
SENATE BILL 5824

State of Washington

53rd Legislature

1993 Regular Session

By Senators Moore and Quigley; by request of Office of Financial Management

Read first time 02/16/93. Referred to Committee on Government Operations.

1 AN ACT Relating to abolition of the state professional athletic
2 commission; amending RCW 67.08.002, 67.08.007, 67.08.010, 67.08.015,
3 67.08.030, 67.08.040, 67.08.050, 67.08.055, 67.08.060, 67.08.080,
4 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.130, 67.08.140, and
5 67.08.170; adding a new section to chapter 67.08 RCW; creating new
6 sections; repealing RCW 67.08.001, 67.08.003, 67.08.005, and 67.08.009;
7 providing an effective date; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The state professional athletic commission
10 is hereby abolished and its powers, duties, and functions are hereby
11 transferred to the department of licensing. All references to the
12 director or state professional athletic commission in the Revised Code
13 of Washington shall be construed to mean the director or department of
14 licensing.

15 NEW SECTION. **Sec. 2.** All reports, documents, surveys, books,
16 records, files, papers, or written material in the possession of the
17 state professional athletic commission shall be delivered to the
18 custody of the department of licensing. All cabinets, furniture,

1 office equipment, motor vehicles, and other tangible property employed
2 by the state professional athletic commission shall be made available
3 to the department of licensing. All funds, credits, or other assets
4 held by the state professional athletic commission shall be assigned to
5 the department of licensing.

6 Any appropriations made to the state professional athletic
7 commission shall, on the effective date of this section, be transferred
8 and credited to the department of licensing.

9 Whenever any question arises as to the transfer of any personnel,
10 funds, books, documents, records, papers, files, equipment, or other
11 tangible property used or held in the exercise of the powers and the
12 performance of the duties and functions transferred, the director of
13 financial management shall make a determination as to the proper
14 allocation and certify the same to the state agencies concerned.

15 NEW SECTION. **Sec. 3.** All employees of the state professional
16 athletic commission are transferred to the jurisdiction of the
17 department of licensing. All employees classified under chapter 41.06
18 RCW, the state civil service law, are assigned to the department of
19 licensing to perform their usual duties upon the same terms as
20 formerly, without any loss of rights, subject to any action that may be
21 appropriate thereafter in accordance with the laws and rules governing
22 state civil service.

23 NEW SECTION. **Sec. 4.** All rules and all pending business before
24 the state professional athletic commission shall be continued and acted
25 upon by the department of licensing. All existing contracts and
26 obligations shall remain in full force and shall be performed by the
27 department of licensing.

28 NEW SECTION. **Sec. 5.** The transfer of the powers, duties,
29 functions, and personnel of the state professional athletic commission
30 shall not affect the validity of any act performed prior to the
31 effective date of this section.

32 NEW SECTION. **Sec. 6.** If apportionments of budgeted funds are
33 required because of the transfers directed by sections 2 through 5 of
34 this act, the director of financial management shall certify the
35 apportionments to the agencies affected, the state auditor, and the

1 state treasurer. Each of these shall make the appropriate transfer and
2 adjustments in funds and appropriation accounts and equipment records
3 in accordance with the certification.

4 NEW SECTION. **Sec. 7.** Nothing contained in sections 1 through 6 of
5 this act may be construed to alter any existing collective bargaining
6 unit or the provisions of any existing collective bargaining agreement
7 until the agreement has expired or until the bargaining unit has been
8 modified by action of the personnel board as provided by law.

9 **Sec. 8.** RCW 67.08.002 and 1989 c 127 s 1 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Boxing" includes, but is not limited to, sumo, judo, and
14 karate in addition to fisticuffs, but does not include professional
15 wrestling.

16 (2) (~~"Commission"~~) "Department" means the (~~professional athletic~~
17 ~~commission~~) department of licensing.

18 (3) "Director" means the director of the department of licensing.

