

# **REPORT OF THE TASK FORCE ON BOXING**

Including Recommendations and Proposed Legislation  
Incorporating Combative Sports Statutes into  
Title 5 (Athletics and Sports) of the  
Pennsylvania Consolidated Statutes,  
with Source Notes and Comments

General Assembly of the Commonwealth of Pennsylvania  
**JOINT STATE GOVERNMENT COMMISSION**

April 1990

---

The Joint State Government Commission was created by act of 1937, July 1, P.L. 2460, as amended, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

---

# JOINT STATE GOVERNMENT COMMISSION, 1990

---

## OFFICERS

**Roger A. Madigan**, *Chairman*

**Robert W. O'Donnell**, *Treasurer*

---

## EXECUTIVE COMMITTEE

### SENATE MEMBERS

**Robert C. Jubelirer**  
*President Pro Tempore*

**F. Joseph Loeper**  
*Majority Leader*

**Robert J. Mellow**  
*Minority Leader*

**David J. Brightbill**  
*Majority Whip*

**J. William Lincoln**  
*Minority Whip*

**Noah W. Wenger**  
*Chairman, Majority Caucus*

**Leonard J. Bodack**  
*Chairman, Minority Caucus*

### HOUSE MEMBERS

**Robert W. O'Donnell**  
*Speaker*

**H. William DeWeese**  
*Majority Leader*

**Matthew J. Ryan**  
*Minority Leader*

**Ivan Itkin**  
*Majority Whip*

**Samuel E. Hayes Jr.**  
*Minority Whip*

**Mark Cohen**  
*Chairman, Majority Caucus*

**Fred C. Noye**  
*Chairman, Minority Caucus*

## MEMBER EX OFFICIO

**Roger A. Madigan**, *Commission Chairman*

---

**Vincent W. Raba**, *Associate Director*

**William H. Nast**, *Counsel*

# BOXING

---

## TASK FORCE

### House Members

Thomas C. Petrone, *Chairman*  
Anthony M. DeLuca  
Russ Fairchild  
Leonard Q. Gruppo  
Richard A. Kasunic  
Frank LaGrotta

Joseph A. Lashinger, Jr.  
Keith R. McCall  
Dennis M. O'Brien  
Frank L. Oliver  
Robert D. Robbins  
Paul Wass

### Senate Members

J. William Lincoln  
Raphael J. Musto  
Frank A. Pecora

John W. Regoli  
Noah W. Wenger



GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA  
JOINT STATE GOVERNMENT COMMISSION

ROOM 108 — FINANCE BUILDING  
HARRISBURG 17120

April 1990

TO THE MEMBERS OF THE GENERAL ASSEMBLY:

The Joint State Government Commission is pleased to present this report of the Task Force on Boxing, chaired by Representative Thomas C. Petrone. The task force conducted hearings and received testimony concerning the problems faced by the sport and has responded with the recommendations set forth and discussed in this report.

The report also includes proposed legislation implementing the recommendations of the task force and reorganizing the laws relating to boxing and wrestling.

The Commission wishes to express its deep appreciation to the Secretary of the Commonwealth, Christopher A. Lewis; former Secretary James J. Haggerty; Executive Assistant Vincent G. Guest; Commissioners Richard R. Baer, Charles P. Bednarik and Howard E. McCall; Executive Director Gregory P. Sirb and Assistant Counsel John T. Henderson for their invaluable assistance with this project. The Commission would like to thank Andrew A. DePaul for ably serving as Special Advisor to the task force.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read "Roger A. Madigan".

Roger A. Madigan  
Chairman



# CONTENTS

---

SUMMARY OF RECOMMENDATIONS . . . . .	1
BACKGROUND . . . . .	3
Legislative History . . . . .	3
Proceedings of the Task Force on Boxing . . . . .	6
An Overview of the Problem . . . . .	6
DISCUSSION OF RECOMMENDATIONS . . . . .	9
Legislative Recommendations . . . . .	9
A. Health and Safety . . . . .	9
B. Finances . . . . .	10
C. Administration . . . . .	13
D. Jurisdiction over Wrestling Contests . . . . .	13
E. Statutory Consolidation . . . . .	13
Other Recommendations . . . . .	14
PROPOSED LEGISLATION INCLUDING SOURCE NOTES AND COMMENTS . . . . .	17
Disposition Tables . . . . .	101
List of Omitted Sections . . . . .	102
APPENDIX . . . . .	103
A. Participants at Task Force Meetings . . . . .	103





## SUMMARY OF RECOMMENDATIONS

---

The task force, recognizing that the State Athletic Commission is in the process of reorganizing in response to the significant revisions of the Athletic Code enacted on July 1, 1989, acknowledges the assurances that the State Athletic Commission is proceeding to adopt regulations to address many of the health and safety concerns brought to the attention of the task force at its public hearings. These matters include implementing a drug testing program and preparing regulations dealing with head butting and kick boxing.

Some problems facing boxing cannot be adequately addressed by regulatory action. The task force recommends the enactment of legislation which would:

- Clarify the authority of the State Athletic Commission, after consultation with the Medical Advisory Board, to formulate standards for prefight and postfight medical examinations. (5 Pa.C.S. § 709).
- Delete the statutory requirement that the referee in a boxing contest score the bout. (5 Pa.C.S. § 715).
- Levy a 2% gross receipts tax on closed-circuit and pay-per-view telecasts of boxing events that take place in Pennsylvania. (5 Pa.C.S. § 916(b)).
- Levy a 2% tax on gross receipts from broadcast rights and closed-circuit and pay-per-view telecasts of professional wrestling exhibitions that take place in Pennsylvania. (5 Pa.C.S. § 2105(b)).
- Strengthen the commission's ability to monitor the gross receipts taxes levied on boxing and wrestling events by requiring more efficient procedures in reporting. (5 Pa.C.S. §§ 916(c) and 2103(c)).
- Permit the commission to suspend or revoke a wrestling promoter's license after hearing and impose certain civil penalties in appropriate cases. (5 Pa.C.S. § 2101(e)-(g)).

- Extend the payback by the commission of the \$350,000 appropriation from the Professional Licensure Augmentation Account from three years to five years. (Bill § 5).
- Reduce the mandated medical training seminars to twice a year. (5 Pa.C.S. § 705).
- Incorporate the proposals pending in 1989 Senate Bill 971 to expand the commission to five members by including the Secretary of the Commonwealth and the Chairman of the Medical Advisory Board, ex officio, and to require the Governor to designate as chairman of the Medical Advisory Board a physician with experience in sports medicine. (5 Pa.C.S. §§ 102(a) and 501).
- Extend the terms of the members of the commission and the Medical Advisory Board to four years. (5 Pa.C.S. § 102(a) and 501).
- Clarify the commission's jurisdiction over professional and amateur wrestling contests, other than scholastic and collegiate contests; encourage the commission to cooperate with private bodies organizing such contests; and authorize it to adopt, after review, the rules promulgated by such bodies. (5 Pa.C.S. §§ 2301 and 2302).
- Incorporate the Athletic Code and Professional Wrestling Act into the Pennsylvania Consolidated Statutes with the substantive changes listed here, together with appropriate technical and editorial changes.

## BACKGROUND

---

### LEGISLATIVE HISTORY

Boxing and sparring for money in the Commonwealth were subject to criminal penalty under the act of March 22, 1867 (P.L. 39, No. 22) prior to the establishment of the State Athletic Commission by the act of June 14, 1923 (P.L. 710, No. 295). This act permitted boxing, sparring and wrestling exhibitions subject to the licensure of the personnel connected with them; it also set forth basic regulatory provisions, such as bonding requirements and commission authority to establish rules and weight classes.

More comprehensive regulation was established by the Pennsylvania Athletic Code, act of August 31, 1955 (P.L. 531, No. 131). The 1923 law, though not repealed until 1976, was largely superseded by the 1955 Code. This Code provided for regulation in other areas, including the addition of provisions for prefight examinations, mandatory health and life insurance coverage for boxers, and standards for the granting, suspension and revocation of commission licenses. It established a Medical Advisory Board to advise the commission on standards to protect the health of contestants and to recommend attending physicians.

The Code was amended by nine acts before it was repealed in 1989. By far the most significant of these were the acts of May 24, 1956 (1955 P.L. 1693, No. 574) and November 3, 1983 (P.L. 213, No. 62). The 1956 act added provisions to safeguard the boxer from serious injury in the event of a knockout, and to require mandatory suspensions for boxers knocked unconscious and retirement for boxers repeatedly knocked out. The act also required five years of professional experience for members of the Medical Advisory Board and prohibited matchmakers from having a financial interest in any boxer.

In response to the death of a boxer and other injuries resulting from boxing, the Joint State Government Commission was charged with a study of safety regulation in boxing under 1963 House Resolution No. 41. In 1967 the task force concluded that it had successfully focused attention on the regulation of the sport, that new safety measures had been adopted and that the State Athletic

Commission had implemented rules and regulations addressing the major problems giving rise to the study. Upon review of the rules and regulations and material on the safety issues, the task force declared that its aims had been accomplished.

Major changes in the Pennsylvania Athletic Code were adopted in 1983 amending or adding 12 sections of the Code. Most significantly, this act expanded the definition of "boxing" to include kick boxing; mandated medical training seminars for ring personnel; instituted a register of boxers, including a history of results of the fighters' bouts; required medical equipment to be available at the site of the bout; strengthened the commissioners' power to suspend boxers on medical grounds; and prohibited "tough guy" or "battle of the brawlers" competitions.

The General Assembly conducted a further study of health and safety issues relating to boxing in 1986. A Special Commission on Boxing was established by 1986 House Resolution No. 36, adopted April 30, 1986, and was chaired by the late Representative Russell P. Letterman. This commission was charged with considering new methods to protect the health and safety of professional and amateur boxers, but not a ban on the sport. The Special Commission held two meetings and a public hearing and heard testimony recommending the use of protective headgear and thumb-attached gloves, the use of heavier gloves and prohibition of gloves using plastic. In addition to equipment problems the Special Commission discussed expanding neurological testing, including CAT scans.<sup>1</sup>

The deliberations of the Special Commission coincided with the early stages of review of the State Athletic Commission under the Sunset Act of December 22, 1981 (P.L. 508, No. 142), 71 P.S. § 1795.1 et seq. The State Athletic Commission was due for review in 1987 under section 6(c) of that act. Accordingly, the Legislative Budget and Finance Committee (LB&FC) conducted a Sunset Performance Audit and issued its report in February 1987. It recommended that the commission continue to regulate professional and amateur boxing - primarily the former, as amateur fights are adequately controlled by the Amateur Boxing Federation (Sunset Audit,<sup>2</sup> pp. 7-13, 41 and 42).

---

<sup>1</sup>A record of the meeting summaries and transcripts of this Commission is available at the offices of the Joint State Government Commission. The Special Commission did not issue a report before its existence terminated with the adjournment sine die of the 1985-86 session.

<sup>2</sup>Pennsylvania General Assembly, Legislative Budget and Finance Committee. "A Sunset Performance Audit of the Pennsylvania State Athletic Commission." February, 1987.

The LB&FC recommended maintaining the commission as an administrative entity within the Department of State (Sunset Audit, pp. 16 and 17). The LB&FC identified a number of administrative and operational problems with the commission and recommended legislative consideration of a number of issues. Several of the recommendations were adopted in the present Athletic Code, viz., granting the commission the power to set license and permit fees, to be reviewed regularly to balance revenues with projected commission expenditures, and establishing a restricted revenue account (Sunset Audit, pp. 59, 60). It was recommended that the commission mandate drug testing as part of all preflight examinations (Sunset Audit, pp. 44, 49). In response to this issue, the Athletic Code required the executive director to implement and supervise a drug testing program for licensed professional boxers in consultation with the Medical Advisory Board. With respect to safety issues, the LB&FC found the law and regulations to be adequate in most respects, but concluded that enforcement by the commission was inadequate (Sunset Audit, pp. 43-49).

The State Athletic Commission was not reestablished before December 31, 1987, but its termination was postponed through the calendar year 1988 by the Leadership Committee under § 4(4) of the Sunset Act. However, see Blackwell v. Commonwealth, State Ethics Commission, \_\_\_ Pa. \_\_\_, 567 A.2d 630 (1989), \_\_\_ Pa. Commonwealth Ct. \_\_\_, 569 A.2d 378, 381, 382 (filed January 8, 1990) and West Shore School District v. Pennsylvania Labor Relations Board, (No. 15 Misc. Dkt. 1990, filed February 1, 1990) (Pa. Commonwealth Ct.). Section 3105 of the act of July 1, 1989 (P.L. 136, No. 28), known as the Athletic Code (AC), reestablished the commission for purposes of the Sunset Act. The Athletic Code was effective immediately upon enactment and was made retroactive to December 31, 1988; it was enacted the day after the expiration of the agency's six-month termination period under section 6(f) of the Sunset Act.

The 1989 Athletic Code differed most significantly from the 1955 Code in that it did not include jurisdiction in the State's Athletic Commission over professional wrestling;<sup>3</sup> it did mandate the appointment of an executive director, assigned some duties formerly delegated to the commission to the executive director or the Department of State and adopted the fiscal recommendations of the Sunset Audit as listed above.

---

<sup>3</sup>Professional wrestling remains subject to regulation under the Professional Wrestling Act (PWA) of July 1, 1989 (P.L. 160, No. 29), but the safety regulations are much more limited than those applicable to boxing.

## PROCEEDINGS OF THE TASK FORCE ON BOXING

Section 3108 of the Athletic Code directed the Joint State Government Commission to "establish a task force to conduct a study on boxing in this Commonwealth and . . . communicate its findings and recommendations to the General Assembly, the Governor and the [State Athletic] Commission on or before April 1, 1990."

The task force held its organizational meeting on October 11, 1989. At this meeting Christopher A. Lewis, then nominee for the office of Secretary of the Commonwealth, pledged the full cooperation of the Department of State. The task force met again on October 24, 1989 with the members of the State Athletic Commission - Richard R. Baer, Charles P. Bednarik and Howard E. McCall - Vincent G. Guest, acting executive director of the commission, and other representatives of the Department of State. The third meeting was held in Philadelphia on November 20, 1989, concurrently with the convention of the World Boxing Association, at which the task force heard testimony from several witnesses, including Larry Hazzard, Commissioner of the New Jersey State Athletic Commission. The task force held a meeting in Pittsburgh on January 17, 1990, at which witnesses from that area testified. Finally, a meeting of the task force was held on March 14, 1990. This meeting was also attended by Mr. Guest and John T. Henderson of the Department of State and Gregory P. Sirb, executive director of the commission. At this meeting, the task force formulated the recommendations set forth in this report. (See Appendix A for a complete list of participants.)

Shortly after the study was commenced, James J. Haggerty resigned as Secretary of the Commonwealth to assume office as General Counsel to the Governor. Christopher A. Lewis was promptly nominated as successor to Mr. Haggerty and became Acting Secretary, but he was not confirmed until December 5, 1989. The commissioners assumed holdover status under AC § 301(b); their terms of office were terminated under the act, but they were permitted to serve until successors were appointed. As of this time, only one member of the commission, Mr. Bednarik, has been confirmed for a new term. Mr. Sirb did not assume his duties as executive director until January 29, 1990.

