

No. 574

AN ACT

To amend the act approved the thirty-first day of August, one thousand nine hundred fifty-five (Pamphlet Laws 531) (Act No. 131), entitled "An act permitting and regulating wrestling and boxing contests and exhibitions; requiring licenses and permits; conferring powers and imposing duties upon the State Athletic Commission; providing for the granting, suspension, and revocation of licenses and permits issued by the Commission; preserving the rights of existing licensees and permittees; prescribing penalties, fines, forfeitures and misdemeanors; requiring bonds and insurance; creating a Medical Advisory Board; providing for rules and regulations; and making appropriations," by making certain technical changes, changing the definition of physician and the qualifications of the members of the Medical Advisory Board, and by adding provisions concerning safety regulations and matchmakers.

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

Pennsylvania
Athletic Code.

Section 1. Sections 102, 105, 201, 204, 205, 208, 210, 215, 216 and 222 of the act, approved the thirty-first day of August, one thousand nine hundred fifty-five (Pamphlet Laws 531) (Act No. 131), entitled "An act permitting and regulating wrestling and boxing contests and exhibitions; requiring licenses and permits; conferring powers and imposing duties upon the State Athletic Commission; providing for the granting, suspension, and revocation of licenses and permits issued by the Commission; preserving the rights of existing licensees and permittees; prescribing penalties, fines, forfeitures and misdemeanors; requiring bonds and insurance; creating a Medical Advisory Board; providing for rules and regulations; and making appropriations," are hereby amended to read as follows:

Sections 102,
105, 201, 204,
205, 208, 210,
215, 216 and 222,
act of August 31,
1955, P. L. 531,
Act No. 131,
amended.

Section 102. Definitions; Construction.—The following terms shall be construed when used in this act to have the following meanings, except in those instances where the context clearly indicates otherwise:

Definitions.

"Amateur" shall mean a person who has never received *nor competed for* any purse or other article of value, either for the expenses of training therefor or for participating in any boxing or wrestling contest or exhibition, other than a prize which does not exceed fifty dollars (\$50.00) in value.

"Commission" shall mean the State Athletic Commission.

"Contest" shall mean an engagement in which the boxers or wrestlers strive earnestly in good faith to win.

“Exhibition” shall mean an engagement in which the participants show or display their skill without necessarily striving to win.

“Foreign Co-Promoter” shall mean a promoter who has no place of business within the Commonwealth of Pennsylvania.

“Judge” shall mean a person other than a referee who shall have a vote in determining the winner of any boxing or wrestling contest.

“Manager” shall mean a person who, directly or indirectly, [directs] *controls* or administers the affairs of any boxer or wrestler.

“Matchmaker” shall mean a person who brings together professional boxers or wrestlers or arranges professional boxing or wrestling contests [and] *or* exhibitions.

“Participant” shall mean a boxer or wrestler who takes part in a boxing or wrestling contest or exhibition.

“Physician” shall mean an individual licensed [under the Medical Practice Act to engage in the general practice of medicine and surgery] *to practice medicine and surgery or osteopathy or osteopathic surgery in this State.*

“Professional” shall mean a person who [competes in a] *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 fifty dollars (\$50.00) in value, either for the expenses of training therefor or for participating in any boxing or wrestling contest or exhibition [for a purse].*

“Promoter” shall mean any person, and in the case of a corporate promoter shall include any officer, director, employe or stockholder thereof, who produces, arranges or stages any professional boxing or wrestling contest or exhibition.

“Purse” shall mean the financial guarantee or any other remuneration, or part thereof, for which professional boxers or wrestlers are participating in a contest or exhibition and [includes] *shall include the participant's share of any payment received for radio broadcasting, television and motion picture rights.*

Saving Clause.

Section 105. Saving Clause.—The provisions of this act, so far as they are the same as those of existing law, are intended to be a continuation of such existing law and not as new enactments. The provisions of this act shall not affect any act done, liability incurred, right accrued or vested or suit or prosecution pending as of the effective date of this act, or *any action* to enforce

*any right or penalty or punish any offense under authority of such repealed laws. All rules and regulations made pursuant to any act repealed by this act shall continue in full force and effect.

ARTICLE II

[REGULATIONS] REGULATION OF BOXING AND WRESTLING CONTESTS AND EXHIBITIONS

Section 201. Power of Commission to Control Wrestling and Boxing.—The Commission is hereby granted sole direction, control and jurisdiction over all amateur and professional boxing and wrestling contests and exhibitions held within the Commonwealth of Pennsylvania, except such contests and exhibitions as are [hereinafter] specifically exempted from the provisions of this act.

