
SUBSTITUTE HOUSE BILL 2668

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, Lovick, Crouse, Upthegrove, B. Sullivan and Sump)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to professional athletics regulated by the
2 department of licensing; amending RCW 67.08.002, 67.08.030, 67.08.050,
3 67.08.055, 67.08.130, and 67.08.300; and reenacting and amending RCW
4 67.08.090.

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

6 **Sec. 1.** RCW 67.08.002 and 2004 c 149 s 1 are each amended to read
7 as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Amateur" means a person who has never received nor competed
11 for any purse or other article of value, either for expenses of
12 training or for participating in an event, other than a prize of fifty
13 dollars in value or less.

14 (2) "Bout" means a contest or match between participants appearing
15 at an event.

16 (3) "Boxing" means the sport of attack and defense which uses the
17 contestants fists and where the contestants compete with the intent not
18 to injure or disable an opponent, but to win by decision, knockout, or
19 technical knockout, but does not include professional wrestling.

1 (~~(3)~~) (4) "Chiropractor" means a person licensed under chapter
2 18.25 RCW as a doctor of chiropractic or under the laws of any
3 jurisdiction in which that person resides.

4 (~~(4)~~) (5) "Department" means the department of licensing.

5 (~~(5)~~) (6) "Director" means the director of the department of
6 licensing or the director's designee.

7 (~~(6)~~) (7) "Event" includes, but is not limited to, a boxing,
8 wrestling, or martial arts contest, sparring, fisticuffs, match, show,
9 or exhibition.

10 (~~(7)~~) (8) "Event physician" means the physician licensed under
11 RCW 67.08.100 and who is responsible for the activities described in
12 RCW 67.08.090.

13 (~~(8)~~) (9) "Face value" means the dollar value of a ticket or
14 order, which value must reflect the dollar amount that the customer is
15 required to pay or, for a complimentary ticket, would have been
16 required to pay to purchase a ticket with equivalent seating priority,
17 in order to view the event.

18 (~~(9)~~) (10) "Gross receipts" means the amount received from the
19 face value of all tickets sold and complimentary tickets redeemed.

20 (~~(10)~~) (11) "Kickboxing" means a type of boxing in which blows
21 are delivered with the fist and any part of the leg below the hip,
22 including the foot and where the contestants compete with the intent
23 not to injure or disable an opponent, but to win by decision, knockout,
24 or technical knockout.

25 (~~(11)~~) (12) "Martial arts" means a type of boxing including sumo,
26 judo, karate, kung fu, tae kwon do, pankration, muay thai, or other
27 forms of full-contact martial arts or self-defense conducted on a full-
28 contact basis where weapons are not used and the participants utilize
29 kicks, punches, blows, or other techniques with the intent not to
30 injure or disable an opponent, but to defeat an opponent or win by
31 decision, knockout, technical knockout, or submission.

32 (~~(12)~~) (13) "No holds barred fighting," also known as "frontier
33 fighting" and "extreme fighting," means a contest, exhibition, or match
34 between contestants where any part of the contestant's body may be used
35 as a weapon or any means of fighting may be used with the specific
36 purpose to intentionally injure the other contestant in such a manner
37 that they may not defend themselves and a winner is declared. Rules
38 may or may not be used.

1 (~~(13)~~) (14) "Combative fighting," also known as "toughman
2 fighting," "toughwoman fighting," "badman fighting," and "so you think
3 you're tough," means a contest, exhibition, or match between
4 contestants who use their fists, with or without gloves, or their feet,
5 or both, and which allows contestants that are not trained in the sport
6 to compete and the object is to defeat an opponent or to win by
7 decision, knockout, or technical knockout.

8 (~~(14)~~) (15) "Physician" means a person licensed under chapter
9 18.57, 18.36A, or 18.71 RCW as a physician or a person holding an
10 osteopathic or allopathic physician license under the laws of any
11 jurisdiction in which the person resides.

12 (~~(15)~~) (16) "Professional" means a person who has received or
13 competed for any purse or other articles of value greater than fifty
14 dollars, either for the expenses of training or for participating in an
15 event.

16 (~~(16)~~) (17) "Promoter" means a person, and includes any officer,
17 director, employee, or stockholder of a corporate promoter, who
18 produces, arranges, stages, holds, or gives an event in this state
19 involving a professional boxing, martial arts, or wrestling event, or
20 shows or causes to be shown in this state a closed circuit telecast of
21 a match involving a professional participant whether or not the
22 telecast originates in this state.

