

Chapter 463

1987 REPLACEMENT PART

Boxing and Wrestling

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GENERAL PROVISIONS

463 010 [Amended by 1965 c 200 §1, repealed by 1987 c 789 §24]

463.015 Definitions. As used in this chapter

(1) "Boxing" includes kickboxing, a form of boxing in which blows are delivered with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot

(2) "Commission" means the Oregon State Boxing and Wrestling Commission

(3) "Exhibition" means a demonstration of boxing or wrestling skills

(4) "Judge" means a person, licensed by the commission who is at ringside during a boxing or wrestling match and who has the responsibility of scoring the performance of the participants in the match

(5)(a) "Manager" means a person licensed by the commission who does any of the following

(A) By contract or agreement undertakes to represent the interests of any professional boxer or wrestler in procuring or arranging the conduct of any professional boxing or wrestling match in which the boxer or wrestler is a participant as a contestant

(B) Receives or is entitled to receive more than 10 percent of the gross purse of any professional boxer or wrestler for any services related to such boxer's or wrestler's participation in a professional boxing contest

(C) Is an officer, director or stockholder of any corporation which receives or is entitled to receive more than 10 percent of the gross purse of any professional boxer or wrestler for any services relating to such boxer's or wrestler's participation in a professional boxing or wrestling contest

(D) Directs or controls the professional boxing activities of any professional boxer or wrestler

(b) "Manager" does not mean any attorney licensed in this state whose participation in such activities is restricted to representing the interest of a professional boxer or wrestler as a client

(6) "Matchmaker" means a person licensed by the commission who is employed by or associated with a promoter in the capacity of booking and arranging boxing or wrestling matches between opponents

(7) "Person" includes an individual, association, partnership or corporation

(8) "Professional boxer or wrestler" means a person licensed by the commission, who competes for a money prize, purse or compensation in a boxing or wrestling contest, exhibition or match held within this state

(9) "Promoter" means a corporation, partnership, association, individual or other organization licensed by the commission, who arranges, gives, holds or conducts a boxing or wrestling contest, match or exhibition [1987 c 789 §2]

463.018 Legislative finding. The Legislative Assembly finds that the boxing and wrestling industry in this state should be regulated in order to protect the best interests of both contestants and the public [1987 c 789 §1]

463 020 [Repealed by 1965 c 200 §12 (463 021 enacted in lieu of 463 020)]

463 021 [1965 c 200 §13 (enacted in lieu of 463 020), 1975 c 409 §2, repealed by 1987 c 789 §24]

463.025 Licensing of participants; managers; officials. (1) No person shall act as a professional boxer or wrestler, manager of a professional boxer or wrestler, referee, judge, second, timekeeper or matchmaker until the person has been licensed pursuant to this chapter

(2) The application for a license shall be made upon a form furnished by the commission and shall be accompanied by an annual license fee as determined by the commission

(3) Each person licensed under this section shall keep the license in the person's personal possession and shall present the license upon request to promoters and representatives of the commission as evidence of eligibility to act or perform in the person's licensed capacities in connection with boxing or wrestling contests, matches or exhibitions [1987 c 789 §14]

463 030 [Repealed by 1965 c 200 §14 (463 031 enacted in lieu of 463 030)]

463 031 [1965 c 200 §15 (enacted in lieu of 463 030), repealed by 1987 c 789 §24]

463.035 Promoter license required; surety bond. (1) No person shall act as a promoter of either boxing or wrestling until the person has been licensed pursuant to this chapter

(2) The application for a promoter's license shall be made upon a form furnished by the commission and shall be accompanied by an annual license fee in an amount to be determined by the commission. The application for a promoter's license shall be accompanied by a surety bond subject to the approval of the commission and conditioned on payment of the taxes imposed

by ORS 463 320 and 463 330 The commission shall fix the sum of the surety bond

(3) The surety bond shall be issued by a company authorized to do business in this state and shall be in conformity with the Insurance Code

(4) The surety bond shall be to the state for use by this state or any political subdivision thereof which establishes liability against a promoter for damages, penalties, taxes or expenses resulting from promotional activities conducted within this state

(5) The bond shall be open to successive claims up to the amount of face value and a new bond must be filed each year The bonding company is required to provide written notification to the commission at least 30 days prior to the cancellation of the bond

(6) The promoter shall post a separate bond to cover contestants' purses and all overhead incurred for each boxing or wrestling match or exhibition within a time limit determined by the commission before the performance takes place Such overhead shall include the cost of referees, timekeepers and inspectors