### AN OVERVIEW OF THE PROBLEM

The most important goal of the commission in regulating boxing is to protect the health and safety of the boxers, but there are serious impediments to obtaining the resources to perform this task adequately. Partly because boxing is promoted in connection with gambling in Atlantic City, a large proportion of the nationally

televised bouts on the East coast takes place there. New Jersey's predominance creates difficulties for the commission in raising sufficient funds for adequate enforcement of the Athletic Code from the less prominent fights held in Pennsylvania. While the New Jersey State Athletic Commission operates on a budget of \$1 million,<sup>4</sup> the Pennsylvania State Athletic Commission reported collecting \$157,421.91 as of March 21, 1990, under the present Athletic Code. The Commission projects total revenues for fiscal year 1989-90 at \$209,000. Under the former law, revenues ranged from \$165,800 in fiscal year 1988-89 to \$296,000 in fiscal year 1985-86. (See Table I at page 11). Because the Professional Wrestling Act removed broadcast revenues from professional wrestling exhibitions and most license fees connected with wrestling from the commission's revenue sources, the budgetary squeeze may increase considerably under the new law.

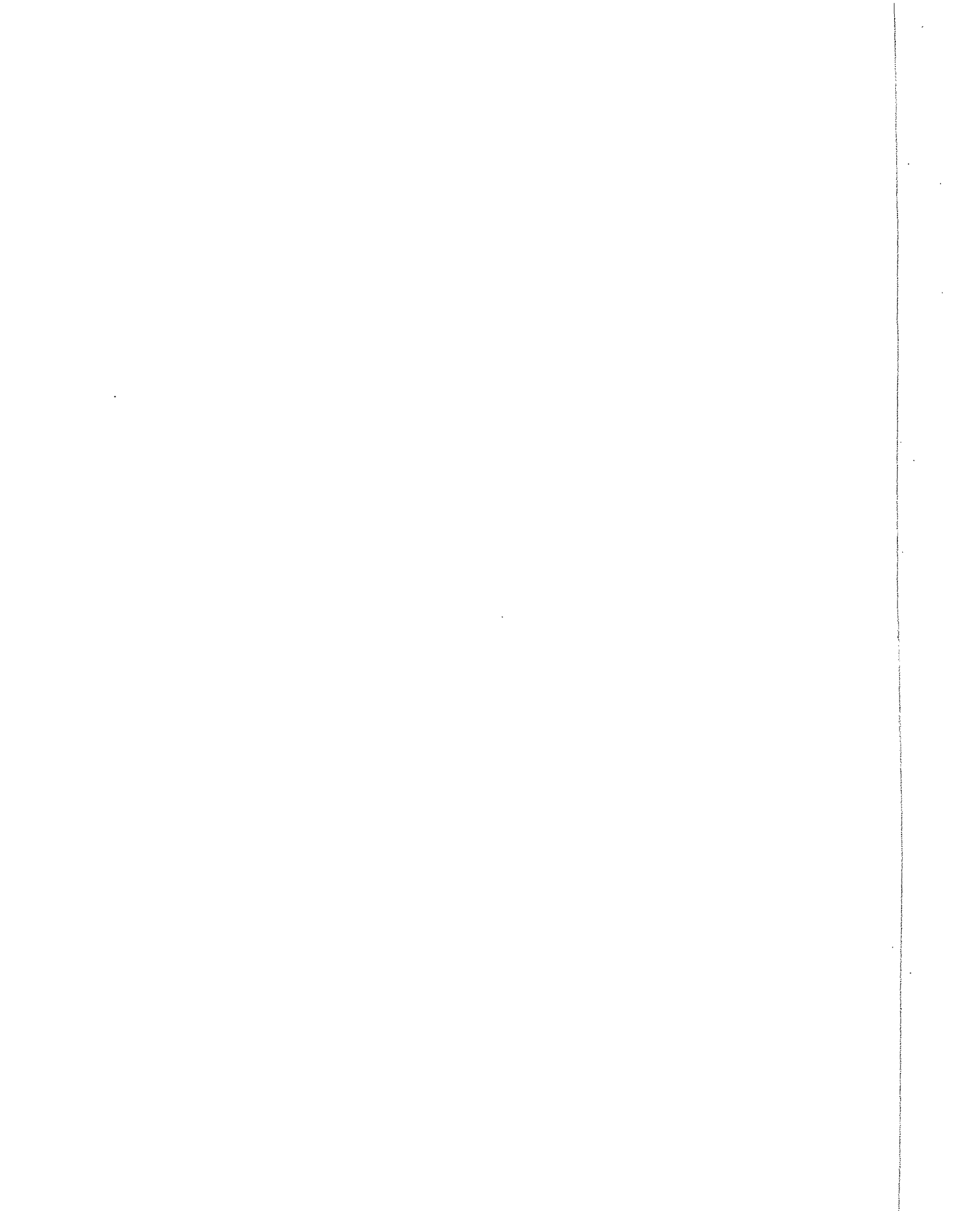
The protection of the health and safety of the boxers requires that qualified personnel perform the physical examinations and oversee the conduct of the fights. The commission must also possess adequate computerized records to verify the information given by the boxers as to their past fight records. Failure to do so can permit boxers who are under injury suspension in another state to box in Pennsylvania, thereby creating a risk of serious physical harm to that boxer.

The budgetary constraints particularly affect the deputy commissioners who are per diem employees assigned to the various boxing events. The deputy commissioners have primary responsibility for monitoring the conduct of the events and ensuring compliance with the Athletic Code and the rules and regulations of the commission. Each deputy receives \$40 per event (\$55 for the chief deputy), plus \$10 for the weigh-in. The commissioners and deputy commissioners pointed out that this is not adequate pay for the work that must be done at these events, which typically involves 12 hours of work per event plus travel time. The deputy commissioners are a key link in the regulatory structure of the commission, and without their continued dedicated efforts, the system will rapidly lose effectiveness.

Many of the problems facing boxing call primarily for regulatory action. The task force concluded that the new officials deserve an opportunity to put their program into effect.

---

<sup>4</sup>Testimony of Larry Hazzard, Commissioner, New Jersey State Athletic Commission, before the task force, November 20, 1989, Philadelphia.





# DISCUSSION OF RECOMMENDATIONS

---

## LEGISLATIVE RECOMMENDATIONS

### A. Health and Safety

The testimony received by the task force has led it to conclude that a major regulatory problem facing the sport of boxing lies in ensuring the health and safety of the participants. This can best be accomplished by the continuing regulatory supervision of the commission in consultation with a revitalized Medical Advisory Board. The health of participants is protected largely by effective medical monitoring of the condition of the boxers and prescribing license suspension and revocation for boxers when there are indications that premature participation, or in severe cases any further participation, poses a substantial risk of serious injury.

The task force recommends that the provisions relating to the content of medical examinations be left to the discretion of the commission, which will formulate the recommendations in consultation with the executive director and the physicians who comprise the Medical Advisory Board. Continuing advances in medical technology make it unwise for the General Assembly to mandate any particular test. The commission and the board are in a better position to weigh the cost of the examination against the benefit, to adjust Pennsylvania's requirements relative to those of other states which conscientiously regulate the sport, and to prescribe which tests should be mandatory and which should be left to the attending physician's discretion. While zealously guarding the well-being of the participants, the regulations should not become so stringent that the costs thereby imposed upon promoters become prohibitive or uncompetitive with other states.

The task force commends the commission and its newly-appointed executive director for addressing several health-related concerns. The commission has drafted new regulations regarding penalties for head butting, which are expected to be approved shortly, and is developing procedures for inspection of training gymnasiums to oversee compliance with reasonable standards regarding physical appearance and

safety features. The executive director is in the process of complying with the mandate of AC § 304(5) to implement and supervise a drug testing program for professional boxers licensed in this Commonwealth.

In order to assure that the fight itself is carried out in a more safety-conscious manner, the task force recommends that the bout be scored by three judges, not including the referee of the fight. This permits the referee to give his undivided attention to observing the fighters and maintaining control of the contest. This is the procedure used in other major boxing states, including New Jersey, New York, Nevada and Florida.

#### B. Finances

As Table I shows, the revenues of the commission have met or exceeded expenditures in most years over the period 1982-89. However, this table should be read in the light of two factors. The Sunset Audit pointed out that the Department of State failed to provide sufficient services to the commission during the audit period; much of the revenue generated by the commission was actually diverted to other departmental functions.<sup>5</sup> Furthermore, the 1989 Professional Wrestling Act removed the tax on revenue from the exploitation of broadcast rights for professional wrestling exhibitions. Since the revenue from professional wrestling accounted for over 80% of the commission's revenue for fiscal year 1985-86, the loss of the broadcast rights revenue can be expected to sharply curtail the funds available to the commission.

Accordingly, the task force recommends that several steps be taken to relieve the budgetary pressures on the commission.

Pennsylvania should follow other states in taxing closed-circuit telecasts of boxing events. (Fla. Stat. § 548.061; N.J. Stat. Ann. § 5:2A-20(c)(2); Tex. Occupations and Business Code § 8501-11(b)). Since pay-per-view cable broadcasts perform a service similar to the closed-circuit type, these should be taxed as well. As the broadcasters of these programs benefit indirectly from the regulatory activity of the commission, it is not inappropriate to demand some contribution to that activity. However, the commission

---

<sup>5</sup>Sunset Audit, p. 21. "Despite the large excess of revenues over expenditures [\$101,500.00 in Fiscal Year 1985-86], the auditors found substantial evidence that the Department of State has not provided needed support services to the Commission." The Audit particularly cited lack of any access to a computer as of January, 1987. Ibid. pp. 23-24.

TABLE I  
 REVENUE AND EXPENDITURES  
 OF THE STATE ATHLETIC COMMISSION  
 FISCAL YEARS 1982-83 THROUGH 1989-90

Fiscal Year	Revenues	Expenditures
1982-83	\$190,382	\$234,763
1983-84	227,117	226,956
1984-85	229,893	197,838
1985-86	296,608	195,135
1986-87	288,224	189,369
1987-88	269,257	212,749
1988-89	165,817	151,893
1989-90 (estimated)	209,000*	175,000

\*Exclusive of the \$350,000 appropriated from the Professional Licensure Augmentation Account to the State Athletic Commission under section 3107 of the Athletic Code.

SOURCE: Sunset Audit, Table 3 at p. 73 [fiscal year 1982-83 through 1985-86]; State Athletic Commission [fiscal year 1986-87 through 1989-90].

need not supervise the telecasts themselves, so it is proper to tax the broadcasters at a lower rate than the promoters. Accordingly, the task force recommends that the tax rate on closed-circuit and pay-per-view be set at 2%, as opposed to the 5% imposed on promoters on gate receipts and receipts from the exploitation of broadcast rights.

The task force further recommends that a 2% tax be imposed upon receipts from the exploitation of broadcast rights to professional wrestling exhibitions. Prior to the enactment of the Professional Wrestling Act, these broadcast rights were taxed at 5%, but that act removed the tax on those rights. The task force would restore the tax but at the reduced rate. Other leading boxing states do not make any distinction in rates between the tax on boxing and on wrestling. (Cal. Bus. & Prof. Code, § 18824; Nev. Rev. Stat. § 467.107; N.J. Stat. Ann. § 5:2A-20; N.Y. Tax Law, § 452). In addition, the commission recommends a 2% tax on closed-circuit and pay-per-view telecasts of professional wrestling, similar to that imposed upon boxing.

In order to ensure the collection of the tax and the accuracy of the report, it is recommended that the tax be paid by certified check and that the taxpayer who pays on ticket receipts submit a verified statement by the ticket printer showing the number of tickets in each price or other category printed for the event. With respect to professional wrestling, the task force recommends broadening the commission's enforcement powers by permitting suspension or revocation of a promoter's license after administrative proceedings before the commission, without the present requirement of a criminal conviction. Further, the commission is authorized to impose a civil penalty on the promoter of up to \$5,000. The civil penalty for wrestling promoters parallels that which may be imposed upon boxing promoters under AC § 1702.

The Athletic Code transferred \$350,000 (or as much of that as was necessary) to the commission from the Professional Licensure Augmentation Account to defray the commission's expenses related to enforcing the Code. This amount was to be repaid to the Augmentation Account over a period of three years from the start of licensure under the Athletic Code, i.e., by January 1, 1993. The task force recommends that this repayment period be extended by two years.

The present Athletic Code requires the commission to hold three medical seminars per year "for all ring personnel, commission personnel and other designated persons employed by the secretary." In order to conserve the commission resources, the task force recommends that only two such seminars should be required.

### C. Administration

The task force applauds the passage by both Houses of Senate Bill 971, providing that the Secretary of the Commonwealth and the chairman of the Medical Advisory Board be made an ex officio member of the commission and that the chairman must be experienced in sports medicine. This organizational structure should assure that medical concerns are given prominent consideration by the commission, while at the same time permitting the appointment of an additional lay member with athletic or other relevant experience.

The task force recommends that the terms of the members of the commission and the Medical Advisory Board be extended beyond the present two years, and suggests a four-year term as a suitable alternative. Members of all the other licensure boards serve for terms of at least three years, and for some of the boards the term is six years. Providing for such a short term requires the members to be diverted too often from their regulatory responsibilities.

### D. Jurisdiction over Wrestling Contests

The Athletic Code distinguishes in Section 102 between boxing contests (where the participants "strive earnestly in good faith to win") and exhibitions (where the participants "show or display their skill without necessarily striving to win"). The Professional Wrestling Act defines wrestling exhibitions and specifically grants the commission limited regulatory authority over these exhibitions.

Commission authority over professional wrestling contests is at present placed in the Athletic Code (AC § 302(b)), which otherwise deals almost exclusively with boxing. This authority should be more clearly spelled out in the statute. The commission is the most suitable body to regulate amateur wrestling contests other than those held by primary and secondary schools and institutions of higher education. It is anticipated that if professional or amateur wrestling contests become more prominent, the major burden of supervising these contests could be assumed by private organizations; the commission's role would then be limited to verifying that the organizations perform responsibly and stepping in if they fail to do so. Accordingly, the proposed legislation gives the commission discretion to adopt the rules of organizing bodies as appropriate.

### E. Statutory Consolidation

Because the task force recommends adoption of a number of substantive changes, it is appropriate that the General Assembly incorporate the Athletic Code and Professional Wrestling Act as a part of Title 5 of the Pennsylvania Consolidated Statutes. In addition to the substantive changes, numerous technical and editorial changes are

required. The 1989 Athletic Code is extensively derived from the 1955 Pennsylvania Athletic Code. Many of the structural and technical defects of that statute were included in the new law. For example, Chapters 5 and 7 of the Athletic Code cover overlapping ground, so that the provision on gloves appears in Chapter 5 while that on ring padding is in Chapter 7. Most of Chapter 7 concerns suspensions and examinations for injuries, which can readily be integrated with section 508 (suspensions) and section 509 (examinations). As the comments to the proposed legislation show, there are a number of technical deficiencies in the statutory provisions themselves. (See for instance, comments to proposed sections 714, 1304, 1502, 1503 and 2109.) Since boxing and wrestling both fall under the regulatory jurisdiction of the commission, it would seem logical to put them in the same act, while reflecting the differences in the scope of regulation of the two sports by separate subparts.

