

5: 2A-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 5:2A-1 et al

(Boxing, wrestling, martial arts--regulation)

LAWS OF: 1985

CHAPTER: 83

Bill No: A2353

Sponsor(s): Fortunato and Schuber

Date Introduced: January 30, 1985

Committee: Assembly: Independent Authorities and Commissions

Senate: State Government, Federal and Interstate Relations and Veterans Affairs

Amended during passage: Yes Assembly Committee Substitute (OCR) enacted. Amendments during passage denoted by asterisks.

Date of Passage: Assembly: Dec. 6, 1984

Senate: Feb. 14, 1985

Date of Approval: March 15, 1985

Following statements are attached if available:

Sponsor statement: Yes Attached: Senate amendments adopted 1-31-85 and 2-14-85 (with statements).

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: Yes

974.90 New Jersey. Commission of Investigation. Interim report and recommendations...March 1, 1984
I62 Trenton, 1984.
1984a

(over)

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974.90 New Jersey. Legislature. Assembly. Independent Authorities and
R311 Commissions Committee.
1983c Public hearing, held 1-19-83.
Belleville, NJ, 1983.

974.90 New Jersey. Legislature. Assembly. Independent Authorities and
R311 Commissions Committee.
1983h Public hearing on "medical examinations of boxers", held 7-27-83.
Newark, NJ, 1983.

See newspaper clippings (attached):

"Boxing reforms ready for Kean's signature", 2-15-85, Star Ledger.
"Boxing reform law tightens state controls and raises safety standards",
3-16-85, Star Ledger.
"Boxing clinic-safety center opens at Newark hospital", 3-30-85,
Star Ledger.

2-15-85

[OFFICIAL COPY REPRINT]
 ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2353

STATE OF NEW JERSEY

ADOPTED NOVEMBER 19, 1984

Sponsored by Assemblymen FORTUNATO, SCHUBER, BRYANT,
 RILEY and MUZIANI

AN Act concerning the reorganization of the State Athletic Commission, the establishment of the State Athletic Control Board, the regulation of boxing, wrestling ***[and the martial arts]****, *kick boxing, and the combative sports**, and the revision and exemption of certain taxes on boxing, wrestling, ***[and martial arts]**** , *kick boxing and combative sports** events, and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
 2 *of New Jersey:*

1 1. As used in this act:

2 a. "Attending physician" means a physician assigned to attend
 3 a boxing exhibition or performance pursuant to this act.

4 b. "Board" means the State Athletic Control Board established
 5 pursuant to section 3 of this act.

6 c. "Commissioner" means the commissioner appointed pursuant
 7 to section 5 of this act.

8 d. "Contest" means an engagement in which the participants
 9 strive in good faith to win.

10 e. "Council" means the State Athletic Control Board Medical
 11 Advisory Council established pursuant to section 8 of this act.

12 f. "Event" means any occurrence in which a boxer, wrestler ***[or**
 13 **martial arts]**** , *kick boxer or combative sports** practitioner dis-
 14 plays or exhibits his skills, performs or fights.

15 g. "Exhibition" means an engagement in which the participants
 16 show or display their skill without necessarily striving to win.

16A *h. "*Kick boxing or Thai boxing*" means any professional sport
 16B *where the use of hands or feet or other striking techniques are*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
 is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted January 31, 1985.

**—Senate amendment adopted January 31, 1985.

***—Senate amendments adopted February 14, 1985.

16C *utilized to disable or cause injury to an opponent in a contest,*
 16D *exhibition, or performance.*

16E *i. "Combative sport" means any professional sport where*
 16F *participants intend to and actually inflict kicks, punches, blows, and*
 16G *other techniques to injure or disable an opponent in a contest,*
 16H *exhibition, or performance.**

17 **[h.]* *j.* "Martial arts" means **[the discipline of akido, judo,*
 18 *jujitsu, karate, kung-fu, thai boxing, kick boxing or other related*
 19 *systematic disciplines in which kicks, punches, blows, holds and*
 20 *throws are employed by a person as the means of attack against*
 21 *another person, as the means of defending against such an attack*
 22 *or as the means of disabling an opponent in a professional contest,*
 23 *exhibition or performance of skill in the particular discipline where*
 24 *a cash prize or its equivalent is awarded.]* *any discipline where*
 25 *the participants utilize kicks, punches, blows, and other techniques*
 26 *where the intent is not to injure or disable an opponent in a contest,*
 27 *exhibition, or performance.***

28 **[i.]* *k.* "Physician" means an individual licensed to practice
 29 medicine and surgery in this State.*

30 **[j.]* *l.* "Promoter" means any person, club, corporation or
 31 association, and in the case of a corporate promoter includes any
 32 officer, director, employee or stockholder thereof, who produces,
 33 arranges or stages any professional boxing, wrestling **[or marital*
 34 *arts]* **, *kick boxing, or combative sports** exhibition, event, per-
 35 formance or contest.*

1 2. The Legislature finds and declares to be the public policy of
 2 this State that it is in the best interest of the public and of boxing,
 3 wrestling **[and the martial arts]* **, *kick boxing and combative*
 4 *sports** that boxing, wrestling **[and martial arts]* **, *kick boxing*
 5 *and combative sports** exhibitions, events, performances and
 6 contests should be subject to an effective and efficient system of
 6A strict control and regulation in order to:

7 a. Protect the safety and well-being of participants in boxing,
 8 wrestling **[and martial art]* **, *kick boxing and combative sports**
 9 exhibitions, events, performances and contests; and

10 b. Promote the public confidence and trust in the regulatory proc-
 11 ess and the conduct of boxing, wrestling **[and martial arts]* **,
 12 *kick boxing and combative sports** exhibitions, events, perform-
 12A ances and contests.

13 To further such public confidence and trust, the regulatory pro-
 14 visions of this act are designed to extend strict State regulation
 15 to all persons, practices and associations related to the operation of

16 any boxing, wrestling *~~or martial arts~~*, *kick boxing or com-*
 17 *bative sports** exhibition, event, performance or contest held in this
 18 State.

1 3. a. There is created and established within the Department of
 2 Law and Public Safety a State Athletic Control Board. The board
 3 shall consist of three public members appointed by the Governor
 4 with the advice and consent of the Senate for terms of three years,
 5 except that of the three members first appointed, one shall be ap-
 6 pointed for a term of one year, one for a term of two years and
 7 one for a term of three years. ****One of the members shall be*
 7A *designated by the Governor as chairman of the board at the time*
 7B *of the member's appointment, and shall serve as chairman during*
 7C *the member's entire term of office and until a successor is duly ap-*
 7D *pointed and qualified. The initial chairman shall be the member ap-*
 7E *pointed to a term of three years.**** No more than two of the mem-
 8 bers shall be of the same political party. Members shall serve until
 9 their successors are appointed and have been qualified. The terms of
 10 their successors shall be calculated from the expiration of the in-
 11 cumbent's term. Any vacancy in the membership of the board other
 12 than by expiration of term shall be filled in the same manner as the
 13 original appointment but for the unexpired term only.