(7) Any person who charges an admission fee for exhibiting a simultaneous telecast of any live, spontaneous or current boxing or wrestling match, contest or exhibition on a closed circuit telecast must possess a promoter's license issued pursuant to this chapter and obtain a permit for each closed circuit telecast show in this state [1987 c 789 §12 16 1987 c 788 §8]

463 037 Commission representatives attendance at boxing matches required. No boxing match shall take place in this state unless the following commission representatives are in attendance

(1) One commissioner or designated representative to oversee conduct of the match,

(2) Licensed judges and referees,

(3) A licensed physician designated by the commission, and

(4) An inspector appointed by the commission [1987 c 789 §9]

463 040 [Amended by 1963 c 426 §5 1965 c 200 §2, repealed by 1987 c 789 §24]

463 045 [1963 c 426 §2 1965 c 200 §3 repealed by 1987 c 789 §24]

463 050 [Amended by 1963 c 426 §6 1965 c 200 §4 repealed by 1987 c 789 §24]

463 055 [1963 c 426 §4 1965 c 200 §5 repealed by 1987 c 789 §24]

463 060 [Amended by 1963 c 426 §7, 1965 c 200 §6, 1983 c 740 §180 repealed by 1987 c 789 §24]

163 110 [Amended by 1987 c 429 §1, repealed by 1987 c 789 §24]

OREGON STATE BOXING AND WRESTLING COMMISSION

463 113 Boxing and Wrestling Commission; powers. (1) There is created an Oregon State Boxing and Wrestling Commission which shall regulate all professional boxing and wrestling matches and exhibitions within the boundaries of the State of Oregon

(2) The commission has the following powers

(a) To adopt, amend, repeal and enforce rules for the conduct of professional boxing and wrestling such as promote the safety and best interest of the contestants and of the public

(b) To license and regulate participants and officials for all professional boxing and wrestling matches and exhibitions in this state

(c) To establish and utilize the most efficient methods available for compiling boxing results and record keeping and for communication of results and records

(d) Upon request, to make results of every boxing and wrestling event within its jurisdiction, and records of any contestant who participates in events within its jurisdiction, available to other boxing and wrestling commissions, to record keeping organizations and to other interested persons [1987 c 789 §3]

463 115 [1963 c 426 §3, 1965 c 200 §7, repealed by 1987 c 789 §24]

463 120 [Amended by 1963 c 426 §8, 1965 c 200 §8, repealed by 1987 c 789 §24]

463.125 Membership; appointment; confirmation; qualifications; meetings; voting; expenses. (1) The Oregon State Boxing and Wrestling Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate, for terms of four years Membership shall represent distinct geographic areas The Portland metropolitan area, central Willamette Valley and two other areas shall be represented Vacancies occurring shall be filled by appointment in the same manner for the balance of the unexpired term Each member of the commission may be removed from office by the Governor for cause Each member of the commission, before entering upon the duties of office, shall take and subscribe to an oath to perform the duties of this office faithfully, impartially and justly to the member's ability

(2) The chairman and vice-chairman shall be elected from among the members at the first meeting of each calendar year or when a vacancy exists

(3) A full-time or part-time executive director shall be appointed by the commission using the State Personnel Relations Law to establish suitable qualifications. The compensation range shall be equivalent to positions with like authority and responsibilities under the state salary plan. The executive director shall carry out the duties prescribed by this chapter and such additional duties as may be delegated by the commission. The executive director shall be required to demonstrate adequate knowledge and experience related to boxing and wrestling.

(4) The commission may employ such other personnel as it considers necessary.

(5) One of the appointed commissioners shall be a physician, duly licensed to practice in this state.

(6) The commission may meet once a month at a time and place agreed upon. Special additional meetings may be called by the executive director and by the executive director at the request of one or more members of the commission.

(7) Three members of the commission shall constitute a quorum.

(8) Three votes shall constitute a majority.

(9) Nonsalaried members of the commission and representatives of the commission shall be paid per diem and travel expenses as designated under ORS 292.495 when conducting the business of the commission.