#### OTHER RECOMMENDATIONS

The task force believes that improvement in the environment for boxing in this State can ultimately take place only by the broad cooperation of all groups interested in the advancement of the sport. The task force heard extensive testimony regarding the practical problems facing the sport. Witnesses active in boxing advocated interesting proposals to alleviate those problems.

A pervasive theme at the task force hearings was the difficulty promoters encounter in obtaining adequate media coverage of the sport. Some of the suggested approaches for dealing with this problem include consultation between the commission and public relations experts in the executive branch to develop promotional ideas; more vigorous attempts by promoters to inform the media of boxing events and to emphasize the participation of the local boxer to help stir media interest. Interested public officials can assist in facilitating contacts between those active in the sport and the media.

Several members of the task force voiced the opinion that the commission and the promoters should try to interest corporations in sponsoring boxing events and to obtain as much support from private business as possible.

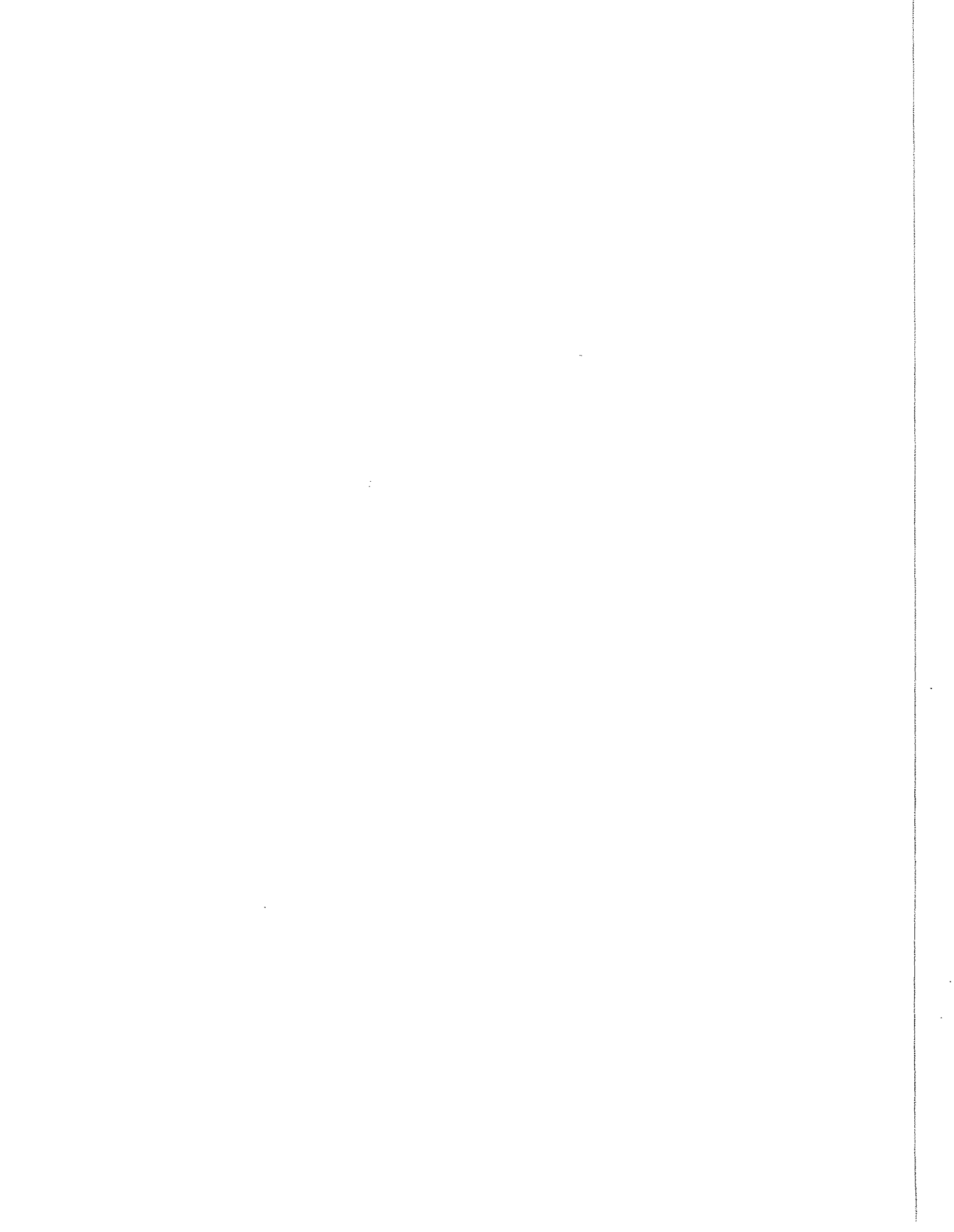
The witnesses before the task force frequently pointed out the need to encourage amateur participation in boxing. The amateur boxer reaps many of the benefits of the sport. Boxing offers an incentive for a young person to accept the discipline of rigorous training, to become physically fit and to take care of his health. Among the most promising suggestions to assist amateur boxing are encouraging local tournaments, especially events featuring championship belts or other

non-monetary prizes; presenting elementary and high school demonstrations; and reviving college boxing programs. Closer cooperation among local amateur boxing clubs, especially in discussing common problems and arranging sparring matches between the clubs, could help rejuvenate the clubs. Historically, labor unions and the Police Athletic League have stimulated young people to get involved in the sport, and it is hoped that these organizations will continue to do so and that promoters will assist these endeavors.

In order to stimulate professional boxing events it would be advantageous to persistently urge promoters, especially the most successful ones, to stage professional events in this State.

The task force heard numerous other suggestions for improving the sport. The commission was urged to attempt to obtain grants from the Federal government and donations of government equipment used in military training programs. Promoters asked the commission to assist them in tightening security and preventing spectators from attending without buying tickets. It was further suggested that promoters explore the possibility of holding a major event at a racetrack, in order to take advantage of its large seating capacity and on-site television facilities.

The task force hopes that persons who are dedicated to making the sport flourish in this State will attempt these approaches and be vigilant in pursuing other promising ideas to this end. By such a multi-level effort, the boxing world can address these issues, as well as the legal and regulatory ones, and thereby contribute greatly toward enhancing the climate for the sport in this Commonwealth.

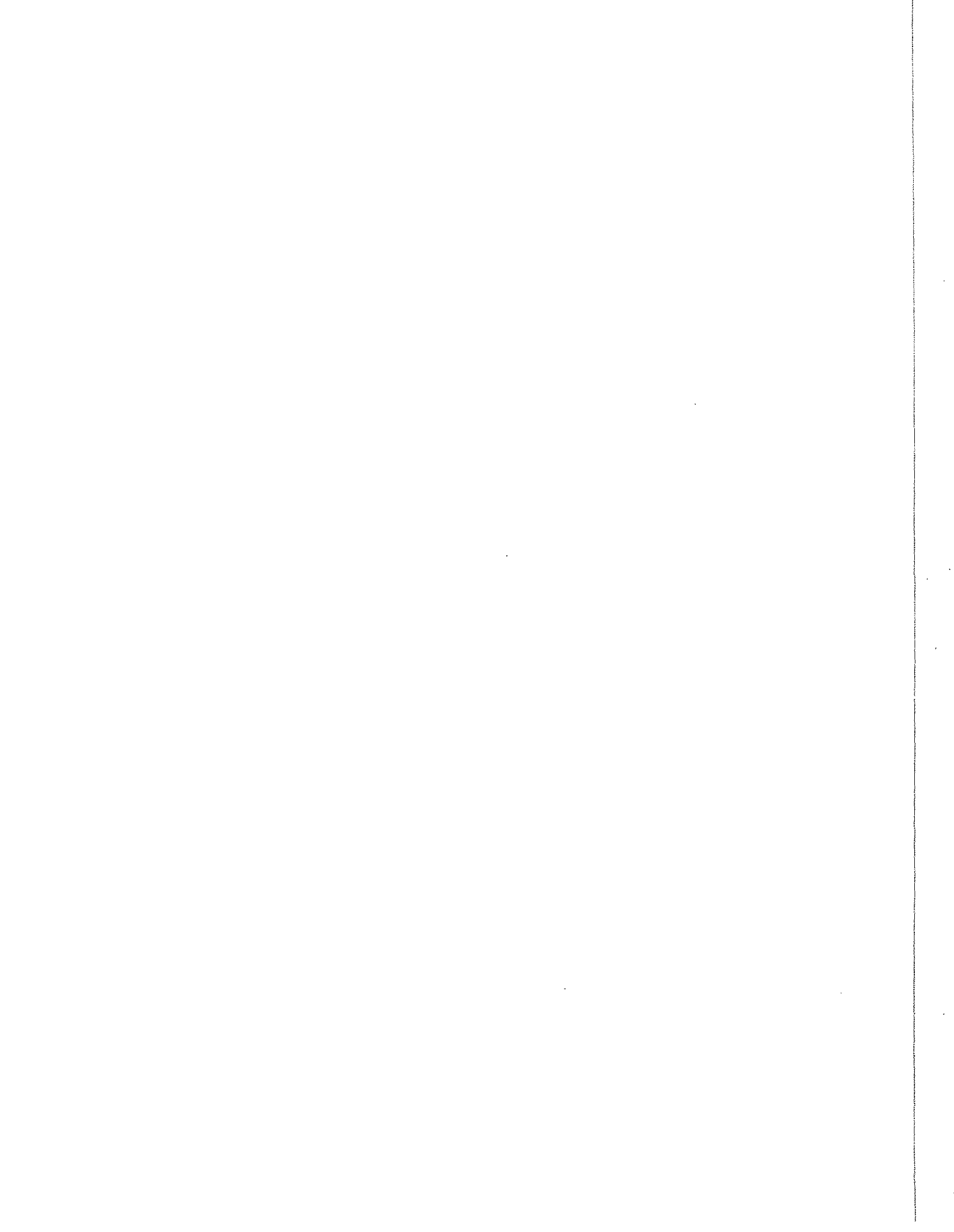




## **PROPOSED LEGISLATION WITH SOURCE NOTES AND COMMENTS**

---

The proposed legislation comprises Part I (Boxing and Wrestling) of Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes. The source notes and comments are printed below the particular section to which each refers. Following this is a Disposition Table, which enables the reader to locate the provisions of the present Athletic Code and Professional Wrestling Act in the proposed legislation. Also included is a List of Omitted Sections to explain why several sections of the Athletic Code do not appear in the proposed legislation.



AN ACT

Amending Title 5 (Reserved) of the Pennsylvania Consolidated Statutes, changing the name of the title; adding provisions relating to boxing and wrestling; and making repeals.

TABLE OF CONTENTS

TITLE 5

ATHLETICS AND SPORTS

PART I. BOXING AND WRESTLING

SUBPART A. GENERAL PROVISIONS

Chapter 1. Preliminary Provisions

§ 101. Definitions.

§ 102. State Athletic Commission.

§ 103. Duties of commission.

§ 104. Appointment and qualifications of executive  
director.

§ 105. Powers and duties of executive director.

§ 106. Limitations on applicability of part.

SUBPART B. BOXING

Chapter 3. Preliminary Provisions

§ 301. Short title of subpart.

§ 302. Definitions.

Chapter 5. Medical Advisory Board

§ 501. Medical Advisory Board.

Chapter 7. Regulation of Boxing Contests and Exhibitions

§ 701. Boxing regulated.

§ 702. Age of participants.

§ 703. Fictitious names.

§ 704. Physician to be in attendance.

§ 705. Medical training seminars.

§ 706. Register.

§ 707. Medical equipment.

§ 708. Suspension and revocation for injuries.

§ 709. Medical examinations.

§ 710. Weights and classes.

§ 711. Limitation on difference in weights.

§ 712. Gloves.

§ 713. Ring padding.

§ 714. Duration of bouts and rounds.

§ 715. Referee and judges.

§ 716. Seconds.

§ 717. Mandatory eight count.

§ 718. Knockouts.

§ 719. Duty of disclosure.

§ 720. Sham or collusive contest prohibited.

Chapter 9. Licenses and Permits

- § 901. Power of commission to issue, withhold, suspend or revoke licenses and permits.
- § 902. Promoters' licenses.
- § 903. Representative managers' licenses.
- § 904. Foreign copromoters to procure permits.
- § 905. Other licenses required.
- § 906. Program permits.
- § 907. Permits for amateurs.
- § 908. Prohibited interests.
- § 909. Local prohibitions.
- § 910. Standards for issuance of licenses and permits.
- § 911. Duration of license.
- § 912. Applications for licenses and permits.
- § 913. Oral examinations.
- § 914. License fees.
- § 915. Permit fees.
- § 916. Gross receipts taxes.
- § 917. Application and fees.

Chapter 11. Promotion of Contests and Exhibitions

Subchapter A. Contracts

- § 1101. Commission control of contracts.
- § 1102. Notice clause.

§ 1103. Provisions in contracts between managers and professional boxers.

§ 1104. Approval of contracts.

Subchapter B. Tickets and Advertising

§ 1111. Tickets.

§ 1112. Penalty for destroying tickets.

§ 1113. Ticket refunds.

§ 1114. Advertising matter to state admission price.

Subchapter C. Admission to Events

§ 1121. Admissions not to exceed seating capacity.

§ 1122. Age of spectators.

Subchapter D. Bonds

§ 1131. Promoters and foreign copromoters required to file bonds.

§ 1132. Deposit in lieu of surety bond.

§ 1133. Filing fee.

§ 1134. Recovery on bond.

Chapter 13. Enforcement

§ 1301. Commission hearings.

§ 1302. Subpoenas.

§ 1303. Preliminary suspension of licenses or permits.

§ 1304. Suspension or revocation of licenses or permits.

§ 1305. Civil penalties.

Chapter 15. Financial Provisions

Subchapter A. Financial Interests

§ 1501. Financial interest in boxer prohibited.

§ 1502. Financial interest in opponent prohibited.

§ 1503. Financial interest of matchmaker.

Subchapter B. Commission Receipts

§ 1511. Disposition of commission receipts.

§ 1512. Athletic Commission Augmentation Account.

Subchapter C. Purses

§ 1521. Minimum purses for boxers.

§ 1522. Distribution of purses to boxers.

§ 1523. Withholding of purses.

§ 1524. Hearing regarding withheld purse.

§ 1525. Disposition of withheld purse.

§ 1526. Advances against purses.

Subchapter D. Insurance

§ 1531. Insurance coverage of boxers.

Chapter 17. Miscellaneous Provisions

§ 1701. Prohibited competitions.

SUBPART C. WRESTLING

Chapter 19. Preliminary Provisions

§ 1901. Short title of subpart.

§ 1902. Definitions.

Chapter 21. Regulation of Professional Wrestling Exhibitions

§ 2101. Promoter's license.