19 (4) "Promoter" means any person and, in the case of a corporation,
20 an officer, director, employee, or shareholder thereof, who produces,
21 arranges, or stages any professional wrestling exhibition or boxing
22 contest.

23 (~~(4)~~) (5) "Wrestling exhibition" or "wrestling show" means a form
24 of sports entertainment in which the participants display their skills
25 in a struggle against each other in the ring and either the outcome may
26 be predetermined or the participants do not necessarily strive to win,
27 or both.

28 **Sec. 9.** RCW 67.08.007 and 1959 c 305 s 2 are each amended to read
29 as follows:

30 The (~~commission~~) department may employ and fix the compensation
31 of such officers, employees, and inspectors as may be necessary to
32 administer the provisions of this chapter as amended.

33 **Sec. 10.** RCW 67.08.010 and 1989 c 127 s 13 are each amended to
34 read as follows:

1 The ((~~commission~~)) department shall have power to issue and for
2 cause to revoke a license to conduct boxing contests, sparring matches,
3 or wrestling shows or exhibitions including a simultaneous telecast of
4 any live, current or spontaneous boxing, sparring or wrestling match or
5 performance on a closed circuit telecast within this state, whether
6 originating in this state or elsewhere, and for which a charge is made,
7 as herein provided under such terms and conditions and at such times
8 and places as the ((~~commission~~)) department may determine. Such
9 licenses shall entitle the holder thereof to conduct boxing contests
10 and sparring and/or wrestling matches and exhibitions under such terms
11 and conditions and at such times and places as the ((~~commission~~))
12 department may determine. In case the ((~~commission~~)) department shall
13 refuse to grant a license to any applicant, or shall cancel any
14 license, such applicant, or the holder of such canceled license shall
15 be entitled, upon application, to a hearing to be held not less than
16 sixty days after the filing of such order at such place as the
17 ((~~commission~~)) department may designate: PROVIDED, HOWEVER, That if it
18 has been found by a valid finding and such finding is fully set forth
19 in such order, that the applicant or licensee has been guilty of
20 disobeying any provision of this chapter, such hearing shall be denied.

21 NEW SECTION. Sec. 11. A new section is added to chapter 67.08 RCW
22 to read as follows:

23 The director has the following authority in administering this
24 chapter:

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

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

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

32 (4) Compel attendance of witnesses at hearings;

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

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

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

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

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

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

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

17 (12) Designate individuals authorized to sign subpoenas and
18 statements of charges;

19 (13) Employ the investigative, administrative, and clerical staff
20 necessary for the enforcement of this chapter; and

21 (14) Compel the attendance of witnesses at hearings.

22 **Sec. 12.** RCW 67.08.015 and 1989 c 127 s 14 are each amended to
23 read as follows:

24 The ((~~commission~~)) department shall have power and it shall be its
25 duty to direct, supervise, and control all boxing contests, sparring
26 matches, and wrestling shows or exhibitions conducted within the state
27 and no such boxing contest, sparring match, or wrestling show or
28 exhibition shall be held or given within this state except in
29 accordance with the provisions of this chapter. The ((~~commission~~))
30 department may, in its discretion, issue and for cause revoke a license
31 to conduct, hold or give boxing and sparring contests, and wrestling
32 shows and exhibitions where an admission fee is charged by any club,
33 corporation, organization, association, or fraternal society:
34 PROVIDED, HOWEVER, That all boxing contests, sparring or wrestling
35 matches or exhibitions which:

36 (1) Are conducted by any common school, college, or university,
37 whether public or private, or by the official student association
38 thereof, whether on or off the school, college, or university grounds,

1 where all the participating contestants are bona fide students enrolled
2 in any common school, college, or university, within or without this
3 state; or