14 b. Each member of the board may be removed from office by the
 15 Governor for cause. Each member of the board before entering
 16 upon his duties shall take and subscribe an oath to perform the
 17 duties of this office faithfully, impartially and justly to the best of
 18 the member's ability. A record of these oaths shall be filed in the
 19 offices of the Secretary of State and the Attorney General.

20 c. The members of the board shall receive an annual salary of
 21 *~~[\$10,000.00]~~* **~~[\$5,000.00]~~** **\$10,000.00** and shall be reim-
 22 bursed for actual expenses incurred in the performance of their
 23 responsibilities. The members of the boards shall not be eligible for
 24 membership in any State-administered retirement system.

25 d. ***~~]~~The chairman of the board shall be designated on a yearly
 26 basis by the *~~board]~~* *Governor, with the advice and consent of*
 26A *the Senate*.]**** The powers of the board shall be vested in the
 27 members thereof in office from time to time, and two members of
 28 the board shall constitute a quorum at any meeting thereof. Action
 29 may be taken and motions and resolutions adopted by the board
 30 at any meeting thereof by the affirmative vote of at least two mem-
 31 bers of the board. No vacancy in the membership of the board shall
 32 impair the right of a quorum to exercise all powers and perform
 33 all duties of the board.

1 4. The State Athletic Control Board shall have and exercise sole
2 discretion, management, control and supervision over all public
3 boxing, wrestling *~~and martial arts~~* *, *kick boxing and com-*
4 *bative sports** exhibitions, events, performances and contests.
5 The board shall promulgate such rules and regulations as may be
6 necessary and appropriate to carry out the purposes of this act
7 and for the proper discharge of its responsibilities hereunder and
8 may prescribe and enforce penalties for the violation thereof.

1 5. a. The board shall appoint a commissioner, who shall be the
2 chief executive officer of the board and assist the board and be
3 responsible for the proper implementation of board directives and
4 policies and for the discharge of such duties and responsibilities
5 as may be imposed by the board or this act. The commissioner
6 shall receive such salary as the board may determine. The com-
7 missioner shall not be subject to the provisions of Title 11, Civil
8 Service.

9 b. The board shall, with the advice of the commissioner, appoint
10 such deputy commissioners, a chief inspector and such inspectors,
11 judges, referees and physicians as it deems necessary to carry out
12 the purpose of this act, who shall receive such salary or compen-
13 sation as the board may determine and who shall not be subject
14 to the provisions of Title 11, Civil Service. Persons appointed by
15 the board pursuant to this subsection shall hereafter sometimes
16 be referred to collectively as "agents."

17 c. The board may employ such other personnel as it deems nec-
18 essary. All employees, except for those mentioned in subsections
19 a. and b. of this section, shall be in the classified service of the
20 Civil Service.

21 d. The board is authorized to exchange fingerprint data with and
22 receive criminal history record information from the federal Bureau
23 of Investigation for use in considering applicants for employment.

1 6. a. No board member or employee shall be permitted to accept
2 complimentaries or gratuities in any form from any licensee or
3 applicant for licensure under this act or from any person or entity
4 which is either licensed pursuant to the "Casino Control Act,"
5 P. L. 1977, c. 110 (C. 5:12-1 et seq.) or is an applicant for licensure
6 pursuant to the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1
7 et seq.), except as provided by regulations promulgated by the
8 board. Those regulations may authorize the furnishing of lodging,
9 meals and parking for board employees assigned to a particular
10 exhibition, event, performance or contest.

11 b. No board member or full-time employee shall be permitted

12 to gamble in any establishment licensed pursuant to the "Casino
13 Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.).

14 c. No board member, employee or agent shall act in his official
15 capacity in any matter wherein he or his spouse, child, parent or
16 sibling has a direct or indirect financial interest that might reason-
17 ably be expected to impair his objectivity or independence of judg-
18 ment.

19 d. No board member, employee or agent shall act in his official
20 capacity in a matter concerning an applicant for licensure or a
21 licensee who is the employer of a spouse, child, parent or sibling
22 of the board employee or agent when the fact of the employment
23 of the spouse, child, parent or sibling might reasonably be expected
24 to impair the objectivity and independence of judgment of the board
25 member, employee or agent.

26 e. No board member, employee or agent shall have any interest,
27 direct or indirect, in any applicant for licensure or in any licensee
28 during his term of office or employment.

1 7. The board shall have general responsibility for the implemen-
2 tation of this act, as hereinafter provided, including without lim-
3 itation, the responsibility:

4 a. To issue licenses and to decide causes affecting the granting,
5 suspension, revocation or renewal thereof;

6 b. To conduct hearings or direct that hearings be conducted pur-
7 suant to the "Administrative Procedure Act," P. L. 1968, c. 410
8 (C. 52:14B-1 et seq.) pertaining to civil violations of this act or
9 regulations promulgated thereunder;

10 c. To promulgate rules and regulations;

11 d. To establish, prescribe and charge fees for licenses and per-
12 mits;

13 e. To collect all license fees and taxes imposed by this act and
14 the regulations promulgated thereunder;

15 f. To levy and collect penalties for violations of provisions of
16 this act and the regulations promulgated thereunder; and

17 g. To ensure that all public boxing, wrestling ***[and martial**
18 **arts]***, * *kick boxing and combative sports** exhibitions, events,
19 performances and contests are conducted in accordance with the
20 provisions of this act and regulations promulgated pursuant to this
21 act.

1 8. a. A State Athletic Control Board Medical Advisory Council
2 is created to assist the board. It shall consist of seven members to
3 be appointed by the Governor. Of the members first appointed by
4 the Governor, three shall be appointed for terms of one year, three

5 for terms of two years, and one member for a term of three years,
6 from the effective date of this section. The Governor shall desig-
7 nate one member as chairman of the council. The term of a mem-
8 ber thereafter appointed, except to fill a vacancy, shall be three
9 years from the expiration of the term of his predecessor. Upon
10 the appointment of a successor to the chairman of the council, the
11 Governor shall designate the successor or other member of the
12 council as chairman. A vacancy occurring otherwise than by ex-
13 piration of term shall be filled by appointment by the Governor
14 for the remainder only of the term. Each member of the council
15 shall be duly licensed to practice dentistry, medicine or osteopathy
16 in the State of New Jersey and, at the time of appointment, shall
17 have had at least five years experience in the practice of his pro-
18 fession. Consideration shall be given to the appointment of mem-
19 bers from the fields of dentistry, cardiology, neurology, ophthalmol-
20 ogy and orthopedics. The members of the council shall receive such
21 compensation and shall be reimbursed for actual expenses as may
22 be established for professional boards and commissions pursuant
23 to section 2 of P. L. 1977, c. 285 (C. 45:1-2.5). The members of the
24 council shall not be eligible for membership in any State-adminis-
25 tered retirement system.