- § 2102. Promoter's bonding requirements.
- § 2103. Gross receipts taxes.
- § 2104. Physician to be in attendance.
- § 2105. Ambulance available.
- § 2106. Crowd control.
- § 2107. Prohibited acts.
- § 2108. Enforcement.
- § 2109. Penalties.

Chapter 23. Regulation of Wrestling Contests

- § 2301. Professional wrestling contests.
- § 2302. Amateur wrestling contests.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The heading of Title 5 of the Pennsylvania Consolidated Statutes is amended and Title 5 is amended by adding a part to read:

TITLE 5

[Reserved]

ATHLETICS AND SPORTS

Part

I. Boxing and Wrestling

PART I

BOXING AND WRESTLING

Subpart



- A. General Provisions
- B. Boxing
- C. Wrestling

SUBPART A  
GENERAL PROVISIONS

Chapter

- 1. Preliminary Provisions

CHAPTER 1  
PRELIMINARY PROVISIONS

Sec.

- 101. Definitions.
- 102. State Athletic Commission.
- 103. Duties of commission.
- 104. Appointment and qualifications of executive director.
- 105. Powers and duties of executive director.
- 106. Limitations on applicability of part.

§ 101. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commission." The State Athletic Commission.

"Department." The Department of State of the Commonwealth.

"Executive director." The executive director of the State Athletic Commission.

"Secretary." The Secretary of the Commonwealth.

Source: Act of July 1, 1989 (P.L. 136, No. 28), known as the Athletic Code (AC), § 102; Act of July 1, 1989 (P.L. 160, No. 29), known as the Professional Wrestling Act (PWA), § 2.

§ 102. State Athletic Commission.

(a) Composition.--The State Athletic Commission shall be composed of three members appointed by the Governor with the advice and consent of a majority of the members elected to the Senate. The Governor shall designate one of the members as chairman. The secretary and the chairman of the Medical Advisory Board established under section 501 (relating to Medical Advisory Board) shall be ex officio members of the commission. Each appointment shall be for a term of four years.

(b) Compensation.--Each commissioner, except the secretary and the chairman of the Medical Advisory Board, shall receive a salary of \$10,000 annually. The chairman of the commission shall receive a salary of \$10,500 annually. The commissioners and the chairman of the Medical Advisory Board shall also receive reasonable and necessary travel expenses incurred as a direct result of their duties as members of the commission. The expenses incurred by the commissioners shall be allowed and paid on the presentation of itemized vouchers therefor, which

vouchers shall be subject to the approval of the secretary.

(c) Removal.--Except as authorized under this section, no commissioner may be removed from office during his term. The Governor may, upon clear and convincing evidence of misfeasance or malfeasance in office or neglect of duty, remove a commissioner prior to the expiration of the term. The Governor shall then provide the commissioner so removed with a detailed written statement of the reasons for removal.

(d) Quorum requirement.--Two members of the commission shall constitute a quorum.

Source: AC § 301.

Comment: Subsection (a) - The provisions regarding the composition of the board incorporate the provisions in 1989 Senate Bill 971. The terms of the members of the commission are increased from two to four years.

### § 103. Duties of commission.

(a) Meetings.--The commission shall hold regular monthly meetings to carry out the requirements of this part, which shall include the consideration of any rules or regulations or amendments thereto which are recommended by the executive director. The meetings shall be open to the public. The meeting times shall be scheduled one year in advance and shall be published in the Pennsylvania Bulletin.

(b) General duties.--In addition to any other power specifically granted by this part, the commission:

(1) May establish policy and shall promulgate rules and regulations regarding professional boxing contests and exhibitions held within this Commonwealth, and the presentation of such contests and exhibitions and all matters pertaining thereto, except such contests and exhibitions as are specifically exempted from this part.

(2) Shall promulgate rules and regulations regarding collection of taxes on professional wrestling exhibitions and compliance with the provisions of Chapter 21 (relating to regulation of professional wrestling exhibitions) expressly applicable to such exhibitions.

(3) May establish policy and promulgate rules and regulations regarding professional and amateur wrestling contests as authorized under Chapter 23 (relating to regulation of wrestling contests). The rules and regulations authorized under this section include those rules and regulations required by this part, together with such others as the commission considers necessary in order to carry out the provisions of this part.

Source: (a): AC § 302(a).  
(b): AC §§ 302(b) and 1905.

Comment: Subsection (b) - Language is added clarifying that this subsection states general powers in addition to the specific powers granted under other provisions of this part. Paragraphs (2) and (3) are added to provide for the scope of the commission's jurisdiction over wrestling contests and exhibitions. While the commission is given potentially broad powers over professional and amateur wrestling contests, its jurisdiction over professional wrestling exhibitions is limited to the enforcement of the specific provisions of Chapter 21.

§ 104. Appointment and qualifications of executive director.

The secretary shall appoint an executive director of the commission with administrative experience and other qualifications indicating he is familiar with the activities to be regulated by this part. The executive director shall serve at the pleasure of the secretary. The executive director's salary shall be fixed by the secretary with the approval of the Governor, and the executive director shall hold no other paid public position.

Source: AC § 303.

§ 105. Powers and duties of executive director.

The executive director shall supervise the administrative work of the commission. The executive director shall have the power and duty:

- (1) To attend monthly meetings of the commission.
- (2) To recommend to the commission suspension or revocation of any license or permit issued pursuant to this part for violations of any provisions of this part or the rules and regulations of the commission, or when such action is necessary to protect the public welfare.
- (3) To supervise and direct staff appointed by the secretary engaged in work directly related to the implementation of this part.

(4) To prepare and recommend to the commission rules and regulations and amendments thereto regarding the matters regulated under this part.

(5) To implement and supervise a drug testing program of all athletes licensed under Subpart B (relating to boxing) in consultation with the Medical Advisory Board and the Department of Health.

(6) To present the standing committees of both Houses of the General Assembly with an annual review of the commission's rules and regulations.

(7) To establish and maintain a record of all boxers licensed under Subpart B, showing for each licensee the following: the date licensed, the results of prefight and postfight physicals, any fictitious or assumed names by which the licensee competes, the number and dates of any suspensions of the licensee, the dates when the licensee is knocked out and the licensee's record from other states.

(8) To administer and make effective the provisions of this part and the rules and regulations made under this part.

(9) To conduct a substantial portion of the activities required by this part at a single central location, wherein all records of the commission shall be maintained.

(10) To prepare an annual budget for the consideration of the commission, showing the costs of operation and

revenues received in the previous fiscal year and the estimated costs of operations and revenues to be received in the next fiscal year. The budget shall be approved by the commission and forwarded to the secretary in a timely fashion for his review and inclusion in the budget request of the department.

(11) To aid the commission in the promotion of boxing contests in this Commonwealth.

(12) To supervise collection of taxes on professional wrestling exhibitions and compliance with the provisions of Chapter 21 (relating to regulation of professional wrestling exhibitions) expressly applicable to such exhibitions.

Source: AC § 304.

Comment: Paragraph (12) is added to emphasize that the director's powers over professional wrestling exhibitions are limited to those arising from Chapter 21, including the power to oversee collection of the gross receipts tax.

§ 106. Limitations on applicability of part.

No provision of this part nor any rule or regulation promulgated under this part shall apply to any boxing contest or exhibition or wrestling contest conducted or sponsored by any university, college, secondary school or group of universities, colleges or secondary schools or the Department of Corrections if all the participants are students regularly enrolled in such

institutions or inmates confined within a State or county correctional facility, respectively.

Source: AC § 103.

Comment: The provision adverts to wrestling contests to preserve present law exempting scholastic, collegiate and correctional wrestling contests from the jurisdiction of the commission.

## SUBPART B

### BOXING

#### Chapter

3. Preliminary Provisions
5. Medical Advisory Board
7. Regulation of Boxing Contests and Exhibitions
9. Licenses and Permits
11. Promotion of Contests and Exhibitions
13. Enforcement
15. Financial Provisions
17. Miscellaneous Provisions

## CHAPTER 3

### PRELIMINARY PROVISIONS

#### Sec.

301. Short title of subpart.

302. Definitions.

§ 301. Short title of subpart.

This subpart shall be known and may be cited as the Boxing Act.



Source: AC § 101.

§ 302. Definitions.

Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Amateur." A person who has never received nor competed for any purse or other article of value, either for participating in any boxing contest or exhibition or for the expenses of training therefor, other than a prize which does not exceed \$50 in value.

"Boxing." The act of attack and defense with the fists, practiced as a sport. The term includes all variations of the sport permitting or using other parts of the human body, including, but not limited to, the foot, knee, leg, elbow or head.

"Contest." A boxing engagement in which the boxers strive earnestly in good faith to win.

"Exhibition." A boxing engagement in which the boxers show or display their skill without necessarily striving to win.

"Foreign copromoter." A promoter who has no place of business within this Commonwealth.

"Judge." A person who has a vote in determining the winner of any contest.

"Manager." A person who, directly or indirectly, controls or administers the affairs of any boxer.

"Matchmaker." A person who brings together professional boxers or arranges professional boxing contests or exhibitions.

"Professional." A person who has received or competed for, or is receiving or competing for, any purse or other article of value, other than a prize which does not exceed \$50 in value, either for participating in any boxing contest or exhibition or for the expenses of training therefor.

"Promoter." Any person and, in the case of a corporate promoter, any officer, director, employee or stockholder thereof who produces, arranges or stages any professional contest or exhibition.

"Purse." The financial guarantee or any other remuneration, or part thereof, for which professional boxers are participating in a contest or exhibition. The term includes the participant's share of any payment received for radio broadcasting, television and motion picture rights.

"Sponsor." Any person and, in the case of a corporate sponsor, any officer, director, employee or stockholder thereof who produces, arranges or stages any amateur contest or exhibition.

Source: AC § 102.

Comment: "Boxing." The phrase "subject to rules adopted by the commission" is deleted in order to permit the commission to enforce the code whether or not the activity purports to be subject to the commission's rules.

"Sponsor." This definition is patterned after that of "promoter" and identifies the person responsible for ensuring the payment of the gross receipts tax on amateur events. See sections 907 and 916.

The definition of "participant" is deleted as unnecessary and "physician" is supplied by 1 Pa.C.S. § 1991.

## CHAPTER 5

### MEDICAL ADVISORY BOARD

Sec.

501. Medical Advisory Board

§ 501. Medical Advisory Board.

The commission shall appoint five physicians to serve on a Medical Advisory Board for a term of four years. The Governor shall designate a member with experience in sports medicine as chairman of the board. Each member shall be paid a per diem rate to be established by the secretary, but not in excess of \$150 a day. The board shall issue an annual report to the commission, which shall include a review of the health status of each boxer who competed during the prior fiscal year to identify those who may be at risk of serious physical impairment and a review of the health and safety rules and regulations promulgated by the commission to recommend changes or additions thereto.

Source: AC § 305.

Comment: The terms of the members of the Medical Advisory Board are increased from two to four years. The Governor's power to designate the chairman is added to conform to 1989 Senate Bill 971. The chairman of the board serves as a member of the State Athletic Commission under section 102. The provision is clarified by specifying that the Governor shall choose the chairman from among the members of the board selected by the commission.

## CHAPTER 7

### REGULATION OF BOXING CONTESTS AND EXHIBITIONS

#### Sec.

- 701. Boxing regulated.
- 702. Age of participants.
- 703. Fictitious names.
- 704. Physician to be in attendance.
- 705. Medical training seminars.
- 706. Register.
- 707. Medical equipment.
- 708. Suspension and revocation for injuries.
- 709. Medical examinations.
- 710. Weights and classes.
- 711. Limitation on difference in weights.
- 712. Gloves.
- 713. Ring padding.

- 714. Duration of bouts and rounds.
- 715. Referee and judges.
- 716. Seconds.
- 717. Mandatory eight count.
- 718. Knockouts.
- 719. Duty of disclosure.
- 720. Sham or collusive contest prohibited.

§ 701. Boxing regulated.

(a) General rule.--Professional contests or exhibitions, including kick boxing, shall be held within this Commonwealth only in accordance with the provisions of this subpart and the rules and regulations promulgated under this subpart.

(b) Events on Sunday.--Contests or exhibitions may be held on Sunday.

Source: AC § 501.

§ 702. Age of participants.

(a) General rule.--No person under 18 years of age shall be a participant in any contest or exhibition.

(b) Exception.--

(1) Any person between 12 and 17 years of age may participate in amateur contests or exhibitions under such rules and regulations as the commission shall prescribe.

(2) Any person between 12 and 17 years of age may

participate after obtaining written permission from a parent or legal guardian, as well as consent by the executive director.

(3) A person 12 to 16 years of age may only participate in such contests with a person not more than one year older.

(c) Junior Olympics.--The limitations set forth in subsections (a) and (b) shall not apply to sanctioned boxing events for the Junior Olympics under the direction of a national governing organization certified by the commission. For the purposes of the Junior Olympic events, participants, with the written permission of a parent or legal guardian, may box only in the following age divisions:

- (1) Ten and eleven years of age.
- (2) Twelve and thirteen years of age.
- (3) Fourteen and fifteen years of age.

No participant shall take part in any event outside of the approved division for that age group.

Source: AC § 502.

§ 703. Fictitious names.

No person shall participate in any amateur contest or exhibition under a fictitious or assumed name unless the fictitious or assumed name has first been registered with the commission.

Source: AC § 503.

§ 704. Physician to be in attendance.

A physician shall be assigned to every contest or exhibition by the executive director. The physician shall observe at all times the physical condition of the participants and may stop any contest or exhibition at any time to examine a participant and to terminate a bout when, in the judgment of the physician, severe injury could result to a participant if the contest or exhibition were to continue. The commission shall establish by rule or regulation a schedule of fees to be paid to physicians for their services. The physician's fee shall be paid by the promoter of the contest or exhibition attended by the physician.

Source: AC § 504.

§ 705. Medical training seminars.

The commission shall conduct mandatory medical training seminars at least twice a year for all ring personnel, commission personnel and other designated persons employed by the secretary.

Source: AC § 505.

§ 706. Register.

The executive director shall establish and maintain a register for all professional boxers licensed in this Commonwealth. The register shall include a photograph of the

boxer. In the register, the executive director shall record the results of each contest or exhibition the boxer is involved in, including technical knockouts, knockouts and other boxing-related injuries, as well as the dates of each contest or exhibition and the record of wins and losses.

Source: § 506.

§ 707. Medical equipment.

No professional contest or exhibition shall be started unless there is on the premises:

- (1) An ambulance, together with emergency equipment.
- (2) A portable resuscitator with oxygen and appropriate endotracheal tubes and a qualified operator.

Source: AC § 507.

§ 708. Suspension and revocation for injuries.

(a) General rule.--For sound medical reasons and to protect the individual boxers, the commission shall establish mandatory license suspensions of those persons who sustain certain injuries.

(b) Particular suspension periods.--The commission may suspend a boxer's license for up to:

- (1) Sixty days for a laceration of the face.
- (2) Thirty days for a technical knockout with minor injuries.



(3) Forty-five days for head injuries.

(4) Ninety days for a knockout.