4 (2) Are entirely amateur events promoted on a nonprofit basis or
5 for charitable purposes; shall not be subject to the provisions of this
6 chapter: PROVIDED, FURTHER, That every contestant in any boxing
7 contest or sparring match not conducted under the provisions of this
8 chapter, prior to engaging in any such contest or match, shall be
9 examined by a practicing physician at least once in each calendar year
10 or, where such contest is conducted by a common school, college or
11 university as further described in this section, once in each academic
12 year in which instance such physician shall also designate the maximum
13 and minimum weights at which such contestant shall be medically
14 certified to participate: PROVIDED FURTHER, That no contestant shall
15 be permitted to participate in any such boxing contest, sparring or
16 wrestling match or exhibition in any weight classification other than
17 that or those for which he is certificated: PROVIDED FURTHER, That the
18 organizations exempted by this section from the provisions of this
19 chapter shall be governed by RCW 67.08.080 as said section applies to
20 boxing contests or sparring matches or exhibitions conducted by
21 organizations exempted by this section from the general provisions of
22 this chapter. No boxing contest, sparring match, or wrestling show or
23 exhibition shall be conducted within the state except pursuant to a
24 license issued in accordance with the provisions of this chapter and
25 the rules and regulations of the ((~~commission~~)) department except as
26 hereinabove provided.

27 **Sec. 13.** RCW 67.08.030 and 1989 c 127 s 6 are each amended to read
28 as follows:

29 (1) Every boxing promoter, as a condition for receiving a license,
30 shall file a good and sufficient bond in the sum of ten thousand
31 dollars with the ((~~commission~~)) department, conditioned upon the
32 faithful performance by such licensee of the provisions of this
33 chapter, the payment of the taxes, officials, and contracts as provided
34 for herein and the observance of all rules and regulations of the
35 ((~~commission~~)) department, which bond shall be subject to the approval
36 of the attorney general.

37 (2) Every promoter of a wrestling exhibition or closed circuit
38 telecast as a condition of receiving a license as provided for under

1 this chapter shall file a good and sufficient bond in the sum of one
2 thousand dollars with the ((~~commission~~)) department in cities of less
3 than one hundred fifty thousand inhabitants and of two thousand five
4 hundred dollars in cities of more than one hundred fifty thousand
5 inhabitants conditioned upon the faithful performance by such licensee
6 of the provisions of this chapter, the payment of the taxes and
7 officials provided for herein and the observance of all rules and
8 regulations of the ((~~commission~~)) department, which bond shall be
9 subject to the approval of the attorney general.

10 (3) Boxing promoters must obtain medical insurance to cover any
11 injuries incurred by participants at the time of the event.

12 **Sec. 14.** RCW 67.08.040 and 1975-'76 2nd ex.s. c 48 s 4 are each
13 amended to read as follows:

14 Upon the approval by the ((~~commission~~)) department of any
15 application for a license, as hereinabove provided, and the filing of
16 the bond the ((~~commission~~)) department shall forthwith issue such
17 license.

18 **Sec. 15.** RCW 67.08.050 and 1989 c 127 s 7 are each amended to read
19 as follows:

20 (1) Any promoter as herein provided shall within seven days prior
21 to the holding of any boxing contest or sparring match or exhibition
22 file with the ((~~commission~~)) department a statement setting forth the
23 name of each licensee, his or her manager or managers and such other
24 information as the ((~~commission~~)) department may require. Any promoter
25 shall, within seven days before holding any wrestling exhibition or
26 show, file with the ((~~commission~~)) department a statement setting forth
27 the name of each contestant, his or her manager or managers, and such
28 other information as the ((~~commission~~)) department may require.
29 Participant changes within a twenty-four hour period regarding a
30 wrestling exhibition or show may be allowed after notice to the
31 ((~~commission~~)) department, if the new participant holds a valid license
32 under this chapter. The ((~~commission~~)) department may stop any event
33 that is a part of a wrestling exhibition wherein any participant is not
34 licensed under this chapter. Upon the termination of any contest or
35 exhibition the promoter shall file with the designated ((~~commission~~))
36 department representative a written report, duly verified as the
37 ((~~commission~~)) department may require showing the number of tickets

1 sold for such contest, the price charged for such tickets and the gross
2 proceeds thereof, and such other and further information as the
3 ((~~commission~~)) department may require. The promoter shall pay to the
4 ((~~commission~~)) department at the time of filing the above report a tax
5 equal to five percent of such gross receipts and said five percent of
6 such gross receipts shall be immediately paid by the ((~~commission~~))
7 department into the state general fund.

