

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2301

62nd Legislature
2012 Regular Session

Passed by the House February 9, 2012
Yeas 95 Nays 2

Speaker of the House of Representatives

Passed by the Senate March 2, 2012
Yeas 44 Nays 5

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2301** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2301

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By House Business & Financial Services (originally sponsored by Representatives Green, Kirby, Pettigrew, Condotta, and Jenkins)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to boxing, martial arts, and wrestling; amending
2 RCW 67.08.002, 67.08.015, 67.08.017, 67.08.050, 67.08.110, 67.08.170,
3 and 67.08.240; and reenacting and amending RCW 67.08.090 and 67.08.100.

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

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

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

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

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

17 (3) "Chiropractor" means a person licensed under chapter 18.25 RCW
18 as a doctor of chiropractic or under the laws of any jurisdiction in
19 which that person resides.

- 1 (4) "Department" means the department of licensing.
- 2 (5) "Director" means the director of the department of licensing or
3 the director's designee.
- 4 (6) "Event" includes, but is not limited to, a professional boxing,
5 wrestling, or martial arts or an amateur mixed martial arts contest,
6 sparring, fisticuffs, match, show, or exhibition.
- 7 (7) "Event physician" means the physician licensed under RCW
8 67.08.100 and who is responsible for the activities described in RCW
9 67.08.090.
- 10 (8) "Face value" means the dollar value of a ticket or order, which
11 value must reflect the dollar amount that the customer is required to
12 pay or, for a complimentary ticket, would have been required to pay to
13 purchase a ticket with equivalent seating priority, in order to view
14 the event.
- 15 (9) "Gross receipts" means the amount received from the face value
16 of all tickets sold and complimentary tickets redeemed.
- 17 (10) "Kickboxing" means a type of boxing in which blows are
18 delivered with the fist and any part of the leg below the hip,
19 including the foot and where the contestants compete with the intent
20 not to injure or disable an opponent, but to win by decision, knockout,
21 or technical knockout.
- 22 (11) "Martial arts" means a type of boxing including sumo, judo,
23 karate, kung fu, tae kwon do, pankration, muay thai, or other forms of
24 full-contact martial arts or self-defense conducted on a full-contact
25 basis where weapons are not used and the participants utilize kicks,
26 punches, blows, or other techniques with the intent not to injure or
27 disable an opponent, but to defeat an opponent or win by decision,
28 knockout, technical knockout, or submission.
- 29 (12) "No holds barred fighting," also known as "frontier fighting"
30 and "extreme fighting," means a contest, exhibition, or match between
31 contestants where any part of the contestant's body may be used as a
32 weapon or any means of fighting may be used with the specific purpose
33 to intentionally injure the other contestant in such a manner that they
34 may not defend themselves and a winner is declared. Rules may or may
35 not be used.
- 36 (13) "Combative fighting," also known as "toughman fighting,"
37 "toughwoman fighting," "badman fighting," and "so you think you're
38 tough," means a contest, exhibition, or match between contestants who

1 use their fists, with or without gloves, or their feet, or both, and
2 which allows contestants that are not trained in the sport to compete
3 and the object is to defeat an opponent or to win by decision,
4 knockout, or technical knockout.

5 (14) "Physician" means a person licensed under chapter 18.57,
6 18.36A, or 18.71 RCW as a physician or a person holding an osteopathic
7 or allopathic physician license under the laws of any jurisdiction in
8 which the person resides.

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

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

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

25 (18) "Amateur event" means an event in which all the participants
26 are "amateurs" and which is registered and sanctioned by:

- 27 (a) United States Amateur Boxing, Inc.;
- 28 (b) Washington Interscholastic Activities Association;
- 29 (c) National Collegiate Athletic Association;
- 30 (d) Amateur Athletic Union;
- 31 (e) Golden Gloves of America;
- 32 (f) Any similar organization nationally recognized by the United
33 States Olympic Committee;
- 34 (g) United Full Contact Federation((+
35 (+)) and any similar amateur sanctioning organization, recognized
36 and licensed by the department as exclusively or primarily dedicated to
37 advancing the sport of amateur ((boxing, kickboxing, or)) mixed martial

1 arts, as those sports are defined in this section and where the
2 promoter, officials, and participants are licensed under this chapter;
3 or

4 (h) Local affiliate of any organization identified in (a) through
5 (f) of this subsection.

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

11 (20) "Mixed martial arts" means a combative sporting contest, the
12 rules of which allow two mixed martial arts competitors to attempt to
13 achieve dominance over one another by utilizing a variety of techniques
14 including, but not limited to, striking, grappling, and the application
15 of submission holds. "Mixed martial arts" is a type of martial arts
16 that does not include martial arts such as tae kwon do, karate, judo,
17 sumo, jujitsu, and kung fu.