26 b. The council shall recommend for board approval regulations,
27 rules and standards for the physical and mental examination of
28 all participants, including, without limitation, pre-fight and post-
29 fight examinations and periodic comprehensive examinations. The
30 council shall serve in an advisory capacity to the board and from
31 time to time prepare and submit to the board for its approval,
32 such additional regulations, rules and standards of examinations
33 as in its judgment will safeguard the physical welfare of all par-
34 ticipants licensed by the board. The council shall recommend to
35 the board from time to time such qualified physicians for the pur-
36 pose of conducting physical examinations and other services as
37 the rules of the board shall provide; and shall recommend to the
38 board a schedule of fees to be paid to physicians for the examina-
39 tions and other services required by this act.

40 c. The council shall develop appropriate medical education pro-
41 grams for all board personnel involved in the conduct of exhibi-
42 tions, events, performances or contests, so that the personnel can
43 recognize and act upon evidence of potential or actual adverse
44 medical indications in a participant.

45 d. The council shall review the credentials and performance of
46 each board physician on an annual basis as a condition of reap-

47 pointment of each such physician, including the physician's com-
48 prehension of the medical literature referred to in subsection e.
49 of this section.

50 e. The council shall recommend to the board a compilation of
51 medical publications which shall be maintained by the board and
52 be made available for review to all board personnel involved in
53 the conduct of any exhibition, event, performance or contest.

54 f. The council shall also advise the board with respect to any
55 study of equipment, procedures or personnel which will, in its
56 opinion, promote the safety of participants.

57 ***[g.** In order for the members of the council to have adequate
58 opportunities to express their opinions in the performance of their
59 responsibilities, the council is deemed to be a purely advisory body
60 and not subject to the provisions of the "Open Public Meetings Act,"
61 P. L. 1975, c. 231 (C. 10:4-6 et seq.)**].***

1 9. a. The board may make or cause to be made such investigations
2 as it shall deem proper in the administration of this act or the
3 rules or regulations promulgated pursuant to the act, including
4 but not limited to examinations of the books, records, documents,
5 papers or any financial records of any licensee or applicant for a
6 license pursuant to this act.

7 b. Every licensee and every applicant for a license shall on de-
8 mand exhibit to the board or to the commissioner all of the matters
9 and things which the board is authorized and empowered to in-
10 vestigate, inspect or examine and shall facilitate as far as may be
11 in their power to do any such investigation, examination or inspec-
12 tion, and they shall not in any way hinder or delay or cause the
13 hindrance or delay of same in any manner whatsoever.

14 c. For the purpose of any investigation, examination or inspec-
15 tion, or any other proceeding authorized under this act, the board
16 or the commissioner may examine, under oath, any and all persons
17 whatsoever and compel by subpoena the attendance of witnesses
18 and the production of books, records, accounts, papers and docu-
19 ments of any person. The board may serve its process and notices
20 in the manner provided for civil actions in accordance with the
21 Rules of Court.

22 d. The fees of witnesses required to attend before the commis-
23 sioner or other issuing authority shall be the same as those allowed
24 to witnesses in the Superior Court.

25 e. If any person in any proceeding before the board refuses to
26 take the oath or refuses to respond to a subpoena by failing to ap-
27 pear or testify or produce or file any books, records, accounts,

28 papers or documents when ordered to do so by the board, the At-
29 torney General may file in the Superior Court a petition for an
30 order of such court:

31 (1) Compelling the person to respond in accordance with the
32 subpoena issued to that person;

33 (2) Suspending the license of the person pending hearing and
34 determination or until compliance with the subpoena; or

35 (3) Imposing any other relief or sanction for contempt that may
36 be necessary in accordance with the New Jersey Court Rules.

1 10. *a.* The board may order any person to answer a question or
2 questions or produce evidence of any kind and confer immunity
3 as provided in this section. ***[**If, in the course of any investigation
4 or hearing conducted under this act, a person refuses to answer a
5 question or produce evidence on the ground that he will be exposed
6 to criminal prosecution thereby, then in addition to any other rem-
7 edies or sanctions provided for by this act, the board may, by
8 resolution of three of its members and after the written approval
9 of the Attorney General, issue and order to answer or to produce
10 evidence with immunity.

11 If, upon issuance of such an order, the person complies there-
12 with, he shall be immune from having the responsive answer given
13 by him or the responsive evidence produced by him, or evidence
14 therefrom, used to expose him to criminal prosecution, except that
15 the person may nevertheless be prosecuted for any perjury com-
16 mitted in the answer or in producing the evidence, or for contempt
17 for failing to give an answer or produce evidence in accordance
18 with the order of the board, except that no period of incarceration
19 for contempt shall exceed 18 months in duration pursuant to this
20 section. Any answer given or evidence produced shall be admissi-
21 ble against him upon any criminal investigation, proceeding or
22 trial against him for that perjury, upon any investigation, pro-
23 ceeding or trial against him for contempt, or in any manner con-
24 sonant with State and constitutional provisions.]* *If, in the course*
25 *of any investigation or hearing conducted by the board under this*
26 *act, a person refuses to answer a question or questions or produce*
27 *evidence of any kind on the ground that he will be exposed to*
28 *criminal prosecution or penalty or to a forfeiture of his estate*
29 *thereby, the board may order the person to answer the question*
30 *or questions or produce the requested evidence and confer immunity*
31 *as in this section provided. No order to answer or produce evidence*
32 *with immunity shall be made except by unanimous vote and after*
33 *the Attorney General and the appropriate county prosecutor shall*

34 *have been given at least seven days written notice of the board's*
 35 *intention to issue the order and afforded an opportunity to be heard*
 36 *in respect to any objections they or either of them may have to the*

38 *b. If, upon issuance of such an order, the person complies there-*
 37 *granting of immunity.*

39 *with, he shall be immune from having the responsive answer given*
 40 *by him or the responsive evidence produced by him, or evidence*
 41 *derived therefrom, used to expose him to criminal prosecution or*
 42 *penalty or to a forfeiture of his estate, except that the person may*
 43 *nevertheless be prosecuted for any perjury committed in the answer*
 44 *or in producing the evidence, or be prosecuted for willful refusal to*
 45 *give an answer or produce evidence in accordance with an order of*
 46 *the board or held in contempt for failing to give an answer or pro-*
 47 *duce evidence in accordance with the order of the board; and any*
 48 *answer given or evidence produced shall be admissible against him*
 49 *upon any criminal investigation, proceeding or trial against him*
 50 *for that perjury, upon any investigation, proceeding or trial against*
 51 *him for contempt or willful refusal to give an answer or produce*
 52 *evidence in accordance with an order of the board.*

