chapter or any rule of the department.~~

13 **Sec. 13.** RCW 67.08.130 and 1993 c 278 s 23 are each amended to
14 read as follows:

15 Whenever any licensee shall fail to make a report of any
16 ~~((contest))~~ event within the time prescribed by this chapter or when
17 such report is unsatisfactory to the department, the director ~~((shall))~~
18 may examine the books and records of such licensee; he or she may
19 subpoena and examine under oath any officer of such licensee and such
20 other person or persons as he or she may deem necessary to a
21 determination of the total gross receipts from any ~~((contest))~~ event
22 and the amount of tax thereon. If, upon the completion of such
23 examination it shall be determined that an additional tax is due,
24 notice thereof shall be served upon the licensee, and if such licensee
25 shall fail to pay such additional tax within twenty days after service
26 of such notice such delinquent licensee shall ~~((forfeit))~~ be subject to
27 revocation of its license and shall ~~((forever))~~ be disqualified from
28 receiving any new license ~~((and)).~~ In addition ~~((thereto)),~~ such
29 licensee ~~((and the members thereof))~~ shall be ~~((jointly and severally))~~
30 liable to this state in the penal sum of one thousand dollars to be
31 collected by the attorney general by civil action in the name of the
32 state in the manner provided by law.

33 **Sec. 14.** RCW 67.08.140 and 1993 c 278 s 24 are each amended to
34 read as follows:

35 Any person, club, corporation, organization, association, fraternal
36 society, participant, or promoter conducting or participating in boxing
37 ~~((contests, sparring matches,))~~ or wrestling ~~((shows or exhibitions))~~

1 events within this state without having first obtained a license
2 therefor in the manner provided by this chapter is in violation of this
3 chapter and shall be guilty of a misdemeanor excepting ((~~such~~
4 ~~contests~~)) the events excluded from the operation of this chapter by
5 RCW 67.08.015. The attorney general, each prosecuting attorney, the
6 department, or any citizen of any county where any person, club,
7 corporation, organization, association, fraternal society, promoter, or
8 participant shall threaten to hold, or appears likely to hold or
9 participate in athletic ((~~contests or exhibitions~~)) events in violation
10 of this chapter, may in accordance with the laws of this state
11 governing injunctions, enjoin such person, club, corporation,
12 organization, association, fraternal society, promoter, or participant
13 from holding or participating in ((~~such contest or exhibition~~)) the
14 event.

15 **Sec. 15.** RCW 67.08.170 and 1993 c 278 s 25 are each amended to
16 read as follows:

17 A promoter shall ensure that adequate security personnel are in
18 attendance at a wrestling ((~~exhibition~~)) or boxing ((~~contest~~)) event to
19 control fans in attendance. The size of the security force shall be
20 determined by mutual agreement of the promoter, the person in charge of
21 operating the arena or other facility, and the department.

22 **Sec. 16.** RCW 67.08.180 and 1989 c 127 s 4 are each amended to read
23 as follows:

24 (1) It is ((~~unlawful~~)) a violation of this chapter for any promoter
25 or person associated with or employed by any promoter to destroy any
26 ticket or ticket stub, whether sold or unsold, within three months
27 after the date of any ((~~exhibition or show~~)) event.

28 (2) It is ((~~unlawful~~)) a violation of this chapter for ((~~any~~
29 ~~wrestler~~)) a wrestling participant to deliberately cut himself or
30 herself or otherwise mutilate himself or herself while participating in
31 a wrestling ((~~exhibition~~)) event.

32 (3) ((~~Any~~)) The department shall revoke the license of a licensee
33 convicted under chapter 69.50 RCW ((~~shall have his or her license~~
34 revoked)).

35 (4) The director shall revoke the license of a licensee testing
36 positive for illegal use of a controlled substance as defined in RCW

1 69.50.101, and shall deny the application of an applicant testing
2 positive for a controlled substance as defined in RCW 69.50.101.

