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**SUBSTITUTE SENATE BILL 5553**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice and Winsley; by request of Department of Licensing)

Read first time 03/03/99.

1 AN ACT Relating to professional athletics licensing, health, and  
2 safety standards; amending RCW 67.08.002, 67.08.015, 67.08.050,  
3 67.08.080, 67.08.090, 67.08.110, 67.08.120, and 67.08.160; reenacting  
4 and amending RCW 67.08.100; adding a new section to chapter 67.08 RCW;  
5 repealing RCW 67.08.007 and 67.08.060; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 67.08 RCW  
8 to read as follows:

9 The department shall set license and renewal fees by rule, but the  
10 fees collected do not have to offset the cost of the program as  
11 required under RCW 43.24.086.

12 **Sec. 2.** RCW 67.08.002 and 1997 c 205 s 1 are each amended to read  
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in  
15 this section apply throughout this chapter.

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

1 (2) "Boxing" means a contest in which the contestants exchange  
2 blows with their fists, but does not include professional wrestling.

3 (3) "Department" means the department of licensing.

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

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

9 (6) "Event physician" means the physician licensed under RCW  
10 67.08.100 and who is responsible for the activities described in RCW  
11 67.08.090.

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

17 ~~((+7))~~ (8) "Gross receipts" means ~~((+))~~ the amount received from  
18 ~~((the sale of souvenirs, programs, and other concessions received by~~  
19 ~~the promoter; and))~~ the face value of all tickets sold and  
20 complimentary tickets redeemed.

21 ~~((+8))~~ (9) "Kickboxing" means a type of boxing in which blows are  
22 delivered with the hand and any part of the leg below the hip,  
23 including the foot.

24 ~~((+9))~~ (10) "Martial arts" means a type of boxing including sumo,  
25 judo, karate, kung fu, tae kwon do, pankration, muay thai, or other  
26 forms of full-contact martial arts or self-defense conducted on a full-  
27 contact basis.

28 ~~((+10))~~ (11) "Physician" means a person licensed under chapter  
29 18.57 or 18.71 RCW as a physician or a person holding an osteopathic or  
30 allopathic physician license under the laws of any jurisdiction in  
31 which the person resides.

32 (12) "Professional" means a person who has received or competed for  
33 money or other articles of value for participating in an event.

34 ~~((+11))~~ (13) "Promoter" means a person, and includes any officer,  
35 director, employee, or stockholder of a corporate promoter, who  
36 produces, arranges, stages, holds, or gives an event in this state  
37 involving a professional boxing, martial arts, or wrestling event, or  
38 shows or causes to be shown in this state a closed circuit telecast of

1 a match involving a professional participant whether or not the  
2 telecast originates in this state.

3 ~~((12) "Tough man/rough man contest or competition" means an event  
4 that utilizes unlicensed, untrained, or otherwise licensed participants  
5 who engage in unsanctioned activities that do not comply with this  
6 chapter, including a full contact, tournament style martial arts  
7 contest, match, show, or exhibition in which contestants compete more  
8 than once per day.~~

9 ~~(13))~~ (14) "Wrestling exhibition" or "wrestling show" means a form  
10 of sports entertainment in which the participants display their skills  
11 in a physical struggle against each other in the ring and either the  
12 outcome may be predetermined or the participants do not necessarily  
13 strive to win, or both.

14 **Sec. 3.** RCW 67.08.015 and 1997 c 205 s 3 are each amended to read  
15 as follows:

16 (1) In the interest of ensuring the safety and welfare of the  
17 participants, the department shall have power and it shall be its duty  
18 to direct, supervise, and control all boxing, martial arts, and  
19 wrestling events conducted within this state and an event may not be  
20 held in this state except in accordance with the provisions of this  
21 chapter. The department may, in its discretion, issue and for cause  
22 deny, revoke, or suspend a license to promote, conduct, or hold boxing,  
23 kickboxing, martial arts, or wrestling events where an admission fee is  
24 charged by any person, club, corporation, organization, association, or  
25 fraternal society.