23 (~~(17)~~) (18) "Wrestling exhibition" or "wrestling show" means a
24 form of sports entertainment in which the participants display their
25 skills in a physical struggle against each other in the ring and either
26 the outcome may be predetermined or the participants do not necessarily
27 strive to win, or both.

28 (~~(18)~~) (19) "Amateur event" means an event in which all the
29 participants are "amateurs" and which is registered and sanctioned by:

- 30 (a) United States Amateur Boxing, Inc.;
- 31 (b) Washington Interscholastic Activities Association;
- 32 (c) National Collegiate Athletic Association;
- 33 (d) Amateur Athletic Union;
- 34 (e) Golden Gloves of America;
- 35 (f) United Full Contact Federation;
- 36 (g) Any similar organization recognized by the department as
37 exclusively or primarily dedicated to advancing the sport of amateur

1 boxing, kickboxing, or martial arts, as those sports are defined in
2 this section; or

3 (h) Local affiliate of any organization identified in this
4 subsection.

5 ~~((19))~~ (20) "Elimination tournament" means any contest in which
6 contestants compete in a series of matches until not more than one
7 contestant remains in any weight category. The term does not include
8 any event that complies with the provisions of RCW 67.08.015(2) (a) or
9 (b).

10 **Sec. 2.** RCW 67.08.030 and 1997 c 205 s 5 are each amended to read
11 as follows:

12 (1) Every promoter, as a condition for receiving a license, shall
13 file with the department a surety bond in an amount to be determined by
14 the department, but not less than ten thousand dollars, to cover all of
15 the event locations applied for within the state during the license
16 period, conditioned upon the faithful performance by such licensee of
17 the provisions of this chapter, the payment of the ~~((taxes))~~
18 department's administrative fee, officials, and participant contracts
19 as provided for herein and the observance of all rules of the
20 department.

21 (2) Boxing, kickboxing, and martial arts promoters must obtain
22 medical insurance in an amount set by the director, but not less than
23 fifty thousand dollars, to cover any injuries incurred by participants
24 at the time of each event held in this state and provide proof of
25 insurance to the department seventy-two hours before each event. The
26 evidence of insurance must specify, at a minimum, the name of the
27 insurance company, the insurance policy number, the effective date of
28 the coverage, and evidence that each participant is covered by the
29 insurance. The promoter must pay any deductible associated with the
30 insurance policy.

31 (3) In lieu of the insurance requirement of subsection (2) of this
32 section, a promoter of the boxing, kickboxing, or martial arts event
33 who so chooses may, as a condition for receiving a license under this
34 chapter, file proof of medical insurance coverage that is in effect for
35 the entire term of the licensing period.

36 (4) The department shall cancel a boxing, kickboxing, or martial

1 arts event if the promoter fails to provide proof of medical insurance
2 within the proper time frame.

3 **Sec. 3.** RCW 67.08.050 and 2000 c 151 s 1 are each amended to read
4 as follows:

5 (1) Any promoter shall within seven days prior to the holding of
6 any event file with the department a statement setting forth the name
7 of each licensee who is a potential participant, his or her manager or
8 managers, and such other information as the department may require.
9 Participant changes regarding a wrestling event may be allowed after
10 notice to the department, if the new participant holds a valid license
11 under this chapter. The department may stop any wrestling event in
12 which a participant is not licensed under this chapter.

13 (2) Upon the termination of any event the promoter shall file with
14 the designated department representative a written report, duly
15 verified as the department may require showing the number of tickets
16 sold for the event, the price charged for the tickets and the gross
17 proceeds thereof, and such other and further information as the
18 department may require. The promoter shall pay to the department at
19 the time of filing the report under this section ((a—tax)) an
20 administrative fee equal to five percent of such gross receipts.
21 However, the ((tax)) administrative fee may not be less than twenty-
22 five dollars. The five percent administrative fee of such gross
23 receipts shall be immediately paid by the department into the state
24 general fund.

25 (3) A complimentary ticket may not have a face value of less than
26 the least expensive ticket available for sale to the general public.
27 The number of untaxed complimentary tickets shall be limited to ten
28 percent of the total tickets sold per event location, not to exceed one
29 thousand tickets. All complimentary tickets exceeding this exemption
30 shall be subject to ((taxation)) the five percent administrative fee.