53 *c. If the board proceeds against any witness for contempt of*
 54 *court for refusal to answer, subsequent to a grant of immunity, the*
 55 *witness may be incarcerated at the discretion of the Superior*
 56 *Court; provided, however, that (1) no incarceration for civil con-*
 57 *tempt shall exceed a period of ***[five years]*** ***18 months****
 58 *of actual incarceration exclusive of releases for whatever reason;*
 59 *(2) the board may seek the release of a witness for good cause on*
 60 *appropriate motion to the Superior Court; and (3) nothing con-*
 61 *tained herein shall be deemed to limit any of the vested constitu-*
 62 *tional rights of any witness before the board.**

1 11. Any person violating any provision of this act or regulation
 2 promulgated thereunder shall, in addition to any other sanction
 3 provided herein, be liable to a civil penalty of not less than \$250.00
 4 and not more than \$25,000.00 for the first offense and not less than
 5 \$500.00 and not more than \$50,000.00 for the second and each
 6 subsequent offense. For the purpose of construing this section,
 7 each transaction or statutory violation shall constitute a separate
 8 offense, except that a second or subsequent offense shall not be
 9 deemed to exist unless an administrative or court order has been
 10 entered in a prior, separate and independent proceeding.

1 12. Upon the failure of any person to comply within 10 days after
 2 service of any board order directing payment of penalties or re-
 3 storation of moneys, the Attorney General or the commissioner

4 may*, *after an opportunity for a hearing has been provided pur-*
 5 *suant to subsection b. of section 7 of this act,** issue a certificate
 6 to the Clerk of the Superior Court that the person is indebted to the
 7 State for the payment of that penalty or the restoration of moneys.
 8 A copy of that certificate shall be served upon the person against
 9 whom the order was entered. Thereupon the clerk shall immediately
 10 enter upon his record of docketed judgments the name of the
 11 person so indebted and of the State, a designation of the statute
 12 under which the penalty is imposed, the amount of the penalty
 13 imposed, or the amount of moneys ordered restored, and the date of
 14 the certification. Such an entry shall have the same force and effect
 15 as the entry of a docketed judgment in the Superior Court, and the
 16 Attorney General shall have all rights and remedies of a judgment
 17 creditor in addition to exercising all other available remedies.

1 13. Whenever it shall appear to the board that a violation of
 2 this act or the regulations promulgated thereunder has occurred,
 3 is occurring or will occur, the Attorney General, in addition to any
 4 other proceeding authorized by law, may seek and obtain in a sum-
 5 mary proceeding in the Superior Court an injunction prohibiting
 6 such an act or practice. In any such proceeding the court may
 7 assess a civil penalty in accordance with the provisions of this act
 8 and may enter such orders as may be necessary to prevent the
 9 performance of an unlawful practice in the future and to fully
 10 remedy any past unlawful activity.

1 14. a. No promoter shall hold or conduct any public boxing,
 2 wrestling ***[or martial arts]*** *, *kick boxing or combative sports**
 3 exhibition, event, performance or contest in the State of New
 4 Jersey without first having obtained a license from the board.

5 b. No person shall participate, either directly or indirectly, in
 6 any boxing, wrestling ***[or martial arts]*** *, *kick boxing or com-*
 7 *bative sports** exhibition, event, performance or contest, or be a
 8 holder thereof, unless the person shall have first obtained a license
 8A from the board.

9 The board shall license all promoters; boxers, wrestlers, ***[mar-**
 10 **ital arts]*** **kick boxers, combative sports** contestants or per-
 11 formers, their managers, scorers and trainers; booking agents; ring
 12 officials and other persons the board deems necessary.

13 c. All licenses shall be for a period of one year, unless revoked
 14 for cause, and shall be subject to the provisions of this act and to
 15 the rules and regulations adopted pursuant to this act. Before
 16 acting upon any application for a license, the board may examine,
 17 under oath, applicants or other witnesses. All applications shall

18 be on a form prescribed by the board. The board shall, by regula-
19 tion, establish fees for the issuance or renewal of all licenses.

1 15. a. The board shall not grant a license to any person who
2 does not possess good character, honesty, integrity and responsi-
3 bility.

4 b. No license shall be granted or renewed if the applicant has
5 been delinquent in paying a tax which has been assessed pursuant
6 to section 20 of this act unless good cause is shown.

7 c. Each applicant for licensure pursuant to this act shall produce
8 such information, documentation and assurances as may be re-
9 quired to establish by clear and convincing evidence the applicant's
10 reputation for good character, honesty, integrity and responsibility.

11 d. The board may exchange fingerprint data with and receive
12 criminal history record information from the federal Bureau of
13 Investigation for use in considering applicants for licensure.

14 e. The board shall adopt rules and regulations for the conduct
15 of an extensive medical examination prior to licensure and the re-
16 newal of any license.

17 f. The board shall adopt rules and regulations providing for the
18 issuance of a passport book to each licensed boxer, which shall
19 contain a current photograph of the boxer; the address, telephone
20 number, social security number or other number assigned by the
21 board to the boxer and his manager; and an accurate history of
22 all matches that the boxer has engaged in since becoming a pro-
23 fessional, which history shall include information on the matches
24 won and lost and the matches in which there was a technical knock-
25 out or a knockout. A boxer who shall fail to provide accurate in-
26 formation in the passport book in accordance with the rules and
27 regulations of the board shall be denied a license or shall have his
28 license suspended immediately, as the case may be.

1 16. Before any license is granted or renewed pursuant to sub-
2 section a. of section 14 of this act, the applicant shall execute and
3 file with the board a bond to the State of New Jersey in an amount,
4 not less than \$10,000.00, to be fixed by the board, conditioned upon
5 the faithful performance by the applicant of the provisions of this
6 act and the payment of taxes herein imposed. The bond shall be
7 in a form with sureties thereon satisfactory to the board. No
8 licenses shall be renewed unless this bond has been renewed and
9 filed with the board.

1 17. a. The board may revoke any license, after hearing for cause.
2 The board may discipline any licensee who shall violate any of the
3 provisions of this act or the regulations made pursuant thereto.

4 This discipline may take the form of revocation or suspension of
 5 a license held by the licensee for all or part of the unexpired portion
 6 thereof, and of a refusal to renew a license held by any such
 7 licensee.