(c) Unconsciousness or concussion.--A boxer who has been knocked unconscious or who has received a concussion shall have his license suspended for 90 days, and the suspension shall be removed only after the boxer has been pronounced fit after undergoing medical examination by a physician.

(d) Repeated knockouts.--A boxer who has been knocked out or severely beaten shall have his license revoked if, after undergoing a medical examination by a physician, the commission decides such action is necessary in order to protect the health and welfare of the boxer.

(e) Consecutive defeats.--A boxer who has suffered six consecutive defeats shall be investigated by the commission and shall undergo a medical examination by a physician. If appropriate, the commission may then proceed to suspend or revoke the boxer's license.

Source: (a), (b): AC § 508.  
(c): AC § 705.  
(d): AC § 706.  
(e): AC § 707. The second sentence is new.

Comment: Subsection (b) - The reference to the EEG is deleted. (See comment to Section 709).

Subsections (c), (d) and (e) - The provisions prohibiting injured boxers from resuming activity are redrafted in terms of license suspension and revocation. The examination is described as a "medical" rather than "physical" examination to include appropriate tests of mental function. In subsection (e), a provision is added to explicitly permit the commission to take licensure action based on the investigation and examination of a boxer who has suffered six consecutive defeats.

§ 709. Medical examinations.

(a) Prefight examination.--In addition to any other examination required by this subpart or the rules and regulations promulgated under this subpart, each boxer shall be examined by the attending physician within two hours before he enters the ring. If, in the opinion of the physician, any boxer is physically or mentally unfit to proceed, the physician shall notify the person in charge, who shall immediately cancel the contest or exhibition.

(b) Postfight examination.--In addition to the examination required by this subpart or the rules and regulations promulgated under this subpart, every boxer shall undergo a medical examination by a physician designated by the executive director during the five days following every contest or exhibition in which he was a participant. If the boxer sustains a knockout or technical knockout, the boxer shall undergo the medical examination within such time period as shall be prescribed by the rules and regulations promulgated by the commission. This examination shall be performed at the expense of the promoter.

(c) Filing of results of examinations.--The results of the examinations required by this section shall be reduced to writing by the physician, signed by him and filed with the commission within 48 hours after they have been performed.

(d) Content of examination.--Any medical examination prescribed under this section or section 708 (relating to suspension and revocation for injuries) shall conform to the rules and regulations promulgated by the commission after consultation with the Medical Advisory Board. The rules and regulations regarding the postfight examination may prescribe, or permit the attending physician to prescribe, additional tests in the case of a knockout, technical knockout, head injury or other injury or medical condition. The examination may include drug testing as prescribed by rules and regulations, which shall be promulgated by the commission in accordance with the program mandated by section 105(5) (relating to powers and duties of executive director).

Source: (a)-(c): AC § 509.  
(d): New.

Comment: The provisions authorize maximum discretion for the commission, in consultation with the Medical Advisory Board to prescribe the content of the medical examinations. Since medical advances may provide more effective methods of testing for boxing injuries, the regulatory process is more appropriate than statutory specification. The regulatory bodies can also deal more knowledgeably with the feasibility of examinations in regard to cost, the amount of discretion to be given the attending physician and the procedures required in the various injury situations.

#### § 710. Weights and classes.

The commission shall promulgate rules and regulations establishing classes of boxers, which classes shall be based upon weights.

Source: AC § 510.

§ 711. Limitation on difference in weights.

No contest or exhibition shall take place in which the difference in weight of the participants exceeds ten pounds. This section shall not apply to contests or exhibitions between participants in the light-heavyweight and heavyweight classes, as defined by the commission, nor to exhibitions held solely for training purposes.

Source: AC § 511.

§ 712. Gloves.

(a) General rule.--All boxers licensed under this subpart shall be required to use thumbless or thumb-attached gloves. The appropriate weight boxing gloves shall be worn by boxers as follows:

(1) One hundred thirty-five pounds or under, boxing gloves weighing not less than five ounces each.

(2) Over 135 pounds but not exceeding 160 pounds, boxing gloves weighing not less than six ounces each.

(3) Over 160 pounds, boxing gloves weighing not less than ten ounces each.

(b) Violation.--A violation of this section may subject the participant, promoter or manager or any of them to suspension of not less than 30 days or revocation of their licenses, at the

discretion of the commission, pursuant to section 1304 (relating to suspension or revocation of licenses or permits).

Source: AC § 512.

§ 713. Ring padding.

All ring padding shall be subject to approval of the commission. All padding shall be of soft felt, foam rubber or similar material and shall be at least two inches thick.

Source: AC § 704.

§ 714. Duration of bouts and rounds.

(a) Length of contest.--No contest or exhibition shall be more than 12 rounds in length, except for championship contests sanctioned by recognized international or national authorities, which may be up to 15 rounds in length.

(b) Duration of round.--No round shall be more than three minutes in duration.

(c) Mandatory rest period.--There shall be at least a one-minute rest between consecutive rounds.

(d) Limitation on participation.--No boxer shall participate in, nor be scheduled to participate in, more than 15 rounds within 72 consecutive hours.

(e) Limitation on rounds.--The commission may, with respect to any contest or exhibition or to any class of participants,

limit the number of rounds in a contest or exhibition to less than the maximum number of rounds otherwise applicable.

Source: AC § 513.

Comment: Subsection (e) - This subsection is redrafted to eliminate a contradiction between subsections (a) and (e) of the source. Under subsection (a), the maximum number of rounds was 12, except for championship contests, which could be up to 15 rounds in length. However, subsection (e) permitted the commission to limit a bout to "less than the maximum number of 15." The contradiction is avoided by permitting the commission to limit the bout "to less than the maximum number of rounds otherwise applicable."

#### § 715. Referee and judges.

(a) Referee.--At each professional contest or exhibition, except an exhibition held solely for training purposes, there shall be in attendance, at the expense of the promoter, a duly licensed referee designated by the executive director, who shall direct and control the contest or exhibition.

(b) Judges.--There shall be in attendance at every contest, at the expense of the promoter, three licensed judges, each of whom shall render his individual decision, in writing, on a scorecard supplied by the executive director at the end of every contest which continues for the scheduled number of rounds. Each judge shall have one vote, and a majority of the votes cast shall determine the winner.

(c) Scoring.--The commission shall by rule or regulation prescribe the methods of scoring.

Source: AC § 514.

Comment: Subsection (b) -- This subsection is rewritten to follow the rule in some leading boxing states, including New Jersey, New York, Nevada and Florida, that the bout is scored by three judges, instead of two judges and the referee. This permits the referee to give his undivided attention to observing the physical condition of the boxers and controlling the action in the ring. It does not prohibit a referee who is licensed as a judge from serving as a judge for a bout in which he is not a referee.

§ 716. Seconds.

Before the start of any contest or exhibition, the referee shall ascertain from each participant the name of the chief second. The chief second shall be held responsible for the conduct of his assistants during the contest or exhibition.

Source: AC § 515.

§ 717. Mandatory eight count.

Whenever a boxer is knocked down, the boxer shall be required to take a count of eight. The referee shall not permit the contest or exhibition to be resumed until the count of eight has been reached, except in professional championship contests and exhibitions.

Source: AC § 701.

§ 718. Knockouts.

(a) Count by referee.--When a boxer is knocked out, the referee shall count to ten, and shall not stop the count earlier and record a technical knockout.

(b) Physician.--When a boxer has been knocked out, no one shall touch him, except to remove his mouth protector, until after the attending physician has entered the ring and issued such instructions as he deems necessary.

Source: (a): AC § 702.  
(b): AC § 703.

§ 719. Duty of disclosure.

Every licensee shall, immediately after learning thereof, disclose to the executive director or his designee, or to the official in charge or the attending physician or referee if one of these persons is in attendance at any contest or exhibition, all knowledge or information in his possession concerning any mental or physical disability, injury, illness or incapacity of any boxer.

Source: AC § 516.

§ 720. Sham or collusive contest prohibited.

(a) General rule.--No licensee or other person shall knowingly conduct, give, participate in or be in any way connected with any sham or collusive boxing contest.

(b) Reports.--Any licensee who knows or has reason to suspect that a boxing contest is, was or is going to be a sham or collusive contest shall have a duty to promptly report this



to the executive director or his designee. Such a report shall be in writing or, if oral, shall be reduced to writing and shall contain all of the reporter's reasons for the conclusions set forth in his report.

(c) Penalty.--A violation of this section shall constitute a misdemeanor of the third degree.

(d) Definition.--As used in this section, the term "sham or collusive contest" means an engagement that is promoted or advertised as a true contest, but in which one or both of the participants does not use his best efforts and skill or does not strive earnestly in good faith to win. The term includes, but is not limited to, any pseudocontest, the result of which has been prearranged, or any pseudocontest in which either participant does not, is not going to or is unable to use or is prevented from using his best efforts and skill as a result of coercion, reward or promise thereof, physical incapacity or disability, suggestion or agreement, or any other improper or unlawful means.

Source: AC § 720.

Comment: Subsection (d) - The definition of "sham or collusive contest" is modified by adding the requirement that the event must be promoted or advertised as a true contest, so that the public is given the false impression that the participants will "strive earnestly in good faith to win." See section 302. This requirement clarifies the term "pseudocontest" and helps to distinguish a sham or collusive contest from a lawful exhibition. The words "bribery, duress, threats" are omitted as redundant; this change is not intended to have substantive effect.

CHAPTER 9  
LICENSES AND PERMITS

Sec.

- 901. Power of commission to issue, withhold, suspend or revoke licenses and permits.
- 902. Promoters' licenses.
- 903. Representative managers' licenses.
- 904. Foreign copromoters to procure permits.
- 905. Other licenses required.
- 906. Program permits.
- 907. Permits for amateurs.
- 908. Prohibited interests.
- 909. Local prohibitions.
- 910. Standards for issuance of licenses and permits.
- 911. Duration of license.
- 912. Applications for licenses and permits.
- 913. Oral examinations.
- 914. License fees.
- 915. Permit fees.
- 916. Gross receipts taxes.
- 917. Application and fees.

§ 901. Power of commission to issue, withhold, suspend or revoke licenses and permits.

The commission is hereby granted sole control, authority and

jurisdiction to issue, withhold, suspend or revoke any license or permit provided for under this subpart.

Source: AC § 901.

§ 902. Promoters' licenses.

No promoter shall, directly or indirectly, conduct, hold or promote any professional contest or exhibition unless he has first procured a promoter's license from the commission. A violation of this section may subject the promoter to suspension of not less than 30 days or revocation of his license, at the discretion of the commission, pursuant to section 1304 (relating to suspension or revocation of licenses or permits).

Source: AC § 902.

§ 903. Representative managers' licenses.

(a) General rule.--Before acting as such, every representative manager shall procure a manager's license. He shall file with the department the name of each boxer whom he represents, together with a written consent from each boxer and his manager authorizing him to transact business for the manager or boxer or to act as or for the manager of the boxer.

(b) Presumption.--Every person other than the manager of a professional boxer who performs any of the acts usually performed by the manager or who aids, assists or substitutes for

the manager or who uses a licensed manager to conceal his own actions as a manager shall be considered a representative manager.

(c) Penalty.--A violation of this section may subject the manager to suspension of not less than 30 days or revocation of his license, at the discretion of the commission, pursuant to section 1304 (relating to suspension or revocation of licenses or permits).

Source: AC § 903.

§ 904. Foreign copromoters to procure permits.

(a) General rule.--No foreign copromoter shall directly or indirectly participate in the promotion of or receive any remuneration from or render any services in connection with any professional contest or exhibition held within this Commonwealth unless he has first been granted a permit therefor by the commission. No promoter shall be associated with any foreign copromoter in promoting any contest or exhibition unless the foreign copromoter has first secured a permit. A foreign copromoter by accepting a permit agrees to be subject to all the provisions of this subpart and the rules and regulations promulgated under this subpart.

(b) Penalty.--A violation of this section may subject the promoter or foreign copromoter, or both, to suspension of not less than 30 days or revocation of his license or permit, at the discretion of the commission, pursuant to section 1304 (relating to suspension or revocation of licenses or permits).

Source: AC § 904.

§ 905. Other licenses required.

(a) General rule.--No professional boxer, manager, second, trainer, matchmaker, timekeeper, referee, judge, announcer, physician, booking agent or agency or representative of a booking agent or agency shall directly or indirectly act in such capacity in connection with any professional contest or exhibition unless he has first procured from the commission a license to act in that capacity.

(b) Penalty.--A violation of this section may subject the person required to procure the license to suspension of not less than 30 days or revocation of or refusal to issue the license, at the discretion of the commission, pursuant to section 1304 (relating to suspension or revocation of licenses or permits).

Source: AC § 905.

§ 906. Program permits.

In addition to the promoter's license, each promoter shall be required to procure a permit from the commission for each

program of contests or exhibitions before presenting that program. Each application for a permit shall specify the premises where and time when the program is to be held.

Source: AC § 906.

Comment: The phrase "from the commission" is added to identify the body responsible for issuing the permit.

§ 907. Permits for amateurs.

(a) General rule.--Except as otherwise provided in this subpart, no amateur contest or exhibition shall be held without a permit having been first secured by the sponsor from the commission.

(b) Eligibility.--Permits for amateur boxing contests or exhibitions shall be issued only to bona fide recognized amateur athletic associations, nonprofit organizations or other groups or individuals approved by the commission.

(c) Miscellaneous.--Permits under this section may be issued for a single contest or exhibition or a series of contests or exhibitions or for a period not exceeding one year. The commission may issue amateur permits without charging any fee or for a fee of \$5 per permit.

Source: AC § 907.

Comment: Subsection (a) -- The sponsor is specifically made responsible for obtaining the permit and the commission is substituted for the department as the issuer of the permit.

§ 908. Prohibited interests.

No officer, director, stockholder or employee of a licensed promoter shall have any other interest in any professional boxer or professional contests or exhibitions except as a matchmaker.

Source: AC § 908.

§ 909. Local prohibitions.

No permit shall be issued for the holding of any boxing contest or exhibition within any political subdivision of this Commonwealth which has adopted any local ordinance or resolution prohibiting such contests or exhibitions within its limits.

Source: AC § 909.

§ 910. Standards for issuance of licenses and permits.

(a) General rule.--In determining whether to issue or renew any license or permit, the commission shall consider the best interest and welfare of the public, the preservation of the safety and health of participants and the best interests of boxing generally.

(b) Prerequisites.--Before being granted any permit or license, the applicant must establish that he is:

- (1) Of good moral character.
- (2) Of good reputation.
- (3) Physically fit and mentally sound.

- (4) Skilled in his profession.
- (5) Of requisite age and experience.
- (6) Not addicted to the intemperate use of alcohol or to the use of narcotic drugs.

In the case of a corporate applicant, these factors shall be considered with reference to its officers, directors, employees and principal stockholders.

Source: AC § 910.

§ 911. Duration of license.

Each license issued under this subpart shall expire on December 31 next following the date on which it was issued.

Source: AC § 911.

§ 912. Applications for licenses and permits.

Every application for a license or a permit shall:

- (1) Be in writing on a form supplied by the commission.
- (2) Be verified by the applicant.
- (3) Set forth such information and have attached thereto such photographs and other exhibits as are required by this subpart, the rules and regulations promulgated under this subpart and the form of application.