18 (21) "Training facility" means a facility that offers training in
19 one or more of the mixed martial arts and holds exhibitions in which
20 all the participants are amateurs and where an admission fee is
21 charged.

22 (22) "Event chiropractor" means the chiropractor licensed under RCW
23 67.08.100 and who is operating in a supporting role to the event
24 physician who is responsible for the activities described in RCW
25 67.08.090.

26 **Sec. 2.** RCW 67.08.015 and 2004 c 149 s 2 are each amended to read
27 as follows:

28 (1) In the interest of ensuring the safety and welfare of the
29 participants, the department shall have power and it shall be its duty
30 to direct, supervise, and control all boxing, martial arts, and
31 wrestling events conducted within this state and an event may not be
32 held in this state except in accordance with the provisions of this
33 chapter. The department may, in its discretion, issue and for cause,
34 which includes concern for the safety and welfare of the participants,
35 take any of the actions specified in RCW 18.235.110 against a license
36 to promote, conduct, or hold boxing, kickboxing, martial arts, or

1 wrestling events where an admission fee is charged by any person, club,
2 corporation, organization, association, or fraternal society.

3 (2) All boxing, kickboxing, martial arts, or wrestling events that:

4 (a) Are conducted by any common school, college, or university,
5 whether public or private, or by the official student association
6 thereof, whether on or off the school, college, or university grounds,
7 where all the participating contestants are bona fide students enrolled
8 in any common school, college, or university, within or without this
9 state; or

10 (b) Are entirely amateur events as defined in RCW 67.08.002(18)
11 (~~and promoted on a nonprofit basis or for charitable purposes~~),
12 excluding events described in RCW 67.08.002(18)(g);

13 are not subject to the (~~licensing~~) provisions of this chapter. A
14 boxing, martial arts, kickboxing, or wrestling event may not be
15 conducted within the state except under a license issued in accordance
16 with this chapter and the rules of the department except as provided in
17 this section.

18 (3) The director shall prohibit events unless all of the
19 contestants are licensed or otherwise exempt from licensure as provided
20 under this chapter.

21 (4) No amateur or professional no holds barred fighting or
22 combative fighting type of contest, exhibition, match, or similar type
23 of event, nor any elimination tournament, may be held in this state.
24 Any person promoting such an event is guilty of a class C felony.
25 Additionally, the director may apply to a superior court for an
26 injunction against any and all promoters of a contest, and may request
27 that the court seize all money and assets relating to the competition.

28 **Sec. 3.** RCW 67.08.017 and 2002 c 86 s 307 are each amended to read
29 as follows:

30 In addition to the powers described in RCW 18.235.030 and
31 18.235.040, the director or the director's designee has the following
32 authority in administering this chapter:

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

35 (2) Adopt standards of professional and amateur conduct or
36 practice;

1 (3) Enter into an assurance of discontinuance in lieu of issuing a
2 statement of charges or conducting a hearing. The assurance shall
3 consist of a statement of the law in question and an agreement not to
4 violate the stated provision. The applicant or license holder shall
5 not be required to admit to any violation of the law, and the assurance
6 shall not be construed as such an admission. Violation of an assurance
7 under this subsection is grounds for disciplinary action; ~~((and))~~

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

10 (5) Establish licensing requirements; and

11 (6) Adopt rules regarding whether or not specific martial arts are
12 mixed martial arts for the purpose of applying licensing provisions.

13 **Sec. 4.** RCW 67.08.050 and 2009 c 429 s 1 are each amended to read
14 as follows:

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

23 (2) Upon the termination of any event the promoter shall file with
24 the designated department representative a written report, duly
25 verified as the department may require showing the number of tickets
26 sold for the event, the price charged for the tickets and the gross
27 proceeds thereof, and such other and further information as the
28 department may require. The promoter shall pay to the department at
29 the time of filing the report under this section an event fee to be
30 determined by the director pursuant to RCW 67.08.105. However, the
31 event fee may not be less than twenty-five dollars. A promoter is not
32 required to pay an event fee for promoting an amateur event as defined
33 in RCW 67.08.002(18)(g). The event fee and license fees collected
34 under this chapter shall be paid by the department into the business
35 and professions account under RCW 43.24.150.