8 b. The board may, upon its own motion, or upon the verified
 9 written complaint of any person charging a licensee with violating
 10 any provision of this act or the rules and regulations promulgated
 11 hereunder, suspend temporarily any license or permit until final
 12 determination by the board when such an action is necessary to
 13 protect the public welfare and the best interests of boxing, wrestl-
 14 ing ***[or the martial arts]*** *, *kick boxing or combative sports*.*

15 A hearing shall be held within 30 days after the date on which
 16 any license or permit has been suspended temporarily unless ex-
 17 tended for good cause.

18 c. The board may also, after affording an opportunity to be heard,
 19 take one or more of the following actions:

20 (1) Issue a reprimand or censure with regard to any act, con-
 21 duct or practice which in the board's judgment upon consideration
 22 of all relevant facts and circumstances does not warrant the initia-
 23 tion of formal action;

24 (2) Assess civil penalties in accordance with this act;

25 (3) Order that any person violating any provision of this act
 26 or any regulation made pursuant thereto cease and desist from
 27 future violations thereof or take such affirmative corrective action
 28 as may be necessary with regard to any act or practice found un-
 29 lawful by the board;

30 (4) Order any person found to have violated any provision of
 31 this act or any regulation made pursuant thereto to restore to any
 32 person aggrieved by an unlawful act or practice, any moneys or
 33 property, real or personal, acquired by means of that act or prac-
 34 tice, except that the board shall not order restoration in a dollar
 35 amount greater than those moneys received by a licensee or his
 36 agent or any other person violating this act or any regulation made
 37 pursuant thereto; and

38 (5) Order any person as a condition for continued, reinstated or
 39 renewed licensure to secure medical or such other professional
 40 treatment as may be necessary.

1 18. a. No boxing, wrestling ***[or marital arts]*** *, *kick boxing or*
 2 *combative sports** exhibition, event, performance or contest shall
 3 be held by any promoter unless the promoter shall have, at least
 4 two weeks before the holding of the same, notified the board, in such
 5 form, with such detailed information and at such place as the board

6 may prescribe, of the proposed holding of the same, and shall, in
7 addition to having a license as provided by section 14 of this act,
8 have obtained from the board a permit in writing to hold the same.
9 No permit shall be granted to any promoter who has been delinquent
10 in paying a tax which has been assessed pursuant to section 20 of
11 this act unless good cause shown.

12 b. The board shall be notified, at least one week in advance, in
13 such form and with such detailed information as the board may
14 prescribe, that a boxing, wrestling ***[or martial arts]*** *, *kick box-*
15 *ing or combative sports** exhibition, event, performance or contest
16 is to be telecast, televised or broadcast in any manner, including but
17 not limited to television, radio or any transmission via a cable tele-
18 vision system, as defined in section 3 of P. L. 1972, c. 186 (C.
19 48:5A-3), or any transmission via microwave, closed circuit,
20 satellite, fiber optic link or any other method of limited distribution.

21 c. No person shall charge or receive an admission fee for ex-
22 hibiting within this State a telecast of any boxing, wrestling, ***[or**
23 **martial arts]*** **kick boxing or combative sports** exhibition, event,
24 performance or contest which occurs or has occurred within this
25 State without a permit issued by the board. Permits are required
26 for simultaneous telecasts, closed-circuit telecasts, or any trans-
27 mission of any kind, including but not limited to transmission via
28 microwave, closed-circuit, satellite or fiber optic link. As a con-
29 dition of obtaining a permit, the board shall be furnished with all
30 contracts and agreements pertaining to such transmissions.

31 d. The board shall be informed by the promoter when any boxing,
32 wrestling ***[or martial arts]*** *, *kick boxing or combative sports**
33 exhibition, event, performance or contest will be exhibited in any
34 manner either within or without the State. As a condition of
35 obtaining a permit, the board shall be furnished with all contracts
36 and agreements pertaining to such exhibitions viewed either within
37 or without the State.

1 19. a. There is created and established a nonlapsing dedicated
2 account to be known as the State Athletic Control Board Account.
3 The account shall be credited with taxes, revenue and penalties
4 collected pursuant to this act.

5 b. Amounts received, receivable or anticipated from the date of
6 enactment shall be appropriated to fund the necessary expenses of
7 the board in the performance of the functions, duties and powers
8 of the board upon the certification of the board.

9 c. To the extent that moneys are available beyond those funds
10 necessary to meet the costs of subsection b. of this section, the board

11 shall determine at the close of each fiscal year an appropriate
12 amount to be returned to the General Fund for general State pur-
13 poses.

14 d. There shall be made available from the General Fund such
15 additional amounts as may be required to carry out the provisions
16 of this act.

1 20. a. Every promoter shall, within seven days, exclusive of
2 Saturdays, Sundays and legal holidays, after the conclusion of an
3 exhibition, event, performance or contest, furnish to the board at
4 such place as it may prescribe, a duly verified written report of
5 the exact amount of tickets either sold or issued as complimentary
6 tickets for the exhibition, event, performance or contest, the gross
7 proceeds thereof and such other matters as the board may prescribe.

8 b. The board shall determine and fix the number of complimen-
9 tary tickets for each exhibition, event, performance or contest. All
10 complimentary tickets shall include upon the face of the ticket the
11 price of the ticket and shall be printed or otherwise labelled as a
12 complimentary ticket. The price shall be deemed to be the value
13 of each ticket of the same kind for which the ticket normally would
14 be offered for sale if it was not issued as a complimentary ticket.
15 It shall be a crime of the fourth degree to sell, offer to sell or re-
16 ceive with the intent to sell a ticket which was originally issued as
17 a complimentary ticket.

18 c. Every *****[person]***** ****promoter**** who holds any boxing,
19 wrestling **[or martial arts]**, *kick boxing or combative sports**
20 exhibition, event, performance or contest shall, within seven days,
21 exclusive of Saturdays, Sundays and legal holidays, after the
22 conclusion thereof, pay to the board a tax:

22A (1) On the total gross receipts from the sale of tickets and on
23 the face value of all tickets issued as complimentary tickets as
24 follows: 3% of the first \$25,000.00 derived from those tickets; 4%
25 of the next \$50,000.00 derived from those tickets; 5% of the next
26 \$125,000.00 derived from those tickets; and 6% of any amount de-
27 rived from those tickets exceeding \$200,000.00, except that in no
28 event shall any tax assessed under the provisions of this subsec-
29 tion exceed \$100,000.00 for each exhibition, event, performance or
30 contest;

31 (2) On any moneys received by reason of the lease or sale of
32 television, including cable television and closed circuit television,
33 moving pictures or radio rights in connection with any such ex-
34 hibition or performance a tax of 5% of the first \$50,000.00 derived
35 from the lease or sale of television, moving pictures or radio rights;

36 3% of the next \$100,000.00 derived from the lease or sale of those
37 rights; 2% of the next \$100,000.00 derived from the lease or sale
38 of those rights; and 1% of any amount in excess of \$250,000.00
39 derived from the lease or sale of those rights, except that in no
40 event shall any tax assessed under the provisions of this subsection
41 exceed \$100,000.00 for each exhibition, event, performance or con-
42 test.