Source: AC § 912.



§ 913. Oral examinations.

The commission may require any applicant for a license or permit or, in the case of a corporate applicant, any officer, director, employee or stockholder thereof to appear before the commission for an oral examination, under oath, as to qualifications of the applicant before taking action on that application.

Source: AC § 913.

§ 914. License fees.

The annual license fees which shall accompany each application for a license or the renewal of a license shall be fixed by commission regulation.

Source: AC § 914.

§ 915. Permit fees.

(a) General rule.--The required fees, based upon the seating capacity of the premises where the program is to be presented, shall accompany each application for a permit to present a program of contests or exhibitions. The amount of the fee shall be fixed by commission regulation.

(b) Foreign copromoter permit.--The fee for the issuance of a foreign copromoter's permit for each program of contests or exhibitions shall be fixed by commission regulation.

Source: AC § 915.

§ 916. Gross receipts taxes.

(a) Gate receipts and broadcast rights.--In addition to the payment of any other fees and moneys due under this subpart, every promoter or sponsor shall pay a tax of 5% of the gross receipts of any contest or exhibition, exclusive of any Federal tax or any tax imposed by any political subdivision of this Commonwealth which was paid thereon. For the purposes of this section, gross receipts include the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of the contest or exhibition without any deductions for commissions, brokerage fees, distribution fees, advertising or other expenses or charges in respect thereto. For the purposes of this section, gross receipts also include the face value of all tickets sold and complimentary tickets issued.

(b) Telecasts.--Any person who shows any contest or exhibition that takes place in this Commonwealth on a closed-circuit telecast that takes place in this Commonwealth or pay-per-view telecast to viewers receiving the broadcast in this Commonwealth shall pay a tax of 2% of the person's gross receipts from any admissions charged to the closed-circuit telecast or from any fees collected for the pay-per-view telecast from such viewers. In the case of a closed-circuit

telecast, gross receipts include the face amount of all tickets sold without allocation for any other event included in the admissions price.

(c) Payment.--The payment of the gross receipts tax provided for in this section shall be made within 48 hours after the contest or exhibition and shall be accompanied by a form prescribed by the commission setting forth the gross receipts received from the contest or exhibition, together with such other information as the commission may require. Payment shall be made by certified check accompanied by a verified statement by the ticket printer setting forth the number of tickets printed for use at the contest or exhibition.

(d) Collection of tax.--The gross receipts tax provided for in this section shall be collected by the department and transmitted to the Department of Revenue, together with the reports filed therewith.

(e) Penalties.--

(1) Any promoter or sponsor who willfully makes a false and fraudulent report under this section commits perjury and shall, upon conviction, be subject to punishment as provided by law. Such penalty shall be in addition to any other penalties imposed by this subpart.

(2) Any promoter or sponsor who willfully fails, neglects or refuses to make a report, or to pay the license

fees as prescribed by this section, or who refuses to permit the department to examine the books, papers and records of any promotion commits a misdemeanor of the third degree and may be subject to suspension or loss of his license at the discretion of the commission.

Source: (a): AC § 916(a).  
(b): New.  
(c): AC § 916(b), the last sentence is new.  
(d): AC § 916(c).  
(e): AC § 916(d).

Comment: Subsection (a) - Reflecting current practice, the sponsor of an amateur event is expressly made responsible for the tax.

Subsection (b) - This subsection levies a 2% tax on closed-circuit and pay-per-view telecasts. These telecasts are considered proper subjects for taxation, as the broadcasters benefit from the State's regulatory activity. Since both the event telecast and the reception of the telecast must occur in Pennsylvania for the tax to apply, a clear nexus for taxation exists. The last sentence provides that no allocation of gross receipts will be made for a closed circuit telecast of a boxing event that is included on the same program as another event. Such an allocation would be difficult to determine administratively.

Subsection (c) - A provision is added requiring that payment be made by certified check and be accompanied by a ticket printer's verified statement. By these means, it is expected that collection of an accurate tax will be considerably aided. The responsibility for developing the tax form is transferred from the Department of Revenue to the commission, as is the current law under PWA § 5(b) for professional wrestling exhibitions.

Subsection (e) - The penalties are made applicable to sponsors of amateur events.

#### § 917. Application and fees.

An application for a permit or license shall be verified and shall be accompanied by a nonrefundable application fee in an

amount established by the commission by regulation, which fee shall be subject to review in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. If the revenues generated by fees, fines and civil penalties imposed pursuant to this subpart are not sufficient to match expenditures over a two-year period, the commission shall increase those fees by regulation, subject to review in accordance with the Regulatory Review Act, such that the projected revenues will meet or exceed projected expenditures. If the department determines that fees and civil penalties established by the commission are inadequate to meet the costs of minimum enforcement efforts required by this subpart, then the department, after consultation with the commission, shall increase the fees or civil penalties or both by regulation, subject to review in accordance with the Regulatory Review Act, such that adequate revenues are raised to meet those costs.

Source: AC § 1305.

Comment: AC § 1305(b) is supplied by the term "verified." See 1 Pa.C.S. § 1991. AC § 1305(c) is supplied by sections 1511 and 1512.

## CHAPTER 11

### PROMOTION OF CONTESTS AND EXHIBITIONS

#### Subchapter

- A. Contracts
- B. Tickets and Advertising

C. Admission to Events

D. Bonds

CHAPTER A

CONTRACTS

Sec.

1101. Commission control of contracts.

1102. Notice clause.

1103. Provisions in contracts between managers and professional boxers.

1104. Approval of contracts.

§ 1101. Commission control of contracts.

The commission, with the approval of the department, shall promulgate rules and regulations governing the form and content of all contracts entered into between or among promoters and foreign copromoters and professional boxers and managers and all contracts between managers and professional boxers. All contracts required under this subpart shall be in writing.

Source: AC § 1101.

§ 1102. Notice clause.

Every contract subject to the provisions of this subpart shall contain the following clause:

This agreement is subject to the provisions of the Boxing

Act of the Commonwealth of Pennsylvania and to the rules and regulations of the State Athletic Commission of Pennsylvania, and to any future amendments of either of them.

Source: AC § 1102.

Comment: The reference to the Department of State is changed to the State Athletic Commission to be consistent with sections 103 and 1101.

§ 1103. Provisions in contracts between managers and professional boxers.

(a) General provisions.--Every contract between a manager and a professional boxer shall contain provisions governing its duration, division of the boxer's purses and the minimum sum to be guaranteed annually to the boxer by the manager.

(b) Termination of contract.--Each contract shall further provide that the contract shall be automatically terminated if the license of either party is revoked by the commission or if the manager fails to renew his license within 30 days after its expiration. If the license of either party is suspended, the contract shall not be binding upon the other party during the period of the suspension.

Source: AC § 1103.

§ 1104. Approval of contracts.

No contract between a manager and a professional boxer shall be legally valid until both parties to the contract appear before the commission and have received its approval, which shall be endorsed on the contract.

Source: AC § 1104.

## SUBCHAPTER B

### TICKETS AND ADVERTISING

Sec.

1111. Tickets.

1112. Penalty for destroying tickets.

1113. Ticket refunds.

1114. Advertising matter to state admission price.

§ 1111. Tickets.

(a) Scheduled date and price.--Every ticket of admission to a contest or exhibition shall clearly show on its face the scheduled date of the contest or exhibition and its purchase price, including any taxes thereon.

(b) Price limitation.--No ticket shall be sold by any promoter or foreign copromoter for more than the price printed thereon.

(c) Antiscalping provision.--No other person shall sell any ticket for more than 50¢ in excess of the price printed on the



ticket. No licensee shall directly or indirectly receive any part of any excess price.

(d) Numbering of tickets.--Tickets in each price range shall be consecutively numbered, and the number of each ticket shall be clearly printed on both the stub and main portion of the ticket.

(e) Schedule of tickets.--A schedule of the numbers of all tickets in each price range shall be furnished to the department.

Source: AC § 1105.

§ 1112. Penalty for destroying tickets.

Except upon receipt of prior written authorization from the department, it shall be a misdemeanor of the second degree for any promoter or person associated with or employed by any promoter to destroy any ticket or ticket stub, whether sold or unsold, within six months after the date of any contest or exhibition.

Source: AC § 1106.

§ 1113. Ticket refunds.

(a) Full refund.--Upon postponement or cancellation of the main event or the entire program of contests or exhibitions, the promoter shall refund the full purchase price of each ticket to

any person who presents the ticket for a refund within 30 days after the scheduled date of the event. Within ten days after the expiration of this 30-day period, the promoter shall pay all unclaimed ticket receipts to the department. The department shall hold these funds for a period of one year for the purpose of making additional refunds. Thereafter, the department shall pay all remaining moneys from the ticket sale to the State Treasurer for deposit into the General Fund, without escheat.

(b) Forfeiture of security.--Failure of any promoter or foreign copromoter to comply with the provisions of subsection (a) shall be sufficient cause to warrant a forfeiture of his bond or other security and an imposition of a penalty or suspension or revocation of his license by the department as provided under section 1304 (relating to suspension or revocation of licenses or permits) or 1305 (relating to civil penalties).

(c) Pro rata refunds.--From the fund produced by the forfeiture, pro rata refunds shall be made by the department to persons who purchased tickets, in accordance with subsection (a).

Source: AC § 1107.

§ 1114. Advertising matter to state admission price.

Each showcard, bill, poster, newspaper or other advertisement of any contest or exhibition shall contain a schedule of admission prices and a conspicuous statement of whether a contest or exhibition is being presented. Failure to comply with the provisions of this section shall constitute grounds for the suspension or revocation of the promoter's license.

Source: AC § 1108.

#### SUBCHAPTER C ADMISSION TO EVENTS

Sec.

1121. Admissions not to exceed seating capacity.

1122. Age of spectators.

§ 1121. Admissions not to exceed seating capacity.

It shall be a misdemeanor of the third degree for any promoter to admit to any contest or exhibition more persons than there are seats in the place where the contest or exhibition is being held.

Source: AC § 1109.

§ 1122. Age of spectators.

No minor 16 years of age or under shall be permitted to attend any contest or exhibition unless accompanied by an adult.

Source: AC § 1110.

SUBCHAPTER D

BONDS

Sec.

1131. Promoters and foreign copromoters required to file bonds.

1132. Deposit in lieu of surety bond.

1133. Filing fee.

1134. Recovery on bond.

§ 1131. Promoters and foreign copromoters required to file  
bonds.

(a) General rule.--Before any license or renewal of a license is issued to a promoter and before any permit is issued to a foreign copromoter, he shall be required to execute and file a surety bond with the department in such reasonable amount, but not less than \$3,000, as the department shall determine.

(b) Form of bond.--All bonds shall be upon forms supplied by the department, which shall have first adopted them with the approval of the Office of Attorney General.

(c) Approval of sureties.--The sufficiency of the sureties shall be subject to approval of the department and the Office of Attorney General.

(d) Conditions.--The surety bond shall be conditioned upon the faithful performance by the promoter or foreign copromoter

of his obligations under this subpart and the rules and regulations promulgated pursuant to this subpart, including, but not limited to, the fulfillment of his contractual obligations to contestants, managers and other licensees, and the payment of all license and permit fees provided for in this subpart. The aggregate annual liability of the surety for all obligations and fees shall not exceed the amount of the bond.

Source: AC § 1301.

§ 1132. Deposit in lieu of surety bond.

In lieu of the surety bond required by section 1131 (relating to promoters and foreign copromoters required to file bonds), the promoter may deposit with the department cash, a certified check or direct obligations of the United States or the Commonwealth of Pennsylvania acceptable to the department, in an equivalent amount and subject to the same conditions. The security shall not be returned to the promoter until one year after the date on which it was deposited with the department, unless a surety bond is substituted for the security. Upon the expiration of one year from the date on which the security was deposited, it shall be returned to the depositor if no claim against the deposit is outstanding.

Source: AC § 1302.

§ 1133. Filing fee.

A filing fee fixed by the commission shall accompany each bond filed or cash or security deposited in lieu of the bond under this subchapter.

Source: AC § 1303.

Comment: The commission is substituted for the department as the body responsible for fixing the filing fee.

§ 1134. Recovery on bond.

Recovery may be had on the bond or against the deposit of cash or security in the same manner as penalties are recoverable at law.

Source: AC § 1304.

CHAPTER 13  
ENFORCEMENT

Sec.

1301. Commission hearings.

1302. Subpoenas.

1303. Preliminary suspension of licenses or permits.

1304. Suspension or revocation of licenses or permits.

1305. Civil penalties.

§ 1301. Commission hearings.

The commission shall conduct all hearings under the provisions of Title 2 (relating to administrative law and procedure). The commission shall conduct a hearing within ten business days from the time any recommendation is made by the executive director that a permit or license be suspended or revoked.

Source: AC § 1501.

§ 1302. Subpoenas.

The commission may issue subpoenas in connection with the investigation, requiring the attendance and testimony of or the production of books and papers by any licensee or other person whom the commission believes to have information, books or papers of importance to it in making the investigation.

Source: AC § 1502.

§ 1303. Preliminary suspension of licenses or permits.

(a) General rule.--The commission may, upon its own motion or upon the verified written complaint of any person charging a licensee or permittee with violating any provision of this subpart or the rules and regulations promulgated under this subpart, order the preliminary suspension of any license or permit until adjudication by the commission, if such action is

necessary to protect the public welfare and the best interests of boxing.

(b) Meetings.--Upon the oral or written agreement of two members of the commission, the commission may conduct meetings under subsection (a) by voice or video electronic means, if the subject matter of the meeting is so compelling or timely that considering the matter at the commission's next regular meeting would render any decision moot, adversely affect the rights of the aggrieved parties under this subpart or threaten the safety or physical health of participants. A stenographic record of such meetings shall be made and maintained by the commission and be made available to the parties upon request. The subject matter of any such meeting shall then become the first item on the commission's agenda for its next regularly scheduled meeting.

(c) Hearing date.--The commission shall hold a hearing within ten business days after the date on which the license or permit was suspended preliminarily, at which time reasonable efforts shall be made for the affected parties and the commission to be physically present.

Source: AC § 1503.

Comment: This section sets forth the grounds for and the procedure under which the commission suspends a license or permit pending a hearing.



§ 1304. Suspension or revocation of licenses or permits.

(a) General rule.--The commission may suspend or revoke a license or permit in any case where the commission finds that the licensee or permittee:

- (1) Is guilty of gross immorality.
- (2) Is unfit or incompetent by reason of negligence or habits.
- (3) Is guilty of violating any provision of this subpart or of the rules and regulations promulgated under this subpart.
- (4) Has committed fraud or deceit in securing his or another's license or permit.
- (5) Has been convicted of, or pleaded guilty or entered a plea of nolo contendere to, or has been found guilty by a judge or jury of, a crime in any jurisdiction within ten years preceding the suspension or revocation.
- (6) Is an habitual drunkard or is addicted to the use of morphine, cocaine or other drugs having a similar effect.
- (7) Is or has become mentally incompetent.
- (8) Has been guilty of unprofessional or unethical conduct or such conduct as to require a suspension or revocation in the public interest.
- (9) Has made a misstatement of a material fact or fraudulently concealed a material fact or has induced, aided

or abetted any other person in misstating or concealing any material fact in any application or other proceeding under this subpart.