3 (5) The striking of any person that is not a licensed participant
4 at a wrestling (~~(exhibition or show shall)~~) event constitutes grounds
5 for suspension, fine, revocation, or (~~(both)~~) any combination thereof.

6 NEW SECTION. Sec. 17. A person, including but not limited to a
7 consumer, licensee, corporation, organization, and state and local
8 governmental agency, may submit a written complaint to the department
9 charging a license holder or applicant with unprofessional conduct and
10 specifying the grounds for the complaint. If the department determines
11 that the complaint merits investigation or if the department has reason
12 to believe, without a formal complaint, that a license holder or
13 applicant may have engaged in unprofessional conduct, the department
14 shall investigate to determine whether there has been unprofessional
15 conduct. A person who files a complaint under this section in good
16 faith is immune from suit in any civil action related to the filing or
17 contents of the complaint.

18 NEW SECTION. Sec. 18. (1) If the department determines, upon
19 investigation, that there is reason to believe a violation of this
20 chapter has occurred, the department shall prepare and serve upon the
21 license holder or applicant a statement of charge or charges. The
22 statement of charge or charges must be accompanied by a notice that the
23 license holder or applicant may request a hearing to contest the charge
24 or charges. The license holder or applicant must file a request for
25 hearing with the department within twenty days after being served the
26 statement of charges. The failure to request a hearing constitutes a
27 default, whereupon the director may enter an order under RCW 34.05.440.

28 (2) If a hearing is requested, the time of the hearing shall be
29 scheduled but the hearing shall not be held earlier than thirty days
30 after service of the charges upon the license holder or applicant. A
31 notice of hearing shall be issued at least twenty days before the
32 hearing, specifying the time, date, and place of hearing.

33 NEW SECTION. Sec. 19. Upon a finding that a license holder or
34 applicant has committed unprofessional conduct the director may issue
35 an order providing for one or any combination of the following:

36 (1) Revocation of the license;

- 1 (2) Suspension of the license for a fixed or indefinite term;
- 2 (3) Requiring the satisfactory completion of a specific program of
- 3 remedial education;
- 4 (4) Compliance with conditions of probation for a designated period
- 5 of time;
- 6 (5) Payment of a fine not to exceed five hundred dollars for each
- 7 violation of this chapter;
- 8 (6) Denial of the license request;
- 9 (7) Corrective action, including paying contestants the contracted
- 10 purse or compensation; or
- 11 (8) Refund of fees billed to and collected from the consumer.

12 Any of the actions under this section may be totally or partly
13 stayed by the director. All costs associated with compliance with
14 orders issued under this section are the obligation of the license
15 holder or applicant.

16 NEW SECTION. **Sec. 20.** If an order for payment of a fine is made
17 as a result of a hearing and timely payment is not made as directed in
18 the final order, the director may enforce the order for payment in the
19 superior court in the county in which the hearing was held. This right
20 of enforcement shall be in addition to any other rights the director
21 may have as to any licensee ordered to pay a fine but shall not be
22 construed to limit a licensee's ability to seek judicial review under
23 chapter 34.05 RCW.

24 In addition for enforcement of an order of payment of a fine the
25 director's order is conclusive proof of the validity of the order of
26 payment of a fine and the terms of payment.

27 NEW SECTION. **Sec. 21.** The following conduct, acts, or conditions
28 constitute unprofessional conduct for a license holder or applicant
29 under this chapter:

- 30 (1) Conviction of a gross misdemeanor, felony, or the commission of
- 31 an act involving moral turpitude, dishonesty, or corruption whether the
- 32 act constitutes a crime or not. If the act constitutes a crime,
- 33 conviction in a criminal proceeding is not a condition precedent to
- 34 disciplinary action. Upon such a conviction, however, the judgment and
- 35 sentence is conclusive evidence at the ensuing disciplinary hearing of
- 36 the guilt of the license holder or applicant of the crime described in
- 37 the indictment or information, and of the person's violation of the