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

27 (a) Are conducted by any common school, college, or university,  
28 whether public or private, or by the official student association  
29 thereof, whether on or off the school, college, or university grounds,  
30 where all the participating contestants are bona fide students enrolled  
31 in any common school, college, or university, within or without this  
32 state; or

33 (b) Are entirely amateur events promoted on a nonprofit basis or  
34 for charitable purposes;

35 are not subject to the licensing provisions of this chapter. A boxing,  
36 martial arts, kickboxing, or wrestling event may not be conducted  
37 within the state except under a license issued in accordance with this

1 chapter and the rules of the department except as provided in this  
2 section.

3 (3) The director shall prohibit events unless all of the  
4 contestants are either licensed under this chapter or trained by an  
5 amateur or professional sanctioning body recognized by the department.

6 **Sec. 4.** RCW 67.08.050 and 1997 c 205 s 6 are each amended to read  
7 as follows:

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

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

26 (3) A complimentary ticket may not have a face value of less than  
27 the least expensive ticket available for sale to the general public.  
28 ~~((It must include charges and fees, such as dinner, gratuity, parking,~~  
29 ~~surcharges, or other charges or fees that are charged to and must be~~  
30 ~~paid by the customer in order to view the event.))~~ The number of  
31 untaxed complimentary tickets shall be limited to five percent of the  
32 total tickets sold per event location, not to exceed three hundred  
33 tickets. All complimentary tickets exceeding this exemption shall be  
34 subject to taxation.

35 **Sec. 5.** RCW 67.08.080 and 1997 c 205 s 8 are each amended to read  
36 as follows:

1 A boxing(~~(, kickboxing, or martial art[s])~~) event held in this  
2 state may not be for more than ten rounds and no one round of any bout  
3 shall be scheduled for longer than three minutes and there shall be not  
4 less than one minute intermission between each round. In the event of  
5 bouts involving state, regional, national, or world championships the  
6 department may grant an extension of no more than two additional rounds  
7 to allow total bouts of twelve rounds. A contestant in any boxing  
8 event under this chapter may not be permitted to wear gloves weighing  
9 less than eight ounces. The director shall adopt rules to assure clean  
10 and sportsmanlike conduct on the part of all contestants and officials,  
11 and the orderly and proper conduct of the event in all respects, and to  
12 otherwise make rules consistent with this chapter, but such rules shall  
13 apply only to events held under the provisions of this chapter. The  
14 director may adopt rules with respect to round and bout limitations and  
15 clean and sportsmanlike conduct for kickboxing, martial arts, or  
16 wrestling events.

17 **Sec. 6.** RCW 67.08.090 and 1997 c 205 s 9 are each amended to read  
18 as follows:

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

31 (2) The department may require that ((a)) an event physician be  
32 present at a wrestling event. The promoter shall pay ((any)) the event  
33 physician present at a wrestling event. A boxing, kickboxing, or  
34 martial arts event may not be held unless ((a licensed)) an event  
35 physician ((of)) licensed by the department ((or his or her duly  
36 appointed representative)) is present throughout the event.

37 (3) Any ((practicing)) physician ((and surgeon)) licensed under RCW  
38 67.08.100 may be selected by the department as the ((examining)) event

1 physician. (~~Such~~) The event physician present at (~~such~~) any  
2 contest shall have authority to stop any event when in the event  
3 physician's opinion it would be dangerous to a contestant to continue,  
4 and in such event it shall be the event physician's duty to stop the  
5 event.

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

11 (5) Each contestant for boxing, kickboxing, martial arts, or  
12 wrestling events may be subject to a random urinalysis or chemical test  
13 within twenty-four hours before or after a contest. An applicant or  
14 licensee who refuses or fails to submit to the urinalysis or chemical  
15 test is subject to disciplinary action under RCW 67.08.240. If the  
16 urinalysis or chemical test is positive for substances prohibited by  
17 rules adopted by the director, disciplinary action shall be taken under  
18 RCW 67.08.240.

19 **Sec. 7.** RCW 67.08.100 and 1997 c 205 s 10 and 1997 c 58 s 864 are  
20 each reenacted and amended to read as follows:

21 (1) The department upon receipt of a properly completed application  
22 and payment of a nonrefundable fee, may grant an annual license to an  
23 applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d)  
24 second; (e) wrestling participant; (f) inspector(~~s~~); (g) judge; (h)  
25 timekeeper; (i) announcer(~~s~~); (~~and~~) (j) event physician(~~s~~); (k)  
26 referee; (l) matchmaker; (m) kickboxer; and (n) martial arts  
27 participant.