8 (2) The number of complimentary tickets shall be limited to two
9 percent of the total tickets sold per event location. All
10 complimentary tickets exceeding this set amount shall be subject to
11 taxation.

12 **Sec. 16.** RCW 67.08.055 and 1989 c 127 s 15 are each amended to
13 read as follows:

14 Every licensee who charges and receives an admission fee for
15 exhibiting a simultaneous telecast of any live, current, or spontaneous
16 boxing or sparring match, or wrestling exhibition or show on a closed
17 circuit telecast viewed within this state shall, within seventy-two
18 hours after such event, furnish to the ((~~commission~~)) department a
19 verified written report on a form which is supplied by the
20 ((~~commission~~)) department showing the number of tickets issued or sold,
21 and the gross receipts therefor without any deductions whatsoever.
22 Such licensee shall also, at the same time, pay to the ((~~commission~~))
23 department a tax equal to five percent of such gross receipts paid for
24 admission to the showing of the contest, match or exhibition. In no
25 event, however, shall the tax be less than twenty-five dollars. The
26 tax shall apply uniformly at the same rate to all persons subject to
27 the tax. Such receipts shall be immediately paid by the ((~~commission~~))
28 department into the general fund of the state.

29 **Sec. 17.** RCW 67.08.060 and 1989 c 127 s 16 are each amended to
30 read as follows:

31 The ((~~commission~~)) department may appoint official inspectors at
32 least one of which, in the absence of a member of the ((~~commission~~))
33 department, shall be present at any boxing contest or sparring match or
34 exhibition held under the provisions of this chapter and may be present
35 at any wrestling exhibition or show. Such inspectors shall carry a
36 card signed by the ((~~chairman~~)) director of the ((~~commission~~))
37 department evidencing their authority. It shall be their duty to see

1 that all rules and regulations of the ((~~commission~~)) department and the
2 provisions of this chapter are strictly complied with and to be present
3 at the accounting of the gross receipts of any contest, and such
4 inspector is authorized to receive from the licensee conducting the
5 contest the statement of receipts herein provided for and to
6 immediately transmit such reports to the ((~~commission~~)) department.
7 Each inspector shall receive a fee from the licensee to be set by the
8 ((~~commission~~)) department for each contest officially attended. Each
9 inspector shall also receive from the state travel expenses in
10 accordance with RCW 43.03.050 and 43.03.060 as now existing or
11 hereafter amended.

12 **Sec. 18.** RCW 67.08.080 and 1989 c 127 s 8 are each amended to read
13 as follows:

14 No boxing contest or sparring exhibition held in this state whether
15 under the provisions of this chapter or otherwise shall be for more
16 than ten rounds and no one round of any such contest or exhibition
17 shall be scheduled for less than or longer than three minutes and there
18 shall be not less than one minute intermission between each round. In
19 the event of bouts involving state or regional championships the
20 ((~~commission~~)) department may grant an extension of no more than two
21 additional rounds to allow total bouts of twelve rounds, and in bouts
22 involving national championships the ((~~commission~~)) department may
23 grant an extension of no more than five additional rounds to allow
24 total bouts of fifteen rounds. No contestant in any boxing contest or
25 sparring match or exhibition whether under this chapter or otherwise
26 shall be permitted to wear gloves weighing less than eight ounces. The
27 ((~~commission~~)) department shall promulgate rules and regulations to
28 assure clean and sportsmanlike conduct on the part of all contestants
29 and officials, and the orderly and proper conduct of the contest in all
30 respects, and to otherwise make rules and regulations consistent with
31 this chapter, but such rules and regulations shall apply only to
32 contests held under the provisions of this chapter.