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

3 (1) Each contestant for boxing, kickboxing, or martial arts events
4 shall be examined within twenty-four hours before the contest by an
5 event physician licensed by the department. The event physician shall
6 report in writing and over his or her signature before the event the
7 physical condition of each and every contestant to the inspector
8 present at such contest. No contestant whose physical condition is not
9 approved by the event physician shall be permitted to participate in
10 any event. Blank forms for event physicians' reports shall be provided
11 by the department and all questions upon such blanks shall be answered
12 in full. The event physician shall be paid a fee and travel expenses
13 by the promoter.

14 (2) The department may require that an event physician be present
15 at a wrestling event. The promoter shall pay the event physician
16 present at a wrestling event. A boxing, kickboxing, or martial arts
17 event may not be held unless an event physician licensed by the
18 department is present throughout the event. In addition to the event
19 physician, ((a)) an event chiropractor may be included as a licensed
20 official at a boxing, kickboxing, or martial arts event. The promoter
21 shall pay the event chiropractor present at a boxing, kickboxing, or
22 martial arts event.

23 (3) Any physician licensed under RCW 67.08.100 may be selected by
24 the department as the event physician. The event physician present at
25 any contest shall have authority to stop any event when in the event
26 physician's opinion it would be dangerous to a contestant to continue,
27 and in such event it shall be the event physician's duty to stop the
28 event.

29 (4) The department may have a participant in a wrestling event
30 examined by an event physician licensed by the department prior to the
31 event. A participant in a wrestling event whose condition is not
32 approved by the event physician shall not be permitted to participate
33 in the event.

34 (5) Each contestant for boxing, kickboxing, martial arts, or
35 wrestling events may be subject to a random urinalysis or chemical test
36 within twenty-four hours before or after a contest. In addition to the
37 unprofessional conduct specified in RCW 18.235.130, an applicant or
38 licensee who refuses or fails to submit to the urinalysis or chemical

1 test is subject to disciplinary action under RCW 18.235.110. If the
2 urinalysis or chemical test is positive for substances prohibited by
3 rules adopted by the director, the applicant or licensee has engaged in
4 unprofessional conduct and disciplinary action may be taken under RCW
5 18.235.110.

6 **Sec. 6.** RCW 67.08.100 and 2002 c 147 s 3 and 2002 c 86 s 309 are
7 each reenacted and amended to read as follows:

8 (1) The department upon receipt of a properly completed application
9 and payment of a nonrefundable fee, may grant an annual license to an
10 applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d)
11 second; (e) wrestling participant; (f) inspector; (g) judge; (h)
12 timekeeper; (i) announcer; (j) event physician; (k) event chiropractor;
13 (l) referee; (m) matchmaker; (n) kickboxer; (~~and~~) (o) martial arts
14 participant; (p) training facility; and (q) amateur sanctioning
15 organization.

16 (2) The application for the following types of licenses shall
17 include a physical performed by a physician, as defined in RCW
18 67.08.002, which was performed by the physician with a time period
19 preceding the application as specified by rule: (a) Boxer; (b)
20 wrestling participant; (c) kickboxer; (d) martial arts participant; and
21 (e) referee.

22 (3) An applicant for the following types of licenses for the sports
23 of boxing, kickboxing, and martial arts shall provide annual proof of
24 certification as having adequate experience, skill, and training from
25 an organization approved by the department, including, but not limited
26 to, the association of boxing commissions, the international boxing
27 federation, the international boxing organization, the Washington state
28 association of professional ring officials, the world boxing
29 association, the world boxing council, or the world boxing organization
30 for boxing officials, and the united full contact federation for
31 kickboxing and martial arts officials: (a) Judge; (b) referee; (c)
32 inspector; (d) timekeeper; or (e) other officials deemed necessary by
33 the department.

34 (4) No person shall participate or serve in any of the above
35 capacities unless licensed as provided in this chapter.

36 (5) The referees, judges, timekeepers, event physicians,

1 chiropractors, and inspectors for any boxing, kickboxing, or martial
2 arts event shall be designated by the department from among licensed
3 officials.

4 (6) The referee for any wrestling event shall be provided by the
5 promoter and shall be licensed as a wrestling participant.

6 (7) The department shall immediately suspend the license or
7 certificate of a person who has been certified pursuant to RCW
8 74.20A.320 by the department of social and health services as a person
9 who is not in compliance with a support order. If the person has
10 continued to meet all other requirements for reinstatement during the
11 suspension, reissuance of the license or certificate shall be automatic
12 upon the department's receipt of a release issued by the department of
13 social and health services stating that the licensee is in compliance
14 with the order.