31 **Sec. 4.** RCW 67.08.055 and 1993 c 278 s 16 are each amended to read
32 as follows:

33 Every licensee who charges and receives an admission fee for
34 exhibiting a simultaneous telecast of any live, current, or spontaneous
35 boxing or sparring match, or wrestling exhibition or show on a closed
36 circuit telecast viewed within this state shall, within seventy-two

1 hours after such event, furnish to the department a verified written
2 report on a form which is supplied by the department showing the number
3 of tickets issued or sold, and the gross receipts therefor without any
4 deductions whatsoever. Such licensee shall also, at the same time, pay
5 to the department ((a-tax)) an administrative fee equal to five percent
6 of such gross receipts paid for admission to the showing of the
7 contest, match or exhibition. In no event, however, shall the ((tax))
8 administrative fee be less than twenty-five dollars. The ((tax))
9 administrative fee shall apply uniformly at the same rate to all
10 persons subject to the ((tax)) administrative fee. Such receipts shall
11 be immediately paid by the department into the general fund of the
12 state.

13 **Sec. 5.** RCW 67.08.090 and 2002 c 147 s 2 and 2002 c 86 s 308 are
14 each reenacted and amended to read as follows:

15 (1) Each contestant for boxing, kickboxing, or martial arts events
16 shall be examined within twenty-four hours before the contest by an
17 event physician licensed by the department. The event physician shall
18 report in writing and over his or her signature before the event the
19 physical condition of each and every contestant to the inspector
20 present at such contest. No contestant whose physical condition is not
21 approved by the event physician shall be permitted to participate in
22 any event. Blank forms for event physicians' reports shall be provided
23 by the department and all questions upon such blanks shall be answered
24 in full. The event physician shall be paid a fee and travel expenses
25 by the promoter.

26 (2) The department may require that an event physician be present
27 at a wrestling event. The promoter shall pay the event physician
28 present at a wrestling event. A boxing, kickboxing, or martial arts
29 event may not be held unless an event physician licensed by the
30 department is present throughout the event. In addition to the event
31 physician, a chiropractor may be included as a licensed official at a
32 boxing, kickboxing, or martial arts event. The promoter shall pay the
33 chiropractor present at a boxing, kickboxing, or martial arts event.

34 (3) Any physician licensed under RCW 67.08.100 may be selected by
35 the department as the event physician. The event physician present at
36 any contest shall have authority to stop any ((event)) bout when in the

1 event physician's opinion it would be dangerous to a contestant to
2 continue, and in such event it shall be the event physician's duty to
3 stop the ((event)) bout.

4 (4) The department may have a participant in a wrestling event
5 examined by an event physician licensed by the department prior to the
6 event. A participant in a wrestling event whose condition is not
7 approved by the event physician shall not be permitted to participate
8 in the event.

9 (5) Each contestant for boxing, kickboxing, martial arts, or
10 wrestling events may be subject to a random urinalysis or chemical test
11 within twenty-four hours before or after a contest. In addition to the
12 unprofessional conduct specified in RCW 18.235.130, an applicant or
13 licensee who refuses or fails to submit to the urinalysis or chemical
14 test is subject to disciplinary action under RCW 18.235.110. If the
15 urinalysis or chemical test is positive for substances prohibited by
16 rules adopted by the director, the applicant or licensee has engaged in
17 unprofessional conduct and disciplinary action may be taken under RCW
18 18.235.110.

19 **Sec. 6.** RCW 67.08.130 and 2002 c 86 s 311 are each amended to read
20 as follows:

21 Whenever any licensee shall fail to make a report of any event
22 within the time prescribed by this chapter or when such report is
23 unsatisfactory to the department, the director may examine the books
24 and records of such licensee; he or she may subpoena and examine under
25 oath any officer of such licensee and such other person or persons as
26 he or she may deem necessary to a determination of the total gross
27 receipts from any event and the amount of ((tax)) the administrative
28 fee thereon. If, upon the completion of such examination it shall be
29 determined that an additional ((tax)) the administrative fee is due,
30 notice thereof shall be served upon the licensee, providing the
31 licensee with an opportunity to request a hearing under chapter 34.05
32 RCW. The failure to request a hearing within twenty days of service of
33 the notice constitutes a default, whereupon the director will enter a
34 decision on the facts available. Failure to pay such additional
35 ((tax)) administrative fee within twenty days after service of a final
36 order constitutes unprofessional conduct and the licensee may be

1 subject to disciplinary action against its license and shall be
2 disqualified from receiving any new license.

3 **Sec. 7.** RCW 67.08.300 and 2002 c 86 s 314 are each amended to read
4 as follows:

5 (1) The director or individuals acting on the director's behalf are
6 immune from suit in an action, civil or criminal, based on official
7 acts performed in the course of their duties in the administration and
8 enforcement of this chapter.

9 (2) All appointed judges, referees, timekeepers, event physicians,
10 and inspectors are immune from suit in a civil action based on any
11 unintended act or omission, not amounting to gross negligence,
12 performed in the course of their official duties under this chapter.

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