(10) The commission may maintain an office in the Portland metropolitan area and shall conduct its business from that office. [1987 c 789 §4]

463.130 [Amended by 1955 c 126 §1, 1965 c 200 §9, 1975 c 409 §1, repealed by 1987 c 789 §24]

463.135 Duties of physician member.

(1) The physician member's duties shall include gathering, assessing and updating, when necessary, medical data for the purpose of proposing

(a) Fitness criteria for contestants to be applied in prefight medical examinations,

(b) Medical procedures and substances allowed for use by seconds in the contestant's corner,

(c) Emergency procedures for ring injuries,

(d) Post-fight examination and treatment procedures, and

(e) Safety equipment required to promote the best interests of the contestants.

(2) The physician member shall present to the commission proposed safety and medical procedures for discussion and adoption by commission vote.

(3) The duties of the physician member shall also include the identification of a sufficient number of qualified and duly licensed physicians to serve as ringside physicians in boxing events throughout the state, and nomination of identified physicians for approval by the commission. [1987 c 789 §5]

463.140 [Amended by 1965 c 200 §10, repealed by 1987 c 789 §24]

463.145 Financial interest or investment prohibited. (1) No member of the commission shall have any financial interest or investment in any professional boxer or wrestler.

(2) No member of the commission shall have any financial interest or investment in any boxing or wrestling promotion or any person or promoter involved in boxing or wrestling promotion.

(3) No official, judge, referee, inspector, time-keeper or other employe or representative of the commission shall

(a) Have any financial interest or investment in any professional boxer or wrestler, nor in any person or promoter involved in promotion of boxing or wrestling cards, nor in any individual promotion of said cards.

(b) Be an officer in a national or international sanctioning organization. [1987 c 789 §7]

463.150 [Amended by 1981 c 376 §1, repealed by 1987 c 789 §24]

463.155 Authority to appoint inspectors; duties. (1) The commission shall appoint a sufficient number of inspectors who shall be paid as the commission designates. The appointed inspectors shall serve as tax assessors for the commission, overseeing ticket sales and count, and reporting the totals of each boxing and wrestling match or exhibition to the commission within 72 hours.

(2) The designated inspector for a boxing or wrestling match shall verify the accuracy of the promoter's account and the amount of the taxed gross receipts for any match or exhibition to which said inspector is assigned by the commission.

(3) An appointed inspector may be designated by the commission to act as a representative of the commission in the overseeing of the conduct of a boxing or wrestling match. [1987 c 789 §6, 1987 c 788 §7]

463 160 [Repealed by 1959 c 160 §1]

463.165 Authority to license officials; qualifications; license denial. (1) The commission shall license referees, judges and timekeepers who shall be assigned to officiate at boxing matches in this state. Licensed referees, judges and timekeepers shall be paid by the commission at rates the commission considers reasonable.

(2) The commission shall establish reasonable qualifications for applicants seeking licenses as a promoter, manager, matchmaker, professional boxer or wrestler, judge, referee, second or timekeeper.

(3) After investigation and hearing, the commission shall deny an application for a license when the applicant has failed to meet the established qualifications or has violated any provisions of this chapter or any rule adopted pursuant to this chapter [1987 c 789 §8]

463 170 [Amended by 1965 c 200 §11 1967 c 611 §1, repealed by 1987 c 789 §24]

463.175 Notification to city or county of intent to hold contest; commission approval; examination of contestants. (1) Upon receipt by the commission of a notice of intent to promote a contest, match or exhibition, the commission shall notify the city or county in which the contest, match or exhibition is intended to be held. The city or county shall have 14 days from its receipt of such notice in which to object to the contest, match or exhibition.

(2) In the event there is no objection, the commission must approve the contest, match or exhibition at least seven days in advance of the event.

(3) An amateur association recognized by the commission under ORS 463 210 shall determine the amateur standing of all contestants, provide approved officials and supervise the matching and conduct of all bouts.

(4) All contestants shall be examined by a licensed physician within a reasonable time prior to the event, and a licensed physician shall be in attendance at the ringside during the entire event [1987 c 789 §13]

463 180 [Repealed by 1987 c 789 §24]

463.185 Jurisdiction of commission; supervision of licenses; hearing; civil penalty. (1) The commission shall have the sole jurisdiction and authority to enforce the provisions of this chapter. The commission shall investigate any allegations of activity which may violate the provisions of this chapter.

(2) The commission is authorized to enter at reasonable times and without advance notice, any place of business or establishment where activity alleged to be in violation of this chapter may occur.

(3) The commission may revoke or suspend the license or permit of any judge, boxer, wrestler, manager, referee, timekeeper, second, matchmaker or promoter for violations of this chapter or any rule adopted under this chapter.