15 (8) The director shall suspend the license of any person who has
16 been certified by a lending agency and reported to the director for
17 nonpayment or default on a federally or state-guaranteed educational
18 loan or service-conditional scholarship. Prior to the suspension, the
19 agency must provide the person an opportunity for a brief adjudicative
20 proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of
21 nonpayment or default on a federally or state- guaranteed educational
22 loan or service-conditional scholarship. The person's license may not
23 be reissued until the person provides the director a written release
24 issued by the lending agency stating that the person is making payments
25 on the loan in accordance with a repayment agreement approved by the
26 lending agency. If the person has continued to meet all other
27 requirements for licensure during the suspension, reinstatement is
28 automatic upon receipt of the notice and payment of any reinstatement
29 fee the director may impose.

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

32 ((+9)) (10) A person may not be issued a license unless they are
33 at least eighteen years of age.

34 ((+10)) (11) This section shall not apply to contestants or
35 participants in events at which only amateurs are engaged in contests
36 and/or fraternal organizations and/or veterans' organizations chartered
37 by congress or the defense department ((or)) excluding any recognized
38 amateur sanctioning body recognized by the department((, holding and

1 ~~promoting athletic events and where all funds are used primarily for~~
2 ~~the benefit of their members~~)). Upon request of the department, a
3 promoter, contestant, or participant shall provide sufficient
4 information to reasonably determine whether this chapter applies.

5 **Sec. 7.** RCW 67.08.110 and 2002 c 86 s 310 are each amended to read
6 as follows:

7 (1) Any person or any member of any group of persons or corporation
8 promoting ((~~boxing~~)) events who shall participate directly or
9 indirectly in the purse or fee of any manager of any ((~~boxers~~))
10 participants or any ((~~boxer~~)) participant and any licensee who shall
11 conduct or participate in any sham or fake ((~~boxing~~)) event has engaged
12 in unprofessional conduct and is subject to the sanctions specified in
13 RCW 18.235.110.

14 (2) A manager of any boxer, kickboxer, or martial arts participant
15 who allows any person or any group of persons or corporation promoting
16 boxing, kickboxing, or martial arts events to participate directly or
17 indirectly in the purse or fee, or any boxer, kickboxer, or martial
18 arts participant or other licensee who conducts or participates in any
19 sham or fake boxing, kickboxing, or martial arts event has engaged in
20 unprofessional conduct and is subject to the sanctions specified in RCW
21 18.235.110.

22 **Sec. 8.** RCW 67.08.170 and 1997 c 205 s 15 are each amended to read
23 as follows:

24 A promoter shall ensure that adequate security personnel are in
25 attendance at ((~~a wrestling or boxing~~)) an event to control fans in
26 attendance. The size of the security force shall be determined by
27 mutual agreement of the promoter, the person in charge of operating the
28 arena or other facility, and the department.

29 **Sec. 9.** RCW 67.08.240 and 1997 c 205 s 21 are each amended to read
30 as follows:

31 The following conduct, acts, or conditions constitute
32 unprofessional conduct for a license holder or applicant under this
33 chapter:

34 (1) Conviction of a gross misdemeanor, felony, or the commission of
35 an act involving moral turpitude, dishonesty, or corruption whether the

1 act constitutes a crime or not. If the act constitutes a crime,
2 conviction in a criminal proceeding is not a condition precedent to
3 disciplinary action. Upon such a conviction, however, the judgment and
4 sentence is conclusive evidence at the ensuing disciplinary hearing of
5 the guilt of the license holder or applicant of the crime described in
6 the indictment or information, and of the person's violation of the
7 statute on which it is based. For the purposes of this section,
8 conviction includes all instances in which a plea of guilty or nolo
9 contendere is the basis for the conviction and all proceedings in which
10 the sentence has been deferred or suspended. This section does not
11 abrogate rights guaranteed under chapter 9.96 RCW;

12 (2) Misrepresentation or concealment of a material fact in
13 obtaining a license or in reinstatement of a license;

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

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

17 (5) Suspension, revocation, or restriction of a license to act as
18 a professional or amateur athletic licensee by competent authority in
19 a state, federal, or foreign jurisdiction, a certified copy of the
20 order, stipulation, or agreement being conclusive evidence of the
21 revocation, suspension, or restriction;

22 (6) Violation of a statute or administrative rule regulating
23 professional or amateur athletics;

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

25 (a) Not furnishing papers or documents;

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

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

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

32 (9) Aiding or abetting an unlicensed person to act in a manner that
33 requires a professional or amateur athletics (~~licensee~~~~[license]~~)
34 license;

35 (10) Misrepresentation or fraud in any aspect of the conduct of a
36 professional athletics or amateur event; and

37 (11) Interference with an investigation or disciplinary proceeding

1 by willful misrepresentation of facts before the department or by the
2 use of threats or harassment against any person to prevent them from
3 providing evidence in a disciplinary proceeding or other legal action.

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