33 **Sec. 19.** RCW 67.08.090 and 1989 c 127 s 9 are each amended to read
34 as follows:

35 Each contestant for boxing or sparring shall be examined within
36 eight hours prior to the contest by a competent physician appointed by
37 the ((~~commission~~)) department. The physician shall forthwith and

1 before such contest report in writing and over his or her signature the
2 physical condition of each and every contestant to the ((~~commissioner~~
3 ~~or~~)) inspector present at such contest. No contestant whose physical
4 condition is not approved by the examining physician shall be permitted
5 to participate in any contest. Blank forms of physicians' report shall
6 be provided by the ((~~commission~~)) department and all questions upon
7 such blanks shall be answered in full. The examining physician shall
8 be paid a fee designated by the ((~~commission~~)) department by the
9 promoter conducting such match or exhibition. The ((~~commission~~))
10 department may have a participant in a wrestling exhibition or show
11 examined by a physician appointed by the ((~~commission~~)) department
12 prior to the exhibition or show. A participant in a wrestling
13 exhibition or show whose condition is not approved by the examining
14 physician shall not be permitted to participate in the exhibition or
15 show. No boxing contest, sparring match, or exhibition shall be held
16 unless a licensed physician of the ((~~commission~~)) department or his or
17 her duly appointed representative is present throughout the contest.
18 The ((~~commission~~)) department may require that a physician be present
19 at a wrestling exhibition or show. Any physician present at a
20 wrestling show or exhibition shall be paid for by the promoter.

21 Any practicing physician and surgeon may be selected by the
22 ((~~board~~)) department as the examining physician. Such physician
23 present at such contest shall have authority to stop any contest when
24 in the physician's opinion it would be dangerous to a contestant to
25 continue, and in such event it shall be the physician's duty to stop
26 such contest.

27 **Sec. 20.** RCW 67.08.100 and 1989 c 127 s 10 are each amended to
28 read as follows:

29 (1) The ((~~commission~~)) department may grant annual licenses upon
30 application in compliance with the rules and regulations prescribed by
31 the ((~~commission~~)) director, and the payment of the fees, the amount of
32 which is to be ((~~determined~~)) set by the ((~~commission~~)) director in
33 accordance with RCW 43.24.086, prescribed to promoters, managers,
34 referees, boxers, wrestlers, and seconds: PROVIDED, That the
35 provisions of this section shall not apply to contestants or
36 participants in strictly amateur contests and/or fraternal
37 organizations and/or veterans' organizations chartered by congress or
38 the defense department or any bona fide athletic club which is a member

1 of the Pacific northwest association of the amateur athletic union of
2 the United States, holding and promoting athletic contests and where
3 all funds are used primarily for the benefit of their members.

4 (2) Any such license may be revoked by the ((~~commission~~))
5 department for any cause which it shall deem sufficient.

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

8 (4) The referee for any boxing contest shall be designated by the
9 ((~~commission~~)) department from among such licensed referees.

10 (5) The referee for any wrestling exhibition or show shall be
11 provided by the promoter and licensed by the ((~~commission~~)) department.

12 **Sec. 21.** RCW 67.08.110 and 1989 c 127 s 11 are each amended to
13 read as follows:

14 Any person or any member of any group of persons or corporation
15 promoting boxing exhibitions or contests who shall participate directly
16 or indirectly in the purse or fee of any manager of any boxers or any
17 boxer and any licensee who shall conduct or participate in any sham or
18 fake boxing contest or sparring match or exhibition shall thereby
19 forfeit its license and the ((~~commission~~)) department shall declare
20 such license canceled and void and such licensee shall not thereafter
21 be entitled to receive another such, or any license issued pursuant to
22 the provisions of this chapter.