28 (2) The application for the following types of licenses shall  
29 include a physical performed by a physician, as defined in RCW  
30 67.08.002, which was performed by the physician with a time period  
31 preceding the application as specified by rule: (a) Boxer; (b)  
32 wrestling participant; (c) kickboxer; (d) martial arts participant; and  
33 (e) referee.

34 (3) Any license may be revoked, suspended, or denied by the  
35 director for a violation of this chapter or a rule adopted by the  
36 director.

37 (~~3~~) (4) No person shall participate or serve in any of the  
38 above capacities unless licensed as provided in this chapter.

1        ~~((+4))~~ (5) The referees, judges, timekeepers, event physicians,  
2 and inspectors for any boxing event shall be designated by the  
3 department from among licensed officials.

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

6        ~~((+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 ~~((or a residential or  
10 visitation order))~~. If the person has continued to meet all other  
11 requirements for reinstatement during the suspension, reissuance of the  
12 license or certificate shall be automatic upon the department's receipt  
13 of a release issued by the department of social and health services  
14 stating that the licensee is in compliance with the order.

15        ~~((+7))~~ (8) A person may not be issued a license if the person has  
16 an unpaid fine outstanding to the department.

17        ~~((+8))~~ (9) A person may not be issued a license unless they are at  
18 least eighteen years of age.

19        ~~((+9))~~ (10) This section shall not apply to contestants or  
20 participants in events at which only amateurs are engaged in contests  
21 and/or fraternal organizations and/or veterans' organizations chartered  
22 by congress or the defense department or any recognized amateur  
23 sanctioning body recognized by the department, holding and promoting  
24 athletic events and where all funds are used primarily for the benefit  
25 of their members. Upon request of the department, a promoter,  
26 contestant, or participant shall provide sufficient information to  
27 reasonably determine whether this chapter applies.

28        **Sec. 8.** RCW 67.08.110 and 1997 c 205 s 11 are each amended to read  
29 as follows:

30        (1) Any person or any member of any group of persons or corporation  
31 promoting boxing events who shall participate directly or indirectly in  
32 the purse or fee of any manager of any boxers or any boxer and any  
33 licensee who shall conduct or participate in any sham or fake boxing  
34 event shall be subject to license suspension, revocation, or fine and  
35 such revoked, suspended, or fined licensee shall not be entitled to  
36 receive any license issued under this chapter.

37        (2) A manager of any boxer, kickboxer, or martial arts participant  
38 who allows any person or any group of persons or corporation promoting

1 boxing, kickboxing, or martial arts events to participate directly or  
2 indirectly in the purse or fee, or any boxer, kickboxer, or martial  
3 arts participant or other licensee who conducts or participates in any  
4 sham or fake boxing, kickboxing, or martial arts event is subject to  
5 disciplinary action under RCW 67.08.240.

6       **Sec. 9.** RCW 67.08.120 and 1997 c 205 s 12 are each amended to read  
7 as follows:

8       Any (~~(unlicensed participant contestant)~~) applicant or licensee who  
9 violates any rule of the department shall be fined, suspended, revoked,  
10 or any combination thereof, by order of the director. Assessed fines  
11 shall not exceed five (~~(hundred)~~) thousand dollars for each violation  
12 of this chapter or any rule of the department.

13       **Sec. 10.** RCW 67.08.160 and 1989 c 127 s 2 are each amended to read  
14 as follows:

15       A promoter shall have an ambulance or paramedical unit present at  
16 the (~~(arena in case a serious injury occurs unless an ambulance or~~  
17 ~~paramedical unit is located within five miles of the arena and that~~  
18 ~~unit is on call for such an occurrence)~~) event location.

19       NEW SECTION.   **Sec. 11.** The following acts or parts of acts are  
20 each repealed:

21       (1) RCW 67.08.007 (Officers, employees, inspectors) and 1993 c 278  
22 s 9, 1959 c 305 s 2, & 1933 c 184 s 4; and

23       (2) RCW 67.08.060 (Inspectors--Duties--Fee and travel expenses for  
24 attending events) and 1997 c 205 s 7, 1993 c 278 s 17, 1989 c 127 s 16,  
25 1988 c 19 s 2, 1975-'76 2nd ex.s. c 34 s 154, 1959 c 305 s 4, & 1933 c  
26 184 s 12.

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