43 For the purposes of this subsection, the total gross receipts from
44 the sale of tickets or from the lease or sale of television, moving
45 pictures or radio rights shall not be subject to any reduction or
46 allowance of any kind whatsoever.

47 d. The total amount of gross receipts from any such exhibition
48 or performance, including those derived from the sale or lease of
49 television, moving pictures and radio rights, and the total amount
50 of tax due hereunder shall be provided to the board for review
51 and determination. For this purpose the board may examine, or
52 cause to be examined, the books and records of any person and hold
53 a hearing as provided herein.

54 e. Should any person being liable for the tax hereby imposed
55 fail to pay the same, an action in the name of the board may be
56 maintained in any court of competent jurisdiction, to be prosecuted
57 by the Attorney General, in addition to any remedies given by the
58 bond filed in accordance with section 16 of this act, which actions
59 and remedies may be pursued simultaneously or in any order which
60 the Attorney General may see fit.

1 21. Tickets for all exhibitions, events, performances or contests
2 authorized by the board shall be obtained from a printer approved
3 by the board. For the purpose of this act and for the prevention
4 of fraud, the board shall prescribe rules and regulations governing
5 the approval of printers and the issuance of tickets. Tickets shall
6 be printed and made in such form as the board shall prescribe.

1 22. a. The Attorney General is authorized to investigate and
2 prosecute any allegation of criminal or civil violations pertaining
3 to any boxing, wrestling ***[or martial arts]*** *, *kick boxing or com-*
4 *bative sports** exhibition, event, performance or contest which is
5 held at or sponsored by any person or entity licensed pursuant to
6 the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.).

7 b. The identities of all recipients of complimentary tickets to any
8 boxing, wrestling ***[or martial arts]*** *, *kick boxing or combative*
9 *sports** exhibition, event, performance or contest which ***[is held**
10 at or sponsored by a person or entity licensed pursuant to the
11 "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.) shall,

12 within 72 hours after the conclusion of the exhibition, event, per-
 13 formance or contest, be reported to both the board and the Division
 14 of Gaming Enforcement of the Department of Law and Public
 14A Safety.]* **are distributed by the holder of a casino license, as*
 14B *defined in section 10 of P. L. 1977, c. 110 (C. 5:12-10), shall be*
 14C *included within the quarterly report on complimentary services re-*
 14D *quired pursuant to subsection m. of section 102 of P. L. 1977, c. 110*
 14E *(C. 5:12-102).**

15 c. All contracts or agreements entered into by any person or
 16 entity licensed pursuant to the "Casino Control Act," P. L. 1977,
 17 c. 110 (C. 5:12-1 et seq.) and any promoter, sponsor or participant
 18 in any boxing, wrestling ***[or martial arts]*** *, *kick boxing or*
 19 *combative sports** exhibition, event, performance or contest shall
 20 be made available for inspection upon request by either the board
 21 or the Attorney General. All such exhibitions, events, performances
 22 and contests and all such contracts or agreements shall be governed
 23 as if the exhibition, event, performance or contest took place in a
 24 casino hotel complex. The Attorney General is also authorized to
 25 examine any contract or agreement relating to the televising of any
 26 boxing, wrestling ***[or martial arts]*** *, *kick boxing or combative*
 26A *sports** exhibition, which is supplied to the board pursuant to sec-
 26B tion 18 of this act.

27 d. Every exhibition, event, performance or contest in a casino
 28 hotel licensed pursuant to the "Casino Control Act," P. L. 1977,
 29 c. 110 (C. 5:12-1 et seq.) shall be subject to licensure in accordance
 30 with the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.).

1 23. Any person violating any of the provisions of this act for
 2 which no specific penalty or other remedy is provided, or in any
 3 way aiding, abetting or assisting in such a violation, shall be liable
 4 to a penalty of \$1,000.00.

1 24. The provisions of this act shall not apply with respect to a
 2 boxing, wrestling ***[or martial arts]*** *, *kick boxing or combative*
 3 *sports** exhibition, event, performance or contest in which school
 4 pupils or instructors are the only participants, except that this
 5 exemption shall apply only to a performance or exhibition con-
 6 ducted under the direct supervision and control of the board of
 7 education of a school district, or the person in authority of a
 8 teachers' training school or other institution under the control
 9 of the Commissioner of Education and the State Board of Educa-
 10 tion, ***[or the board, body or person in authority of a duly con-**
 11 **stituted private or parochial school, a college or university, or a**
 12 **school for the marital arts.]*** **or the board, bodies, or persons in*

13 *authority of duly constituted private or parochial schools, colleges*
14 *or universities, or schools for kick boxing, combative sports, or the*
15 *martial arts.**

1 25. The board shall adopt rules and regulations concerning the
2 conduct of a study into the advisability of the use of thumbless
3 gloves in boxing events and shall report its findings to the Governor
4 and the Legislature within six months after the appointment of all
5 the members.

1 26. At the conclusion of each round in any boxing event, the
2 judges shall provide their respective scoring of the round in writing
3 to the commissioner or his designee.

1 27. A person promoting a boxing event shall have no financial
2 dealings, directly or indirectly, with a manager or a boxer who is
3 engaged in an event promoted by the person, nor shall such a person
4 promote a boxing event in which the manager or the boxer is a mem-
5 ber of the immediate family of the promoter; unless the financial
6 dealings or relationship is disclosed to the board prior to the time
7 that the event is authorized by the board.

1 28. No official or appointee of the board who receives compen-
2 sation for the performance of duties at a boxing exhibition, event,
3 performance or contest shall be paid in cash. Payment for those
4 services shall be only by check issued by the board.

1 29. The board shall make periodic inspections of training facili-
2 ties in this State.

1 30. There is established the "New Jersey Commission to Study
2 Benefits to be Provided to Professional Boxers." The commission
3 shall consist of eight members:

4 a. Two members of the Senate from different political parties
5 appointed by the President of the Senate;

6 b. Two members of the General Assembly from different politi-
7 cal parties appointed by the Speaker of the General Assembly; and

8 c. Four public or governmental official members appointed by
9 the Governor.