Power of Commission to control wrestling and boxing.

Section 204. Physician to be in Attendance.—A [licensed] physician shall be assigned to every boxing or wrestling contest or exhibition by the Commission. He shall observe and continue to observe the physical condition of the participants and advise the member of the Commission or deputy in charge and the referee in regard thereto. The Commission shall establish by rule or regulation a schedule of fees to be paid such physicians for their services. The physician's fee shall be paid by the promoter of the contest or exhibition attended by the physician.

Physician to be assigned, present at and observe contests and exhibitions for purpose of rendering medical advice; his fees to be scheduled by Commission and paid by promoter.

Section 205. Examinations.—In addition to any other examination required by this act or the rules and regulations promulgated hereunder, each boxer and wrestler must be examined by the attending physician within two (2) hours before he enters the ring. If, in the opinion of the physician, any boxer or wrestler is physically or mentally unfit to proceed, the physician shall forthwith notify any commissioner or the deputy in charge who shall immediately cancel the contest or exhibition.

Medical examination required within two hours prior to contest.

This required examination shall conform to the rules and regulations promulgated hereunder pursuant to the advice of the [medical advisory board] *Medical Advisory Board*.

The results of the examination shall be reduced to writing by the physician, signed by him and filed with the Commission within forty-eight (48) hours after the termination of the contest or exhibition.

Results of examination required to be written, signed and filed by physician with Commission within 48 hours after contest.

Section 208. Gloves.—[Where] *When* the boxers are lightweights, as defined in the regulations, or in a lighter class, they shall wear boxing gloves weighing not less

Weight of gloves regulated to classes of fighters.

* "an" in original.

than five (5) ounces each. [Where] *When* the boxers are in a heavier class than lightweights, they shall wear boxing gloves weighing not less than six (6) ounces each.

Attendance,
control and
scoring by
Referee and
Judge.

Section 210. Attendance of Referee and Judges; Scoring.—At each professional boxing 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 Commission who shall direct and control the contest or exhibition.

There shall also be in attendance *at every boxing contest*, at the expense of the promoter, two (2) licensed judges, each of whom shall, together with the referee, *render his individual decision, in writing, on a scorecard supplied by the Commission* at the end of every boxing contest which continues for the scheduled number of rounds [, render his individual decision in writing on a scorecard supplied by the Commission]. Each judge and the referee shall have one (1) vote and a majority of the votes cast shall determine the winner.

The Commission shall by rule or regulation prescribe the methods of scoring.

Prohibition
against sham or
collusive contest.

Section 215. Sham or Collusive Contest Prohibited.—No licensee or other person shall knowingly conduct, give, participate in or be in anyway connected with any sham or collusive boxing or wrestling contest.

Any licensee who knows or has reason to suspect that a boxing or wrestling contest is, was or is going to be a sham or collusive contest, shall have a duty to promptly report this to the Commission or a representative thereof. Such report shall be in writing or, if oral, shall be forthwith reduced to writing and shall contain all of the reporter's reasons for the conclusions set forth in his report.

A sham or collusive contest is one in which one or both of the participants does not use his best efforts and skill [and] *or does not* strive earnestly in good faith to win. It includes, but is not limited to, any pseudo contest, the result of which has been prearranged or any pseudo contest 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, bribery, duress, threats, reward or promise thereof, physical incapacity or disability, suggestion or agreement, or any other improper or unlawful means.

A violation of this section shall constitute a misdemeanor.

Minimum purses
to boxers.

Section 216. Minimum Purses for Boxers.—No purse [of] less than twenty-five dollars (\$25.00) shall be paid

by the promoter to any professional boxer for any contest or exhibition, other than a training exhibition.

Section 222. Insurance.—The Commission may, by rules and regulations, require licensed boxers and wrestlers to be covered by not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) of insurance for medical, surgical and hospital care resulting from injuries sustained while preparing for or engaged in boxing or wrestling contests or exhibitions. [and it] *The insured shall be the beneficiary of such policies.* The Commission may also require boxers and wrestlers to be covered by insurance, within the same minimum and maximum amounts, providing for payments to the estates or beneficiaries of deceased wrestlers or boxers where death was caused by injuries received while preparing for or engaged in boxing or wrestling contests or exhibitions. The premiums for such insurance shall be paid by the insured's manager.

Insurance requirements for contestants subject to action by the Commission.

Section 2. Said act is hereby amended by adding, immediately following Section 222, a new article to read as follows:

Act of August 31, 1955, P. L. 531, amended by adding a new article, Article IIA.

