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SENATE BILL 5553

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State of Washington                      56th Legislature                      1999 Regular Session

By Senators Prentice and Winsley; by request of Department of Licensing

Read first time 01/27/1999. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1            AN ACT Relating to professional athletics; amending RCW 67.08.002,  
2 67.08.050, 67.08.080, 67.08.090, 67.08.110, 67.08.120, and 67.08.160;  
3 reenacting and amending RCW 67.08.100; adding new sections to chapter  
4 67.08 RCW; repealing RCW 67.08.007 and 67.08.060; and prescribing  
5 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) "Extreme/ultimate or tough man/rough man contest or  
13 competition" means an event that utilizes unlicensed, untrained, or  
14 otherwise licensed participants who engage in unsanctioned activities  
15 that do not comply with this chapter, including a full-contact,  
16 tournament-style martial arts contest, match, show, or exhibition, in  
17 which contestants compete more than once per day.

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

23 ~~((+7))~~ (9) "Gross receipts" means ~~((+))~~ the amount received from  
24 ~~((the sale of souvenirs, programs, and other concessions received by~~  
25 ~~the promoter; and))~~ the face value of all tickets sold and  
26 complimentary tickets redeemed.

27 ~~((+8))~~ (10) "Kickboxing" means a type of boxing in which blows are  
28 delivered with the hand and any part of the leg below the hip,  
29 including the foot.

30 ~~((+9))~~ (11) "Martial arts" means a type of boxing including sumo,  
31 judo, karate, kung fu, tae kwon do, pankration, muay thai, or other  
32 forms of full-contact martial arts or self-defense conducted on a full-  
33 contact basis.

34 ~~((+10))~~ (12) "Physician" means a person licensed under chapter  
35 18.57 or 18.71 RCW as a physician or a person holding an osteopathic or  
36 allopathic physician license under the laws of any jurisdiction in  
37 which the person resides.

38 (13) "Professional" means a person who has received or competed for  
39 money or other articles of value for participating in an event.

1       (~~(11)~~) (14) "Promoter" means a person, and includes any officer,  
2 director, employee, or stockholder of a corporate promoter, who  
3 produces, arranges, stages, holds, or gives an event in this state  
4 involving a professional boxing, martial arts, or wrestling event, or  
5 shows or causes to be shown in this state a closed circuit telecast of  
6 a match involving a professional participant whether or not the  
7 telecast originates in this state.

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

14       (~~(13)~~) (15) "Wrestling exhibition" or "wrestling show" means a form  
15 of sports entertainment in which the participants display their skills  
16 in a physical struggle against each other in the ring and either the  
17 outcome may be predetermined or the participants do not necessarily  
18 strive to win, or both.

19       **Sec. 3.** RCW 67.08.050 and 1997 c 205 s 6 are each amended to read  
20 as follows:

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

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

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

10 **Sec. 4.** RCW 67.08.080 and 1997 c 205 s 8 are each amended to read  
11 as follows:

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

28 **Sec. 5.** RCW 67.08.090 and 1997 c 205 s 9 are each amended to read  
29 as follows:

30 (1) Each contestant for boxing, kickboxing, or martial arts events  
31 shall be examined within twenty-four hours before the contest by ((a  
32 ~~competent~~)) an event physician ((~~appointed~~)) licensed by the  
33 department. The event physician shall report in writing and over his  
34 or her signature before the event the physical condition of each and  
35 every contestant to the inspector present at such contest. No  
36 contestant whose physical condition is not approved by the  
37 ((~~examining~~)) event physician shall be permitted to participate in any

1 event. Blank forms ~~((of))~~ for event physicians' reports shall be  
2 provided by the department and all questions upon such blanks shall be  
3 answered in full. The ~~((examining))~~ event physician shall be paid a  
4 fee and travel expenses by the promoter.

5 (2) The department may require that ~~((a))~~ an event physician be  
6 present at a wrestling event. The promoter shall pay ~~((any))~~ the event  
7 physician present at a wrestling event. A boxing, kickboxing, or  
8 martial arts event may not be held unless ~~((a licensed))~~ an event  
9 physician ~~((of))~~ licensed by the department ~~((or his or her duly~~  
10 ~~appointed representative))~~ is present throughout the event.

11 (3) Any ~~((practicing))~~ physician ~~((and surgeon))~~ licensed under RCW  
12 67.08.100 may be selected by the department as the ~~((examining))~~ event  
13 physician. ~~((Such))~~ The event physician present at ~~((such))~~ any  
14 contest shall have authority to stop any event when in the event  
15 physician's opinion it would be dangerous to a contestant to continue,  
16 and in such event it shall be the event physician's duty to stop the  
17 event.