10 The commission shall provide its recommendations concerning,
11 but not limited to, disability and pension benefits for professional
12 boxers to the board no later than one year from the date of the
13 appointment of its full membership. All members of the commis-
14 sion shall serve without compensation but may be reimbursed for
15 reasonable expenses incurred during the performance of their du-
16 ties on the commission.

1 31. If any clause, sentence, subparagraph, paragraph, subsection,
2 section, article or other portion of this act or the application thereof

3 to any person or circumstance shall be held to be invalid, such a
 4 holding shall not affect, impair or invalidate the remainder of this
 5 act or the application of the portion held invalid to any other per-
 6 son or circumstance, but shall be confined in its operation to the
 7 clause, sentence, subparagraph, paragraph, subsection, section,
 8 article or other portion thereof directly involved in the holding or
 9 to the person or circumstance therein involved.

1 32. The transfer directed by this act shall be made in accordance
 2 with the "State Agency Transfer Act," P. L. 1971, c. 375 (C.
 3 52:14D-1 et seq.).

1 33. Nothing in this act shall affect the validity of any license
 2 heretofore issued to any person by the State Athletic Commissioner,
 3 but all persons holding such licenses shall in all other respects be
 4 subject to the provisions of this act.

1 34. Section 2 of P. L. 1947, c. 71 (C. 40:48-8.16) is amended
 2 to read as follows:

3 2. As used in this act:

4 "Retail sale" or "sale at retail" means and includes:

5 (1) Any sale in the ordinary course of business for consumption
 6 of whiskey, beer or other alcoholic beverages by the drink in
 7 restaurants, cafes, bars, hotels and other similar establishments;

8 (2) Any cover charge, minimum charge, entertainment, or other
 9 similar charge made to any patron of any restaurant, cafe, bar,
 10 hotel or other similar establishment;

11 (3) The hiring, with or without service, of any room in any
 12 hotel, inn, rooming or boarding house;

13 (4) The hiring of any rolling chair, beach chair or cabana; and

14 (5) The granting or sale of any ticket, license or permit for
 15 admission to any theatre, moving picture exhibition or show, pier,
 16 exhibition, or place of amusement, *except charges for admission to*
 17 *boxing, ***[sparring,]*** wrestling, ***[or martial arts]*** *, kick boxing*
 18 *or combative sports* events, matches, or exhibitions, which charges*
 19 *are taxed pursuant to section 20 of P. L., c. . . . (C.*
 20 *.) (now pending before the Legislature as Assembly Com-*
 21 *mittee Substitute for Assembly Bill No. 2353 of 1984).*

22 "Vendor" means any person selling or hiring property or services
 23 to another person upon the receipts from which a tax is imposed.

24 "Purchaser" means any person purchasing or hiring property
 25 or services from another person, the receipts from which are tax-
 26 able.

1 35. The following are repealed:

2 R. S. 5:2-1 through R. S. 5:2-19;

3 P. L. 1948, c. 247 (C. 5:2-13.1 et seq.);

4 P. L. 1948, c. 255 (C. 5:2-20);

5 Sections 4 through 9 and sections 18 and 19 of P. L. 1948, c. 455

6 (C. 52:16A-4 through 52:16A-9 and C. 52:16A-18 and 52:16A-19);

7 and

8 P. L. 1972, c. 95 (C. 52:17B-140 et seq.).

1 36. This act shall take effect on the 45th day following enactment,

2 except that sections 3 and 5 shall take effect immediately.

ASSEMBLY, No. 2353

STATE OF NEW JERSEY

INTRODUCED JUNE 28, 1984

By Assemblymen FORTUNATO and SCHUBER

AN ACT concerning the regulation of boxing, wrestling, and the martial arts, amending P. L. 1947, c. 71, and repealing R. S. 5:2-1 through R. S. 5:2-19, P. L. 1948, c. 247; P. L. 1948, c. 255, certain sections of P. L. 1948, c. 445, and P. L. 1972, c. 95.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Legislature finds and declares to be the public policy of
2 this State the following:

3 a. It is in the best interest of the public and the best interest
4 of boxing, wrestling and the martial arts that factors relating to
5 the integrity of boxing, wrestling and the martial arts be subject
6 to effective, efficient and strict control and regulation.

7 b. Strict regulation is necessary to protect the safety and well-
8 being of participants in boxing, wrestling and martial art exhibi-
9 tions, events, performances and contests.

10 c. An integral and essential element of the regulation and control
11 of boxing, wrestling and marital art exhibitions, events, perfor-
12 mances and contests rests in the public confidence and trust in
13 the credibility of the regulatory process and of the operation of
14 boxing, wrestling and martial art exhibitions, events, performances
15 and contests. To further such public confidence and trust, the
16 regulatory provisions of this act are designed to extend strict State
17 regulation to all persons, practices and associations related to the
18 operation of any boxing, wrestling or martial art exhibition, event,
19 performance or contest held in this State.

1 2. As used in this act:

Matter printed in italics thus is new matter.

2 a. "Attending physician" means a physician assigned to attend
3 a boxing exhibition or performance pursuant to section 27 of this
4 act.

5 b. "Board" means the State Athletic Commission Medical Ad-
6 visory Board.

7 c. "Commission" means the State Athletic Commission.

8 d. "Contest" means an engagement in which the participants
9 strive in good faith to win.

10 e. "Event" means any occurrence in which a boxer, wrestler or
11 martial art practitioner displays or exhibits their skills, performs
12 or fights.

13 f. "Exhibition" means an engagement in which the participants
14 show or display their skill without necessarily striving to win.

15 g. "Martial Arts" means the disciplines of akido, judo, jujitsu,
16 karate, kung-fu, thai boxing, kick boxing or other related systematic
17 disciplines in which kicks, punches, blows, holds and throws are
18 employed by a person as the means of attack against another
19 person, as the means of defending against such an attack or as
20 the means of disabling an opponent in a contest exhibition or per-
21 formance of skill in the particular discipline.

22 h. "Physician" means an individual licensed to practice medicine
23 and surgery or osteopathic surgery in this State.

24 i. "Promoter" means any person, club corporation or association,
25 and in the case of a corporate promoter includes any officer, di-
26 rector, employee or stockholder thereof, who produces, arranges or
27 stages any professional boxing, wrestling or martial art exhibition,
28 event, performance or contest.

1 3. a. There is created within the Department of Law and Public
2 Safety a State Athletic Commission. The commission shall consist
3 of three public members appointed by the Governor with the advise
4 and consent of the Senate. No more than two of the members shall
5 be of the same political party. The members shall serve for terms
6 of three years, except that of the initial members appointed, one
7 shall serve for a term of one year, one for a term of two years
8 and one for a term of three years. Members shall serve until their
9 successors are appointed and have been qualified. The terms of
10 their successors shall be calculated from the expiration of the
11 incumbent's term. Any vacancy in the membership of the commis-
12 sion other than by expiration of term shall be filled in the same
13 manner as the original appointment but for the unexpired term only.