ARTICLE IIA

SAFETY REGULATIONS

Section 250. *Mandatory Eight Count.*—Whenever a boxer is knocked down, he shall be required to take a count of eight, even if he has regained his feet prior thereto, and the referee shall not permit the contest or exhibition to be resumed until the count of eight has actually been reached, except in professional championship boxing contests and exhibitions.

Mandatory eight count.

Section 251. *Knock Out.*—When a boxer is actually knocked out, the referee shall count to ten, and shall not earlier stop the count and record a technical knockout.

Knock out.

Section 252. *Physician at Knockout.*—When a boxer has been knocked out, no one shall touch him, except to remove his rubber mouth protector, until after the attending physician has entered the ring and issued such instructions as he deems necessary.

Duty of physician at knockout.

Section 253.—*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 (2) inches thick.

Ring padding.

Section 254. *Boxer Knocked Unconscious.*—A boxer who has been knocked unconscious, or who has received a concussion, shall not be allowed to box again for six weeks, and then only after having been pronounced fit after a thorough physical examination by a physician.

Boxer knocked unconscious, or with concussion.

Commission's authority to retire boxers repeatedly knocked out.

Section 255. Boxer Repeatedly Knocked Out.—A boxer who has been repeatedly knocked out and severely beaten shall be retired, and not permitted to box again if, after subjecting him to a thorough examination by a physician, the Commission decides such action is necessary in order to protect the health and welfare of such boxer.

Investigation after six consecutive defeats.

Section 256.—Six Consecutive Defeats.—A boxer who has suffered six consecutive defeats shall be investigated by the Commission, and examined by a physician.

Sections 303, 318, 401, 402, 506, subsection (d) of section 601, section 703, clauses (5), (9), (10) and (11) of section 704, and section 802, act of August 31, 1955, P. L. 531, Act No. 131, amended.

Section 3. Sections 303, 318, 401, 402, 506, subsection (d) of section 601, section 703, clauses (5), (9), (10) and (11) of section 704 and section 802 of said act are hereby amended to read as follows:

Requirement of license for manager.

Section 303. Representative Managers' Licenses.—Before acting as such, every representative manager shall procure a manager's license. He shall file with the Commission the name of each boxer whom he represents, together with a written consent from each such boxer and his manager authorizing him to transact business for such manager or boxer or to act as or for the manager of such boxer. A violation of this section shall constitute a misdemeanor.

Every person, other than the manager of a professional boxer or wrestler, who performs any of the acts usually performed by the manager or who aids, assists, or substitutes for the manager or who uses a [pseudo-manager] *licensed manager* to conceal his own actions as a manager, shall be considered a representative manager.

Additional license fees.

Section 318. Additional License Fees; Misdemeanor.—(a) In addition to the payment of any other fees and moneys due under this act every promoter shall pay [a] *an additional* license fee of five percentum (5%) of the total gross receipts of any boxing or wrestling contest or exhibition, exclusive of any Federal [taxes] *tax or tax* imposed by any political subdivision of this Commonwealth paid thereon. For the purposes of this section, total gross receipts of every promoter upon which the five percentum (5%) is to be computed shall include the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of such contest or exhibition without any deductions whatsoever for commissions, brokerage fees, distribution fees, advertising or other expenses or charges in respect thereto. Gross receipts for the purposes of this section shall also include the face value of all *tickets sold and complimentary tickets issued.

(b) The payment of the additional license fee, provided for in this section, shall be made within forty-eight

* "ticket" in original.

(48) hours after the contest or exhibition, and shall be accompanied by a form prescribed by the Department of Revenue setting forth the gross receipts received from the contest or exhibition, together with such other information as the Department of Revenue may require.

(c) The *additional* license [fees] *fee* provided for in this section shall be collected by the Commission and transmitted to the Department of Revenue together with the reports filed therewith.

(d) Penalties.—(1) Any promoter who shall wilfully make a false and fraudulent report under this section shall be guilty of perjury, and, upon conviction thereof, shall be subject to punishment as provided by law. Such penalty shall be in addition to any other penalties imposed by this act.

(2) Any promoter who wilfully fails, neglects or refuses to make a report, or to pay the license fees as herein prescribed, or who shall refuse to permit the Commission to examine the books, papers and records of any promotion shall be guilty of a misdemeanor.