1 statute on which it is based. For the purposes of this section,
2 conviction includes all instances in which a plea of guilty or nolo
3 contendere is the basis for the conviction and all proceedings in which
4 the sentence has been deferred or suspended. This section does not
5 abrogate rights guaranteed under chapter 9.96 RCW;

6 (2) Misrepresentation or concealment of a material fact in
7 obtaining a license or in reinstatement of a license;

8 (3) Advertising that is false, fraudulent, or misleading;

9 (4) Incompetence or negligence that results in injury to a person
10 or that creates an unreasonable risk that a person may be harmed;

11 (5) Suspension, revocation, or restriction of a license to act as
12 a professional athletic licensee by competent authority in a state,
13 federal, or foreign jurisdiction, a certified copy of the order,
14 stipulation, or agreement being conclusive evidence of the revocation,
15 suspension, or restriction;

16 (6) Violation of a statute or administrative rule regulating
17 professional athletics;

18 (7) Failure to cooperate with the department's investigations by:

19 (a) Not furnishing papers or documents;

20 (b) Not furnishing in writing a full and complete explanation
21 regarding a matter under investigation by the department; or

22 (c) Not responding to subpoenas issued by the department, whether
23 or not the recipient of the subpoena is the subject of the proceeding;

24 (8) Failure to comply with an order issued by the director or an
25 assurance of discontinuance entered into by the director;

26 (9) Aiding or abetting an unlicensed person to act in a manner that
27 requires a professional athletics licensee;

28 (10) Misrepresentation or fraud in any aspect of the conduct of a
29 professional athletics event; and

30 (11) Interference with an investigation or disciplinary proceeding
31 by willful misrepresentation of facts before the department or by the
32 use of threats or harassment against any person to prevent them from
33 providing evidence in a disciplinary proceeding or other legal action.

34 NEW SECTION. **Sec. 22.** (1) The director shall investigate
35 complaints concerning unlicensed practice or conducting boxing, martial
36 arts, or wrestling events in violation of this chapter. The director
37 shall issue a cease and desist order to a person after notice and
38 hearing and upon a determination that the person has violated this

1 subsection. If the director makes a written finding of fact that the
2 public interest will be irreparably harmed by delay in issuing an
3 order, the director may issue a temporary cease and desist order. The
4 cease and desist order shall not relieve the person violating this
5 chapter from criminal prosecution, but the remedy of a cease and desist
6 order shall be in addition to any criminal liability. The cease and
7 desist order may be enforced under RCW 7.71.030. This method of
8 enforcement of the cease and desist order may be used in addition to,
9 or as an alternative to, provisions for enforcement of agency orders
10 set out in chapter 34.05 RCW.

11 (2) The attorney general, a county prosecuting attorney, the
12 director, a board, or a person may, in accordance with the law of this
13 state governing injunctions, maintain an action in the name of this
14 state to enjoin a person practicing without a license from engaging in
15 the practice until the required license is secured. However, the
16 injunction shall not relieve the person so practicing without a license
17 from criminal prosecution for the practice, but the remedy by
18 injunction shall be in addition to any criminal liability.

19 (3) The practice without a license when required by this chapter
20 constitutes a gross misdemeanor.

21 NEW SECTION. **Sec. 23.** A person or business that violates an
22 injunction issued under this chapter shall pay a civil penalty, as
23 determined by the court, of not more than twenty-five thousand dollars,
24 which shall be paid to the department. For the purpose of this
25 section, the superior court issuing an injunction shall retain
26 jurisdiction and the cause shall be continued, and in such cases the
27 attorney general acting in the name of the state may petition for the
28 recovery of civil penalties.

29 NEW SECTION. **Sec. 24.** The director or individuals acting on the
30 director's behalf are immune from suit in an action, civil or criminal,
31 based on disciplinary proceedings or other official acts performed in
32 the course of their duties in the administration and enforcement of
33 this chapter.

34 NEW SECTION. **Sec. 25.** Sections 17 through 24 of this act are each
35 added to chapter 67.08 RCW.

1 NEW SECTION. **Sec. 26.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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