(4) The commission shall deny an application for a license when the applicant does not possess the requisite qualifications.

(5) The commission shall hold a hearing regarding allegations that any person has violated or failed to comply with this chapter.

(6) In addition to the denial, revocation or suspension of a license, the commission may order the forfeiture of the payment of the purse or any portion thereof of any boxer, wrestler or manager for the violation of this chapter or any rule adopted pursuant to this chapter.

(7) The commission may impose a civil penalty to be paid by any promoter, matchmaker, boxer, wrestler, manager or any other participant licensed by the commission for the violation of this chapter or any rule adopted pursuant to this chapter. The penalty shall be deposited to the credit of the Oregon State Boxing and Wrestling Commission Account.

(8) In the conduct of any contested case hearing under ORS 183 310 to 183 550 held pursuant to this chapter, the commission may administer oaths to witnesses, receive evidence, and issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to matters under investigation [1987 c 789 §10]

463 190 [Repealed by 1987 c 789 §24]

463.195 Commission subject to ORS 291.202 to 291.222, 291.232 to 291.260 and 291.990. (1) The commission is subject to the provisions of ORS 291 202 to 291 222, including but not limited to the provisions of those sections relating to changes and revisions by the Governor in budget estimates and requests.

(2) The commission and its officers and employees are subject to the provisions of ORS 291 232 to 291 260 and 291 990 [1987 c 789 §10a]

463.200 Commission considered criminal justice agency. For purposes of ORS 181 511 to 181 575, the commission shall be considered a criminal justice agency [1987 c 789 §18]

463.210 Organizations exempt from licensing and bonding provisions. (1) The

promoting conducting or maintaining of boxing and wrestling matches, contests or exhibitions when conducted by educational institutions, Oregon National Guard Units, United States Amateur Boxing Federation or any other amateur athletic organizations duly recognized by the commission shall be exempt from the licensing and bonding provisions of this chapter if none of the participants in the contests or exhibitions receives a monetary remuneration, purse or prize for performance or services therein

(2) The licensing and bonding provisions of this chapter do not apply to

(a) Any nonprofit amateur athletic associations organized under the laws of this state, including their affiliated membership clubs throughout the state which have been recognized by the commission

(b) Any contests, matches or exhibitions between students of educational institutions which are conducted by a college, school or university as part of the institution's athletic program

(c) Contests, matches or exhibitions between members of any troop, battery, company or units of the Oregon National Guard [1987 c 789 §11]

TAX ON GROSS RECEIPTS

463.310 Definitions for ORS 463.320 and 463.330. As used in ORS 463.320 and 463.330

(1) "Event" includes any match, contest, exhibition or performance

(2) "Gross receipts" means the consideration, whether money, credits, rights or other property, received from the sale of tickets or other admissions indicia or the right to admission without any deductions whatsoever

(3) "Gross receipts" does not include gross receipts from admissions to

(a) Events conducted or sponsored by any nonprofit amateur athletic association organized under the laws of this state, including their affiliated membership clubs throughout the state that have been recognized by the commission

(b) Events between students of educational institutions conducted or sponsored by a college, school or university as part of their athletic program

(c) Events between members of any troop, battery, company or units of the Oregon National Guard [1987 c 788 §5]

463.320 Imposition of tax, amount; report; payment. (1) For the privilege of engag-

ing in the activity of professional boxing or wrestling, a tax is imposed upon the gross receipts from the sale of tickets or other fees charged for admission to a professional boxing or wrestling event held within this state. The amount of the tax is six percent of the total gross receipts from the sale of the tickets or other fees for admission to the event

(2) Any person licensed under this chapter, and who holds or conducts a boxing or wrestling event shall

(a) No later than three days prior to the holding of any boxing or wrestling event, furnish to the commission a statement containing the name of each contestant or participant and the names of the manager or managers

(b) No later than 72 hours after termination of the boxing or wrestling event, file with the commission a written report, duly verified in accordance with rules adopted by the commission, stating the number of tickets or other admissions indicia or rights to admission sold, the price or prices for which sold, the total gross receipts from the sales and any other information required under rules adopted by the commission

(c) Pay to the commission at the time of filing the statement required under paragraph (b) of this subsection, a tax equal to six percent of the total gross receipts from the sale of the tickets or other admissions indicia to the event

(3) Any person licensed under this chapter, who charges and receives an admission fee for exhibiting a simultaneous telecast of any live, current or spontaneous boxing or wrestling event on closed circuit telecast viewed within this state shall within 72 hours after the event