(10) Has failed to account for or pay over moneys belonging to others which have come into his possession in connection with a contest or exhibition.

(11) Has failed to furnish to the proper party a copy of any contract or statement required by this subpart or the rules and regulations promulgated under this subpart, or has breached such a contract.

(12) Has paid or agreed to pay any money or article of value to any person not having a license or a permit for soliciting or for business secured or for rendering of any service or the doing of any of the acts forbidden by this subpart and the rules and regulations promulgated under this subpart.

(13) Has loaned his license or permit to another person or has borrowed or used the license or permit of another.

(14) Is guilty of any form of pretense which might induce the public or citizens to become a prey to professional exploitation.

(15) Has employed a person who has not been issued a license or permit when so required by law.

(16) Has failed to maintain in force the bond required by this subpart or has failed to forward a deposit in lieu of the bond.

(17) Has by act or omission conducted himself in a manner detrimental to the best interests of boxing generally or to the public interest and general welfare.

(18) Is associating or consorting with criminals, bookmakers, gamblers or persons of similar ill repute, or with persons of no known or visible means of livelihood, or is himself engaged or engaging in similar pursuits or conduct.

(19) Has been disciplined in any manner by the commission or similar agency or body of any jurisdiction.

(20) Has failed to pay a fine or any part thereof imposed pursuant to this subpart.

(b) Hearings.--Any licensee or permittee whose license or permit is suspended or revoked pursuant to this section shall have a right to a hearing before the commission within ten business days after the date on which the license or permit is suspended or revoked.

Source: AC § 1504.

Comment: In paragraph (5), the provision is changed to correct a drafting error. Section 704(5) of the act of August 31, 1955 (P.L. 531, No. 131), known as the Pennsylvania Athletic Code, specified a period of ten years between the conviction and the

suspension or revocation of the license. Cf. PWA § 3(b), corresponding to section 2101(b), which provides for a ten-year period in the parallel circumstance for professional wrestling promoters.

§ 1305. Civil penalties.

The commission may impose a civil penalty of not more than \$5,000 for any violation of any provision of this subpart, other than section 1701 (relating to prohibited competitions), or the rules and regulations promulgated under those provisions, in addition to any other punishment provided under this subpart for the violation. Any licensee or permittee upon whom a civil penalty is imposed under this section shall have a right to a hearing before the commission within ten days after notice of the commission's intent to impose the penalty is received.

Source: AC § 1702.

Comment: Consistent with other licensure statutes, the monetary penalty is designated a civil penalty rather than a fine. The last sentence is clarified to remove any implication that the civil penalty may be imposed before a hearing.

CHAPTER 15

FINANCIAL PROVISIONS

Subchapter

- A. Financial Interests
- B. Commission Receipts
- C. Purses
- D. Insurance

SUBCHAPTER A  
FINANCIAL INTERESTS

Sec.

1501. Financial interest in boxer prohibited.

1502. Financial interest in opponent prohibited.

1503. Financial interest of matchmaker.

§ 1501. Financial interest in boxer prohibited.

No physician, referee, judge or promoter licensed under this subpart shall have any direct or indirect financial or pecuniary interest in any boxer. A violation of this section shall constitute a misdemeanor of the third degree.

Source: AC § 1901.

§ 1502. Financial interest in opponent prohibited.

No manager, trainer or second of any boxer shall have any direct or indirect financial or pecuniary interest in the opponent in any contest in which his own boxer participates. No boxer shall have any direct or indirect financial or pecuniary interest in his opponent in any contest. A violation of this section shall constitute a misdemeanor of the third degree.

Source: AC § 1902.

Comment: The grading of the offense as a misdemeanor of the third degree is added by analogy to section 1501. Grading of offenses by type and degree is required under 18 Pa.C.S. § 106(e).

§ 1503. Financial interest of matchmaker.

No matchmaker or promoter shall have any direct or indirect financial or pecuniary interest in any boxer who is engaging in a contest arranged by that matchmaker or promoter. A violation of this section shall constitute a misdemeanor of the third degree.

Source: AC § 1903.

Comment: See comment to Section 1502.

#### SUBCHAPTER B

#### COMMISSION RECEIPTS

Sec.

1511. Disposition of commission receipts.

1512. Athletic Commission Augmentation Account.

§ 1511. Disposition of commission receipts.

All fees, taxes, civil penalties, forfeitures and other moneys collected under the provisions of this subpart and the rules and regulations promulgated under this subpart shall be collected by the commission and transmitted to the Department of Revenue.

Source: AC § 1904.

§ 1512. Athletic Commission Augmentation Account.

All funds collected by the commission shall be paid into the Athletic Commission Augmentation Account, which shall be a special restricted receipts account within the General Fund. This account shall be used only for the support and operation of the commission unless a surplus arises after two consecutive years, at which time the secretary shall transfer any amount in excess of the commission's budget into the General Fund.

Source: AC § 3106.

SUBCHAPTER C

PURSES

Sec.

- 1521. Minimum purses for boxers.
- 1522. Distribution of purses to boxers.
- 1523. Withholding of purses.
- 1524. Hearing regarding withheld purse.
- 1525. Disposition of withheld purse.
- 1526. Advances against purses.

§ 1521. Minimum purses for boxers.

No purse less than \$50 shall be paid by the promoter to any professional boxer for any contest or exhibition, other than a training exhibition.

Source: AC § 518.

§ 1522. Distribution of purses to boxers.

(a) Promoter distribution.--Unless otherwise directed by the executive director, all boxing purses shall be distributed by the promoter not later than 24 hours after the conclusion of the contest or exhibition for which the purse is being paid. A written statement showing the distribution of the purse, including each item of receipt and each expenditure or deduction, shall be furnished to the boxer and his manager, together with his share of the purse, and a copy thereof, certified by the promoter to be true and correct, shall be filed in the office of the executive director. Receipted vouchers for every expenditure or deduction shall be attached to the copy filed with the department.

(b) Manager distribution.--Unless otherwise directed by the executive director, every manager shall furnish a statement of distribution to the boxer he manages, together with the boxer's share of the purse, not later than 24 hours after he receives the purse and statement from the promoter. A copy thereof, certified by the manager to be true and correct, shall be filed in the office of the executive director. Receipted vouchers for every expenditure or deduction made by the manager shall be attached to the copy filed with the department.

Source: AC § 519.

Comment: Subsection (b) - The manager distribution statements are to be filed in the office of the executive director, not the department. This change is consistent with subsection (a).



§ 1523. Withholding of purses.

(a) General rule.--The commission may order the promoter to withhold any purse, or any part thereof, or any receipts or other funds belonging to or payable to any contestant or for which any contestant is competing, or any manager's share thereof, if it appears that the contestant is not competing honestly or is intentionally not competing to the best of his ability and skill, or if it appears that the contestant, his manager or any of his seconds has violated any provision of this subpart or the rules and regulations promulgated under this subpart.

(b) Escrow.--The commission may order that the gross receipts shall be withheld and placed in escrow if it appears that this subpart has been violated.

Source: AC § 520.

§ 1524. Hearing regarding withheld purse.

(a) Delivery to commission.--Any purse or portion thereof withheld under section 1523 (relating to withholding of purses) shall be delivered by the promoter to the commission within 48 hours after the end of the contest.

(b) Request for hearing.--Within ten days after the end of the contest, the licensee from whom the sum was withheld may apply in writing to the commission for a hearing. Upon receipt

of the application, the commission shall fix a date for a hearing.

Source: AC § 521.

§ 1525. Disposition of withheld purse.

(a) General rule.--Within a reasonable time after the hearing or after the expiration of ten days following the contest, if no application for a hearing is filed, the commission shall determine the disposition to be made of the withheld purse.

(b) Withholding.--If the commission finds the charges upon which the withholding order was based to be true and to be sufficient lawful reason upon which to base such an order, it may declare the funds, or any part thereof, withheld or forfeited.

(c) Distribution.--If the commission finds the charge or charges to be untrue or not to be sufficient lawful reason upon which to base a withholding order, it shall distribute the withheld funds to the persons entitled thereto.

Source: AC § 522.

Comment: Subsection (b) - The source as written appears to give the commission the alternative of ordering the entire purse withheld or a part of the purse forfeited. The language is redrafted to give the commission discretion to withhold or forfeit all or any part of the purse.

§ 1526. Advances against purses.

(a) General rule.--No promoter or foreign copromoter shall pay, lend or give any money to a contestant before any contest as an advance against his purse or for a similar purpose. A promoter may, with the prior written permission of the commission, pay or advance to a contestant necessary expenses for transportation and maintenance in preparation for a contest.

(b) Forfeiture of purse.--If a contestant's purse is forfeited, the commission may include such payments or advances as part of the forfeiture, and, if he does not forward that amount to the department, it may be recovered in the same manner as a debt due the Commonwealth.

Source: AC § 523.

#### SUBCHAPTER D

#### INSURANCE

Sec.

1531. Insurance coverage of boxers.

§ 1531. Insurance coverage of boxers.

The commission may promulgate rules and regulations requiring licensed boxers to be covered by insurance for:

(1) Medical, surgical and hospital care resulting from injuries sustained while preparing for or engaged in boxing contests or exhibitions with the insured being the beneficiary of the policies.

(2) Life, providing for payments to the estates or beneficiaries of deceased boxers where death was caused by injuries received while preparing for or engaged in contests or exhibitions.

The premiums for this insurance shall be paid by the insured's manager.

Source: AC § 524.

## CHAPTER 17

### MISCELLANEOUS PROVISIONS

Sec.

1701. Prohibited competitions.

§ 1701. Prohibited competitions.

(a) Offense denied.--A person commits a misdemeanor of the first degree if he promotes, sponsors or participates in any manner in the staging of, or the conduct of, any tough guy contest.

(b) Application of section.--This section shall not apply to:

(1) News media, including, but not limited to, television, radio, newspapers and periodicals for their reporting activities relating to any tough guy contest.

(2) Amateur or professional contests or exhibitions for which a permit has been issued under Chapter 9 (relating to licenses and permits).

(3) Professional wrestling exhibitions.

(4) Contests staged in connection with athletic training programs.

(5) Amateur or professional martial arts contests.

(6) Collegiate or scholastic boxing, wrestling or martial arts contests.

(7) Wrestling contests not prohibited by the commission under Chapter 23 (relating to regulation of wrestling contests).

(c) Definition.--As used in this section, the term "tough guy contest" (or "battle of the brawlers") means any competition which involves any physical contact bout between two or more individuals who attempt to knock out the opponent by employing boxing, wrestling, martial arts tactics, kicking, choking or other techniques or any combination thereof.

Source: AC § 2101.

SUBPART C

WRESTLING

Chapter

- 19. Preliminary Provisions
- 21. Regulation of Professional Wrestling Exhibitions
- 23. Regulation of Wrestling Contests

CHAPTER 19

PRELIMINARY PROVISIONS

Sec.

1901. Short title of subpart.

1902. Definitions.

§ 1901. Short title of subpart.

This subpart shall be known and may be cited as the Wrestling Act.

Source: PWA § 1.

Comment: The title is changed from the source because the powers given the commission over amateur wrestling contests are included in this subpart. See section 2302.

§ 1902. Definitions.

Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Promoter." Any person and, in the case of a corporation, an officer, director, employee or shareholder thereof who produces, arranges or stages any professional wrestling exhibition.

"Wrestling contest." A wrestling engagement in which the wrestlers strive earnestly in good faith to win.

"Wrestling event." One or more wrestling exhibitions conducted at the same location on the same day.

"Wrestling exhibition." An engagement in which the participants display their skills in a struggle against each other in the ring, with or without the use of accessories, without necessarily striving to win, provided that contests prohibited by law shall not be considered exhibitions.

Source: PWA § 2.

Comment: "Wrestling contest." This definition is added to make the distinction between contests and exhibitions similar to that used in boxing. The commission's authority to regulate professional and amateur wrestling contests is set forth in Chapter 23.

"Wrestling exhibition." The commission's authority to regulate wrestling exhibitions is set forth in Chapter 21.

## CHAPTER 21

### REGULATION OF PROFESSIONAL WRESTLING EXHIBITIONS

Sec.

- 2101. Promoter's license.
- 2102. Promoter's bonding requirements.
- 2103. Gross receipts taxes.

2104. Physician to be in attendance.

2105. Ambulance available.

2106. Crowd control.

2107. Prohibited acts.

2108. Enforcement.

2109. Penalties.

§ 2101. Promoter's license.

(a) Required.--No promoter shall conduct, hold or promote any wrestling exhibition unless the promoter has first obtained a promoter's license from the commission. A promoter licensed under the act of July 1, 1989 (P.L.160, No.29), known as the Professional Wrestling Act, including a promoter deemed licensed under section 3(a) of that act, shall be deemed licensed under this subpart, unless the commission has suspended or revoked the license or the license has expired. A promoter's license shall be issued by the commission upon the filing by an applicant of the following:

(1) A license fee of \$100.

(2) A notarized copy of a surety bond for the first planned exhibition, as required under section 2102 (relating to promoter's bonding requirements).

(3) An application form stating the name, address, phone number, taxpayer identification number and nature of the



entity applying for the license.

(b) Prohibition.--The commission shall not issue or renew a promoter's license to a person who has been convicted of or pleaded guilty or nolo contendere to any of the following offenses during the ten years preceding the application date:

- (1) Bribery.
- (2) Corrupt solicitation.
- (3) Extortion.
- (4) Perjury or subornation of perjury.
- (5) Carrying a deadly weapon.
- (6) Any offense set forth in 18 Pa.C.S. Ch. 43 Subch. A

(relating to definition of offenses generally), 55 (relating to riot, disorderly conduct and related offenses), 59 (relating to public indecency) or 63 (relating to minors).

- (7) Bribery in athletic contests.
- (8) Soliciting or accepting a bribe in athletic contests.

- (9) Blackmail.
- (10) Professional theft.
- (11) Murder.
- (12) Administering drugs.
- (13) Rape.
- (14) Indecent assault.

(15) Kidnapping.

(16) Any offense involving the use, sale or delivery of narcotics.

(c) Renewal.--A promoter's license shall be renewed annually upon payment of a license fee of \$100 to the Athletic Commission Augmentation Account.

(d) Reports.--At least ten days before the scheduled date of any professional wrestling exhibition, the promoter of the exhibition shall notify the commission in writing of the date, time and location of the event.

(e) Suspension.--Upon conviction of a promoter for any violation of this subpart or upon adjudication by the commission finding such a violation after a hearing conducted pursuant to Title 2 (relating to administrative law and procedure), the commission shall suspend the promoter's license for a period as follows:

(1) For an offense other than as provided in paragraph (2), 30 days.

(2) For an offense committed within 12 months after conviction of a prior offense, 90 days.