18 (4) The department may have a participant in a wrestling event  
19 examined by ~~((a))~~ an event physician ~~((appointed))~~ licensed by the  
20 department prior to the event. A participant in a wrestling event  
21 whose condition is not approved by the ~~((examining))~~ event physician  
22 shall not be permitted to participate in the event.

23 (5) Each contestant for boxing, kickboxing, martial arts, or  
24 wrestling events may be subject to a random urinalysis or chemical test  
25 within twenty-four hours before or after a contest. An applicant or  
26 licensee who refuses or fails to submit to the urinalysis or chemical  
27 test is subject to disciplinary action under RCW 67.08.240. If the  
28 urinalysis or chemical test is positive for substances prohibited by  
29 rules adopted by the director, disciplinary action shall be taken under  
30 RCW 67.08.240.

31 NEW SECTION. Sec. 6. A new section is added to chapter 67.08 RCW  
32 to read as follows:

33 Extreme/ultimate contests or competitions and tough man/rough man  
34 contests or competitions are prohibited in this state.

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

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

8 (2) The application for the following types of licenses shall  
9 include a physical performed by a physician, as defined in RCW  
10 67.08.002, which was performed by the physician with a time period  
11 preceding the application as specified by rule: (a) Boxer; (b)  
12 wrestling participant; (c) kickboxer; (d) martial arts participant; and  
13 (e) referee.

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

17 (~~(+3)~~) (4) No person shall participate or serve in any of the  
18 above capacities unless licensed as provided in this chapter.

19 (~~(+4)~~) (5) The referees, judges, timekeepers, event physicians,  
20 and inspectors for any boxing event shall be designated by the  
21 department from among licensed officials.

22 (~~(+5)~~) (6) The referee for any wrestling event shall be provided  
23 by the promoter and shall be licensed as a wrestling participant.

24 (~~(+6)~~) (7) The department shall immediately suspend the license or  
25 certificate of a person who has been certified pursuant to RCW  
26 74.20A.320 by the department of social and health services as a person  
27 who is not in compliance with a support order (~~(or a residential or~~  
28 ~~visitation order)~~). If the person has continued to meet all other  
29 requirements for reinstatement during the suspension, reissuance of the  
30 license or certificate shall be automatic upon the department's receipt  
31 of a release issued by the department of social and health services  
32 stating that the licensee is in compliance with the order.

33 (~~(+7)~~) (8) A person may not be issued a license if the person has  
34 an unpaid fine outstanding to the department.

35 (~~(+8)~~) (9) A person may not be issued a license unless they are at  
36 least eighteen years of age.

37 (~~(+9)~~) (10) This section shall not apply to contestants or  
38 participants in events at which only amateurs are engaged in contests  
39 and/or fraternal organizations and/or veterans' organizations chartered

1 by congress or the defense department or any recognized amateur  
2 sanctioning body recognized by the department, holding and promoting  
3 athletic events and where all funds are used primarily for the benefit  
4 of their members. Upon request of the department, a promoter,  
5 contestant, or participant shall provide sufficient information to  
6 reasonably determine whether this chapter applies.

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

9 (1) Any person or any member of any group of persons or corporation  
10 promoting boxing events who shall participate directly or indirectly in  
11 the purse or fee of any manager of any boxers or any boxer and any  
12 licensee who shall conduct or participate in any sham or fake boxing  
13 event shall be subject to license suspension, revocation, or fine and  
14 such revoked, suspended, or fined licensee shall not be entitled to  
15 receive any license issued under this chapter.

16 (2) A manager of any boxer, kickboxer, or martial arts participant  
17 who allows any person or any group of persons or corporation promoting  
18 boxing, kickboxing, or martial arts events to participate directly or  
19 indirectly in the purse or fee, or any boxer, kickboxer, or martial  
20 arts participant or other licensee who conducts or participates in any  
21 sham or fake boxing, kickboxing, or martial arts event is subject to  
22 disciplinary action under RCW 67.08.240.

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

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

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

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

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

3        (1) RCW 67.08.007 and 1993 c 278 s 9, 1959 c 305 s 2, & 1933 c 184  
4 s 4; and

5        (2) RCW 67.08.060 and 1997 c 205 s 7, 1993 c 278 s 17, 1989 c 127  
6 s 16, 1988 c 19 s 2, 1975-'76 2nd ex.s. c 34 s 154, 1959 c 305 s 4, &  
7 1933 c 184 s 12.

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