(a) File with the commission a written report, duly verified in accordance with rules adopted by the commission, stating the number of tickets or other admissions indicia or rights to admission sold and the total gross receipts from the sales

(b) Pay a tax equal to six percent of the gross receipts (but not less than \$25) paid for admission to the showing of the boxing or wrestling event by closed circuit telecast. The tax must be paid by cashier's check or money order made payable to the commission attached to the report required under paragraph (a) of this subsection [1987 c 788 §§2, 3]

463.330 Amateur events; admission fee; distribution; tax. (1) When an admission fee is charged by any person conducting or sponsoring an amateur boxing or wrestling event, the tax imposed by ORS 463.320 (1) and (2) shall apply to the gross receipts from the admissions

and the statement filed and tax paid by the conducting or sponsoring person

(2) The commission shall designate what percentage of the proceeds of the gross receipts from the conduct of an amateur boxing or wrestling event shall be donated to participating amateur boxing associations and shall cause that percentage to be distributed to those associations [1987 c 788 §4]

463.340 Effect of failure to file report.

(1) If any licensee required to file a report under ORS 463 320 and 463 330 shall fail to make that report within the time prescribed, or if the report is unsatisfactory to the commission, the executive director shall examine or cause to be examined the books and records of the licensee. The executive director may subpoena and examine under oath the licensee or any other person or persons as the executive director considers necessary to determine the amount of the total gross receipts from the boxing or wrestling event and the amount of the tax thereon. If, upon completion of the examination, it is determined that an additional tax is due, notice thereof shall be served upon the licensee, and if the licensee fails to pay the additional tax within 20 days after service of the notice, the license of the licensee shall be revoked under ORS 463 185. In addition, the licensee and the members thereof shall be subject to a civil penalty imposed as provided under ORS 463 185 (7)

(2) No licensee or person shall fail to pay the tax imposed by ORS 463 320 or 463 330 or to make, sign or verify any report or to supply any information required by the commission in connection with the taxes imposed under ORS 463 320 and 463 330 [1987 c 788 §6]

463.350 Deposit of revenues from fees and taxes. All revenue obtained from license fees and gross receipts taxes shall be deposited to the credit of the Oregon State Boxing and Wrestling Commission Account which is created [1987 c 789 §15, 1987 c 788 §9]

463.360 Oregon State Boxing and Wrestling Commission Account; deposits, expenses; examination. (1) There shall be established an Oregon State Boxing and Wrestling Commission Account, into which the commission shall deposit all moneys collected from the tax of gross receipts, as well as from license fees, bonds and any other income. The salaries or expenses, or both, of the members and employes, and the operating expenses of the commission

shall be paid out of this account by the executive director subject to the approval of the commission

(2) A summary of commission expenses and receipts shall be made monthly and presented to the commission for examination

(3) All commission expense and receipt records shall be turned over to the Secretary of State for examination and recording at the end of each fiscal year or on request from the Secretary of State or Attorney General [1987 c 789 §17, 1987 c 788 §10]

463.370 Distribution of tax revenues.

(1) After June 30, 1989, after deduction of administrative costs of the Oregon State Boxing and Wrestling Commission established under ORS 463 113, 75 percent of the remaining gross receipts tax shall be distributed by the commission to cities and counties in proportion to the amount of the gross receipts tax collected on eligible events held in each city and county. The amount returned to a city shall be that proportional share of the remaining gross receipts tax revenues which equals the gross receipts tax revenues received by the commission from eligible events held in the city, divided by the total gross receipts tax revenues from all events. The proportional share returned to a county shall be likewise determined for events held outside a city, but within a county

(2) Notwithstanding the provisions of subsection (1) of this section, there shall be no distribution of gross receipts tax revenues until the commission has repaid any General Fund appropriation made for the 1987-1989 biennium [1987 c 788 §11]

463 810 [1971 c 743 §301, repealed by 1987 c 789 §24]

PENALTIES

463 990 [Repealed by 1987 c 789 §24]

463.995 Penalties. (1) A person who violates a provision of this chapter or any rule adopted under this chapter commits a Class A misdemeanor

(2) Whenever it appears that any person has violated or is threatening to violate any of the provisions of this chapter or of the rules adopted under this chapter, the Attorney General at the request of the commission may cause a civil suit to be instituted in the circuit court for injunctive relief to restrain such person from continuing the violation [1987 c 789 §19]