23 **Sec. 22.** RCW 67.08.120 and 1989 c 127 s 12 are each amended to
24 read as follows:

25 Any contestant or licensee who shall participate in any sham or
26 fake boxing contest, match, or exhibition and any licensee or
27 participant who violates any rule or regulation of the ((~~commission~~))
28 department shall be penalized in the following manner: For the first
29 offense he or she shall be restrained by order of the ((~~commission~~))
30 department for a period of not less than three months from
31 participating in any contest held under the provisions of this chapter,
32 such suspension to take effect immediately after the occurrence of the
33 offense; for any second offense such contestant shall be forever
34 suspended from participation in any contest held under the provisions
35 of this chapter.

1 **Sec. 23.** RCW 67.08.130 and 1933 c 184 s 19 are each amended to
2 read as follows:

3 Whenever any licensee shall fail to make a report of any contest
4 within the time prescribed by this chapter or when such report is
5 unsatisfactory to the ((~~commission~~)) department, the ((~~secretary~~))
6 director shall examine the books and records of such licensee; he or
7 she may subpoena and examine under oath any officer of such licensee
8 and such other person or persons as he or she may deem necessary to a
9 determination of the total gross receipts from any contest and the
10 amount of tax thereon. If, upon the completion of such examination it
11 shall be determined that an additional tax is due, notice thereof shall
12 be served upon the licensee, and if such licensee shall fail to pay
13 such additional tax within twenty days after service of such notice
14 such delinquent licensee shall forfeit its license and shall forever be
15 disqualified from receiving any new license and in addition thereto
16 such licensee and the members thereof shall be jointly and severally
17 liable to this state in the penal sum of one thousand dollars to be
18 collected by the attorney general by civil action in the name of the
19 state in the manner provided by law.

20 **Sec. 24.** RCW 67.08.140 and 1989 c 127 s 17 are each amended to
21 read as follows:

22 Any person, club, corporation, organization, association, fraternal
23 society, participant, or promoter conducting or participating in boxing
24 contests, sparring matches, or wrestling shows or exhibitions within
25 this state without having first obtained a license therefor in the
26 manner provided by this chapter is in violation of this chapter and
27 shall be guilty of a misdemeanor excepting such contests excluded from
28 the operation of this chapter by RCW 67.08.015. The attorney general,
29 each prosecuting attorney, the ((~~commission~~)) department, or any
30 citizen of any county where any person, club, corporation,
31 organization, association, fraternal society, promoter, or participant
32 shall threaten to hold, or appears likely to hold or participate in
33 athletic contests or exhibitions in violation of this chapter, may in
34 accordance with the laws of this state governing injunctions, enjoin
35 such person, club, corporation, organization, association, fraternal
36 society, promoter, or participant from holding or participating in such
37 contest or exhibition.

1 **Sec. 25.** RCW 67.08.170 and 1989 c 127 s 3 are each amended to read
2 as follows:

3 A promoter shall ensure that adequate security personnel are in
4 attendance at a wrestling exhibition or boxing contest to control fans
5 in attendance. The size of the security force shall be determined by
6 mutual agreement of the promoter, the person in charge of operating the
7 arena or other facility, and the (~~commission~~) department.

8 NEW SECTION. **Sec. 26.** The following acts or parts of acts are
9 each repealed:

10 (1) RCW 67.08.001 and 1989 c 127 s 5, 1988 c 19 s 1, 1981 c 337 s
11 1, & 1933 c 184 s 1;

12 (2) RCW 67.08.003 and 1984 c 287 s 99 & 1977 c 9 s 1;

13 (3) RCW 67.08.005 and 1981 c 337 s 2 & 1933 c 184 s 3; and

14 (4) RCW 67.08.009 and 1933 c 184 s 5.

15 NEW SECTION. **Sec. 27.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 28.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and shall take
22 effect July 1, 1993.

--- END ---