Section 401. Creation.—A Medical Advisory Board is hereby created to assist the Commission. It shall consist of nine (9) members to be appointed by the Governor, without the advice and consent of the Senate, *seven of whom shall be physicians licensed to practice medicine in this Commonwealth and two of whom shall be physicians licensed to practice osteopathy or osteopathic surgery in this Commonwealth. The said members shall be appointed from a full list of the members in good standing of the Medical Society of the State of Pennsylvania and of the Pennsylvania Osteopathic Association, which list shall be furnished to the Governor by the president and secretary of the respective societies annually.* [Three] *Of the initial members of the board, three (3) shall be appointed for terms of one (1) year, two (2) for terms of two (2) years, two (2) for terms of three (3) years, and two (2) for terms of four (4) years.* The Governor shall designate one of the members of the Board as its chairman. The term of a member thereafter appointed, except to fill a vacancy, shall be four (4) years.

Creation of
Medical
Advisory Board,
composition, and
appointment of
members.

Section 402. Qualifications.—Each member of the Medical Advisory Board shall [be duly licensed to practice medicine in the Commonwealth of Pennsylvania and who, at the time of his appointment, shall have had at least five (5) years experience in the practice of his profession] *have been engaged in the practice of his respective profession for a period of at least five years.*

Qualifications of
members of
Medical Advisory
Board.

Section 506. Misdemeanor to Destroy Tickets.—It shall be a misdemeanor for any promoter or person

Destruction of
tickets.

associated with or employed by any promoter to destroy any ticket or ticket stub, whether sold or unsold, within six (6) months after the date of any contest or exhibition, [Tickets may be destroyed within six (6) months, only upon] *except upon* receipt of prior written authorization from the Commission.

Section 601. Promoters and Foreign Co-Promoters Required to File Bonds.—

* * * * *

(d) The surety bond shall be conditioned upon the faithful performance by the promoter or foreign co-promoter of his obligations under this act and the rules and regulations promulgated pursuant hereto, 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 act: *Provided, however, That the aggregate annual liability of the surety for all obligations and fees shall in no event exceed the amount of the bond.*

Section 703. Temporary Suspension of Licenses or Permits.—Notwithstanding any provision of the Administrative Agency Law, any member of the Commission shall have the power upon his own motion, or upon the verified written complaint of any person charging a licensee or permittee with violating any provision of this act or the rules and regulations promulgated [thereunder, and may] *hereunder, to* suspend temporarily any license or permit until final determination by the Commission, when, in his opinion, [it] *such action* is necessary to protect the public welfare and the best interests of boxing or wrestling.

The Commission shall hold a hearing within ten (10) days after the date on which the license or permit was suspended temporarily. The hearing shall be held in compliance with the provisions of the Administrative Agency Law.

Section 704. Suspension or Revocation of Licenses.—The Commission shall have the power to suspend or revoke a license or permit in any case where the Commission shall find that the licensee or permittee:

* * * * *

(5) Has been convicted, or pleaded guilty, or entered a plea of *nolo contendere*, or has been found guilty by a judge or jury of a crime in any jurisdiction *within ten (10) years preceding the suspension or revocation;*

* * * * *

(9) Has made a misstatement of a material fact or fraudulently concealed a material fact; or induced, aided or abetted any other person in misstating or concealing any material fact in [applications] *any application* or other [proceedings] *proceeding* under this act;

Power of suspension of licenses and permits by Commission based on certain findings.

(10) Has failed to account for, or pay over moneys belonging to others, which have come into his possession [through] *in connection with* a boxing or wrestling contest or exhibition;

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

* * * * *

Section 802. Fines.—The Commission shall have the right to impose a fine of not more than five thousand dollars (\$5,000.00) for any violation of this act *or the rules and regulations promulgated hereunder*, in lieu of or in addition to any other punishment herein provided for such violation.

Section 4. Said act is hereby amended by adding, immediately following section 902, a new section to read as follows:

Act of August 31, 1955, P. L. 531, Act No. 131, amended by adding a new section 902.1.

Section 902.1. Financial Interest of Matchmaker.—No matchmaker shall have any direct or indirect financial or pecuniary interest in any boxer or in any wrestler who is engaging in wrestling contests. A matchmaker may have a financial or pecuniary interest in a wrestler who is engaging in wrestling exhibitions only. A violation of this section shall constitute a misdemeanor.

Matchmaker prohibited from conflict of interests.

Section 5. Section 903 of said act is hereby amended to read as follows:

Section 903. [General Fund] *Fees, Fines and Forfeitures*.—All fees, fines, forfeitures and other monies collected under the provisions of this act and the rules and regulations promulgated *hereunder* shall be paid by the Commission to the State Treasurer through the Department of Revenue, and are hereby appropriated to the Commission for the enforcement of the provisions of this act.

Section 903, act of August 31, 1955, P. L. 531, Act No. 131, amended.

APPROVED—The 24th day of May, A. D. 1956.

GEORGE M. LEADER