(f) Revocation.--Upon conviction, or adjudication by the commission, of a promoter of a violation of this subpart committed within 12 months after conviction or adjudication of a

violation as defined under subsection (e)(2), the commission shall revoke the promoter's license. The license shall not be reissued prior to the expiration of one year from the effective date of revocation.

(g) Civil penalty.--The commission may impose a civil penalty on a promoter of not more than \$5,000 for any violation of this chapter or the rules and regulations promulgated under this chapter, in addition to any other punishment provided under this chapter for the violation. The penalty may be imposed only upon an adjudication by the commission after a hearing conducted pursuant to Title 2.

Source: (a) - (f): PWA § 3.  
(g): New.

Comment: Subsection (a) - Language is added to preserve the licenses of promoters licensed or deemed licensed under the Professional Wrestling Act. This savings provision does not apply to any promoter whose license has been suspended or revoked by administrative actions taken under the Professional Wrestling Act, or any promoter whose license has expired due to failure to renew it under PWA § 3(c).

Subsections (e) and (f) - The license of a promoter may be suspended or revoked upon an administrative adjudication of a violation of this chapter by the commission under Title 2. A criminal conviction is not required. This requirement of PWA § 3 has substantially hampered effective enforcement of the law. The suspension or revocation is made a function of the commission rather than the department.

Subsection (g) - This subsection is added to give the commission the authority to levy a civil penalty against wrestling promoters similar to that provided under AC § 1702 for boxing licensees and permittees.

§ 2102. Promoter's bonding requirements.

(a) General rule.--Before the scheduled date of any professional wrestling exhibition, the promoter of the exhibition shall be required to execute a surety bond with the entity operating the arena or other facility in a reasonable amount, but not less than \$10,000, as the parties shall agree.

(b) Conditions of bond.--The surety bond shall be conditioned upon the faithful performance by the promoter of his obligations under this subpart and the contract with the entity in charge of the arena or other facility.

Source: PWA § 4.

§ 2103. Gross receipts taxes.

(a) Gate receipts and broadcast rights.--In addition to any Federal tax or tax imposed by any political subdivision of this Commonwealth to be paid on gross receipts, every promoter shall pay a State tax of 5% of the face value of all tickets sold to any wrestling exhibition. The promoter shall also pay a State tax of 2% of the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of any exhibition that takes place in this Commonwealth.

(b) Telecasts.--Any person who shows any wrestling exhibition that takes place in this Commonwealth on a closed-circuit telecast that takes place in this Commonwealth or pay-

per-view telecast to viewers receiving the broadcast in this Commonwealth shall pay a tax of 2% of the person's gross receipts from any admissions charged to the closed-circuit telecast or from any fees collected for the pay-per-view telecast from such viewers. In the case of a closed-circuit telecast, gross receipts include the face amount of all tickets sold without allocation for any other event included in the admission price.

(c) Payment of tax.--The tax payment shall be made to the commission within five days after the exhibition. The payment shall be accompanied by a form prescribed by the commission setting forth the taxable receipts received from the exhibition, together with such other information as the department may require. Payment shall be made by certified check accompanied by a verified statement by the ticket printer showing the number of tickets printed for use at the exhibition.

(d) Disposition of tax.--All of the moneys received by the Commonwealth for payment of the taxes enumerated in this section are hereby appropriated to the commission to be placed in the Athletic Commission Augmentation Account.

Source: (a): PWA § 5(a), (c). The last sentence is new.  
(b): New.  
(c), (d): PWA § 5(b).

Comment: Subsection (a) - A tax on broadcast rights of wrestling exhibitions is reinstated in addition to the tax on the tickets sold at the event itself.

Subsection (b) - A provision is added similar to section 916(c) requiring that payment be made by certified check and that the payment be accompanied by a ticket printer's verified statement.

§ 2104. Physician to be in attendance.

The promoter and the operator of the arena or facility shall employ a physician from a list approved by the Department of Health to be present at every wrestling exhibition. The physician shall observe the physical condition of the participants throughout the exhibition and shall be authorized to terminate an exhibition when, in his judgment, severe injury would result if the exhibition were to continue. The physician's fee shall be paid by the promoter of the exhibition.

Source: PWA § 6.

§ 2105. Ambulance available.

The promoter and the operator of the arena or facility shall have an ambulance or paramedical unit present at the arena in case a serious injury were to occur. If the ambulance or paramedical unit is located within five miles of the arena and

that unit has been notified to be on call by the promoter, the unit need not be present at the arena.

Source: PWA § 7.

§ 2106. Crowd control.

The promoter and the operator of the arena or facility shall ensure that adequate security personnel are in attendance at the wrestling exhibition to control fans in attendance. The size of the security force is at the discretion of the promoter and the owner or operator of the arena or facility, as they shall agree.

Source: PWA § 8.

§ 2107. Prohibited acts.

(a) Arena owners or operators.--An owner or operator of an arena or other facility at which a professional wrestling exhibition takes place shall not destroy any ticket or ticket stub, whether sold or unsold, within three months after the date of any exhibition.

(b) Wrestlers.--A wrestler shall not deliberately cut or otherwise mutilate himself while participating in a wrestling exhibition.

(c) Promoter.--A promoter shall not do any of the following:

(1) Conduct any professional wrestling exhibition without satisfying the bond requirements specified in section 2102 (relating to promoter's bonding requirements).

(2) Employ as a participant in a wrestling exhibition any individual who is under 18 years of age.

Source: PWA § 9.

§ 2108. Enforcement.

(a) General rule.--The police chief of any municipal police department, the troop commander of any Pennsylvania State Police troop or the Attorney General or his designee may assign an on-duty police officer, detective or investigator under his jurisdiction to be present at any professional wrestling exhibition within his respective jurisdiction. The police officer, detective or investigator, upon display of a written order of assignment, shall be admitted by the promoter without fee or hindrance and shall monitor compliance with this subpart. The attending police officer, detective or investigator shall report any unlawful incident at the event to the commission within 48 hours after the event.

(b) Municipal fee.--The promoter shall pay a fee of \$100 for each wrestling event to the municipality to cover the costs of enforcement of this subpart.

Source: PWA § 10.

Comment: The unlawful incidents taking place at exhibitions are to be reported to the commission rather than the department.



§ 2109. Penalties.

Except for a violation of section 2101 (relating to promoter's license) or 2107 (relating to prohibited acts), a knowing or reckless violation of any provision of this subpart shall be a summary offense. A knowing or reckless violation of section 2101 or 2107 shall be a misdemeanor of the third degree.

Source: PWA § 11.

Comment: The cross reference to PWA § 10 in the source appears to be an error because the referenced section does not describe any offense. The cross reference has therefore been changed to correspond to PWA § 9.

CHAPTER 23

REGULATION OF WRESTLING CONTESTS

Sec.

2301. Professional wrestling contests.

2302. Amateur wrestling contests.

§ 2301. Professional wrestling contests.

The commission may make policy and may promulgate rules and regulations governing professional wrestling contests. The commission may approve the rules of an appropriate body established to organize and hold such contests and may grant the body authority to conduct those contests, subject to such regulatory control or oversight as the commission deems necessary.

Source: Derived from AC § 302(b).

Comment: This section makes explicit the commission's powers over professional wrestling contests under AC § 302(b). The second sentence is added to permit cooperation with an appropriate private body organizing such contests.

§ 2302. Amateur wrestling contests.

The commission may make policy and may promulgate rules and regulations governing amateur wrestling contests. The commission may approve the rules of an appropriate body which organizes and holds such contests and may grant the body authority to conduct those contests, subject to such regulatory control or oversight as the commission deems necessary.

Source: New.

Comment: This section is added in recognition that the commission is the appropriate body to oversee amateur wrestling contests, other than the scholastic, collegiate and correctional contests exempted under section 106. As in section 2301, a provision is added to permit cooperation between the commission and an appropriate private body.

Section 2. Status of existing licenses and permits.

This act shall not adversely affect licenses or permits issued under or otherwise valid under the act of July 1, 1989 (P.L.136, No.28), known as the Athletic Code, or the act of July 1, 1989 (P.L.160, No.29), known as the Professional Wrestling Act. This act shall not affect any suspensions, revocations or other action taken with respect to licenses and permits by the Department of State or the State Athletic Commission under applicable law.

Source: Derived from AC § 3102.

Section 3. Current members of State Athletic Commission and  
Medical Advisory Board.

Any person who is a member of the State Athletic Commission or the Medical Advisory Board on the effective date of this act shall serve on the commission or board for a term of four years from his date of appointment and until his successor is duly appointed and qualified.

Source: AC § 301(b).

Section 4. Effect of prior rules and regulations.

All rules and regulations made pursuant to or valid under any act repealed by this act shall continue in force and effect unless contrary to the provisions of 5 Pa.C.S. Pt. I (relating to boxing and wrestling).

Source: AC § 3103.

Comment: This provision differs from AC § 3103 by expressly invalidating regulations contrary to the substantive provisions of law.

Section 5. Repayment of appropriation.

The appropriation under section 3107 of the act of July 1, 1989 (P.L.136, No.28), known as the Athletic Code, shall be repaid by the State Athletic Commission to the Professional Licensure Augmentation Account by January 1, 1995.

Source: Derived from AC § 3107.

Comment: The repayment of the \$350,000, appropriated from the Professional Licensure Augmentation Account to the State Athletic Commission, is extended from three to five years.

Section 6. Repeals.

The following acts and parts of acts are repealed:

Act of July 1, 1989 (P.L.136, No.28), known as the Athletic Code.

Act of July 1, 1989 (P.L.160, No.29), known as the Professional Wrestling Act.

Section 7. Effective date.

This act shall take effect immediately.

## DISPOSITION TABLE

Act of July 1, 1989 (P.L. 136, No. 28) (Athletic Code) Section	Act of July 1, 1989 (P.L. 136, No. 28)		5 Pa.C.S. Section
	5 Pa.C.S. Section	(Athletic Code) Section	
101	301	1101	1101
102	101, 302	1102	1102
103	106	1103	1103
		1104	1104
301	102, Bill § 3	1105	1111
302	103, 2301	1106	1112
303	104	1107	1113
304	105	1108	1114
305	501	1109	1121
		1110	1122
501	701		
502	702	1301	1131
503	703	1302	1132
504	704	1303	1133
505	705	1304	1134
506	706	1305	917
507	707		
508	708(a), (b)	1501	1301
509	709	1502	1302
510	710	1503	1303
511	711	1504	1304
512	712		
513	714	1701	Omitted
514	715	1702	1305
515	716		
516	719	1901	1501
517	720	1902	1502
518	1521	1903	1503
519	1522	1904	1511
520	1523	1905	103(b)
521	1524		
522	1525	2101	1701
523	1526		
524	1531		
		3101	Repealer
		3102	Bill § 2
701	717	3103	Bill § 4
702	718(a)	3104	Omitted
703	718(b)	3105	Omitted
704	713	3106	1512
705	708(c)	3107	Bill § 5
706	708(d)	3108	Omitted
707	708(e)	3109	Omitted
		3110	Effect- ive date
901	901		
902	902		
903	903		
904	904		
905	905		
906	906		
907	907		
908	908		
909	909		
910	910		
911	911		
912	912		
913	913		
914	914		
915	915		
916	916		

DISPOSITION TABLE

---

Act of July 1, 1989 (P.L. 136, No. 29) (Professional Wrestling Act) Section	5 Pa.C.S. Section
1	1901
2	101, 1901
3	2101
4	2102
5	2103
6	2104
7	2105
8	2106
9	2107
10	2108
11	2109
12	Repealer
13	Effective date

---

LIST OF OMITTED SECTIONS

Athletic Code § 1701. This section is supplied by the grading of each offense provided under the legislation. The legislation thus complies with 18 Pa.C.S. §§ 106(e), 1101 and 1104, which requires grading of all offenses, with uniform penalties for each grade.

Athletic Code § 3104. This section is supplied by 1 Pa.C.S. §§ 1962 and 1976.

Athletic Code § 3105. As the State Athletic Commission was reestablished for purposes of the Sunset Act by the Athletic Code, it is unnecessary to repeat the reestablishment provision in this legislation.

Athletic Code § 3108. This section is omitted as expired.

Athletic Code § 3109. This section is omitted as transitional.

## APPENDIX A

---

### PARTICIPANTS AT TASK FORCE MEETINGS

#### ORGANIZATIONAL MEETING, OCTOBER 11, 1989, HARRISBURG

Christopher A. Lewis, Secretary-nominee of the Commonwealth  
Vincent G. Guest, Executive Assistant to the Secretary of the  
Commonwealth

#### MEETING, OCTOBER 24, 1989, HARRISBURG

Robert N. Grant, Deputy Secretary of the Commonwealth  
Vincent G. Guest, Executive Assistant to the Secretary of the  
Commonwealth  
Howard E. McCall, Commissioner, State Athletic Commission  
Richard R. Baer, Commissioner, State Athletic Commission  
Charles P. Bednarik, Commissioner, State Athletic Commission  
Frank Talent, Deputy Commissioner, State Athletic Commission

#### MEETING, NOVEMBER 20, 1989, PHILADELPHIA

Christopher A. Lewis, Secretary nominee of the Commonwealth  
Robert N. Grant, Deputy Secretary of the Commonwealth  
Vincent G. Guest, Acting Executive Director, State Athletic Commission  
and Executive Assistant to the Secretary of the Commonwealth  
Pamela Raison, Chief Counsel, Department of State  
John T. Henderson, Assistant Counsel, Department of State  
Howard E. McCall, Commissioner, State Athletic Commission  
Richard R. Baer, Commissioner, State Athletic Commission  
Charles P. Bednarik, Commissioner, State Athletic Commission  
Robert Murray, Deputy Commissioner, State Athletic Commission  
Loretta Lewis, Administrative Assistant, State Athletic Commission  
John Thorne, Sr., State Athletic Commission  
Hank Kropinski, Announcer, State Athletic Commission  
Ronald Greenly, Judge, Philadelphia, State Athletic Commission  
Christopher Connelly Jr., Clerk-Typist, State Athletic Commission  
Lynn Carter, Judge, State Athletic Commission  
Ron Aurit, Referee, State Athletic Commission  
Louis Van DeBeek, M.D., M.B.A., Ring Physician

MEETING, JANUARY 17, 1990, PITTSBURGH

Dr. Timothy W. Ward, nominee for Commissioner, State Athletic  
Commission  
Dave Kadair, Promoter, Eagle Promotions  
Frank Chiodo, Promoter  
Charles "P. K." Pecora and Cindy Ganoë, Office of Mr. Chiodo  
Tom Shaffer, Trainer and Promoter  
Frank Delio, Trainer  
Joseph LaQuatra, Trainer  
Denny Martire, Trainer  
Lee Moore, Manager and Trainer  
Jack Godfrey, Jack's Uptown Gym  
Officer James Cvetic, Western Pennsylvania Police Athletic League  
Carl Riskus, President, Allegheny Mountain Amateur Boxing Association

MEETING, MARCH 14, 1990, HARRISBURG

Vincent G. Guest, Executive Assistant to the Secretary of the  
Commonwealth  
Gregory P. Sirb, Executive Director, State Athletic Commission  
John T. Henderson, Assistant Counsel, Department of State