14 b. Each member of the commission may be removed from office
15 by the Governor, for cause. Each member of the commission before
16 entering upon his duties shall take and subscribe an oath to perform

17 the duties of this office faithfully, impartially and justly to the
18 best of his or her ability. A record of such oaths shall be filed in
19 the offices of the Secretary of State.

20 c. The members of the commission shall receive such compensa-
21 tion and shall be reimbursed for actual expenses as may be estab-
22 lished for professional boards and commissions pursuant to section
23 2 of P. L. 1977, c. 285 (C. 45:1-2.5).

24 d. The chairman of the commission shall be designated on a yearly
25 basis by the commission. The powers of the commission shall be
26 vested in the members thereof in office from time to time and two
27 members of the commission shall constitute a quorum at any
28 meeting thereof. Action may be taken and motions and resolutions
29 adopted by the commission at any meeting thereof by the affirmative
30 vote of at least two members of the commission. No vacancy in
31 the membership of the commission shall impair the right of a
32 quorum to exercise all powers and perform all duties of the com-
33 mission.

1 4. The State Athletic Commission shall have and exercise sole
2 discretion, management, control and supervision over all public
3 boxing, wrestling and martial art exhibitions, events, performances
4 and contests. The commission shall promulgate rules and regula-
5 tions, as may be necessary for the proper discharge of its respon-
6 sibilities and may prescribe and enforce penalties for the violation
7 thereof.

1 5. a. The commission shall appoint a full-time executive director
2 who shall serve at the pleasure of the commission and shall devote
3 his entire time to the performance of his duties. The executive
4 director shall carry out the duties prescribed by the commission
5 and any additional duties delegated by the commission, and shall
6 receive such salary as the commission may determine.

7 b. The commission shall appoint such deputy directors, a chief
8 inspector, inspectors, judges, referees and physicians it deems
9 necessary to carry out the purpose of this act, who shall receive
10 such salary or compensation as the commission may determine
11 and who shall not be subject to the provisions of Title 11, Civil
12 Service.

13 c. The commission may employ such other personnel as it deems
14 necessary. All employees, except for those mentioned in subsections
15 a., and b., shall be in the classified service of the Civil Service.

1 6. a. No commission member or employee shall be permitted to
2 accept complimentaries or gratuities in any form from any licensee
3 or applicant for licensure under this act or from any person or
4 entity which is either licensed pursuant to the "Casino Control

5 Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.) or is an applicant for
6 licensure pursuant to the "Casino Control Act," P. L. 1977, c. 110
7 (C. 5:12-1 et seq.). All expenses authorized by the commission shall
8 be paid directly by the commission.

9 b. No commission member or full-time employee shall be per-
10 mitted to gamble in any establishment licenses pursuant to the
11 "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.).

12 c. No commission member, employee or agent shall act in his
13 official capacity in any matter wherein he or his spouse, child,
14 parent or sibling has a direct or indirect financial interest that
15 might reasonably be expected to impair his objectivity or inde-
16 pendence of judgment.

17 d. No commission employee or agent shall act in his official
18 capacity in a matter concerning an applicant for licensure or a
19 licensee who is the employer of a spouse, child, parent or sibling
20 of the commission employee or agent when the fact of the employ-
21 ment of such spouse, child, parent or sibling might reasonably
22 be expected to impair the objectivity and independence of judg-
23 ment of the commission member, employee or agent.

24 e. No commission member, employee or agent shall have any
25 interest direct or indirect in any applicant for licensure or in any
26 licensee during his term of office or employment.

1 7. The commission shall have general responsibility for the
2 implementation of this act, including, without limitation, the re-
3 sponsibility:

4 a. To issue licenses and to decide causes affecting the granting,
5 suspension, revocation or renewal thereof.

6 b. To conduct hearings or direct that hearings be conducted
7 pursuant to P. L. 1968, c. 410 (C. 52:14B-1 et seq.) pertaining to
8 civil violations of this act or regulations promulgated thereunder.

9 c. To promulgate rules and regulations.

10 d. To collect all license fees and taxes imposed by this act and
11 the regulations promulgated thereunder.

12 e. To levy and collect penalties for violations of provisions of
13 this act and the regulations promulgated thereunder.

14 f. To ensure that all public boxing, wrestling and martial arts,
15 exhibitions, events, performances and contests are conducted in
16 accordance with the provisions of this act and regulations promul-
17 gated pursuant to this act.

1 8. The State Athletic Commission Medical Advisory Board is
2 created consisting of seven members, who shall be appointed by
3 the Governor. The terms of the members shall be three years
4 except that of the initial appointees, two shall be appointed for

5 one year, two for two years, and three for three years. A vacancy
6 caused by other than an expiration of a term shall be filled only
7 for the remainder of the term of the member being replaced. Each
8 member of the board shall be duly licensed to practice medicine in
9 this State, and at the time of appointment have had at least five
10 years experience in the practice of his profession. At least one
11 member shall be an ophthalmologist, one a cardiologist, one a neu-
12 rologist, one an orthopedist, and one a dentist. The members shall
13 receive such compensation as may be fixed by the commission
14 within the amount provided by appropriation, and shall be paid
15 necessary traveling and other expenses incurred by them in the
16 performance of their duties.

1 9. a. The board shall have power and it shall be the duty of the
2 board to prepare and submit to the commission for approval
3 regulations and standards for the physical examination of profes-
4 sional boxers and wrestlers including, without limitation, pre-fight
5 and post-fight examinations and periodic comprehensive examina-
6 tions. The board shall continue to serve in an advisory capacity
7 to the commission and from time to time prepare and submit to the
8 commission for approval, such additional regulations and standards
9 of examinations as in their judgment will safeguard the physical
10 welfare of professional boxers and wrestlers licensed by the com-
11 mission. The board shall recommend to the commission from time
12 to time such qualified physicians, for the purpose of conducting
13 physical examinations of professional boxers and wrestlers, and
14 other services as the rules of the commission shall provide; and
15 shall recommend to the commission a schedule of fees to be paid
16 to physicians for the examinations and other services required by
17 this act.

18 b. The board shall develop appropriate medical education pro-
19 grams for all commission personnel involved in the conduct of
20 boxing and sparring matches or exhibitions so that the personnel
21 can recognize and act upon evidence of potential or actual adverse
22 medical indications in a participant prior to or during the course
23 of a match.

24 c. The board shall review the credentials and performance of
25 each commission physician on an annual basis as a condition of
26 reappointment of each such physician, including the physician's
27 comprehension of the medical literature on boxing referred to in
28 subsection d. of this section.

29 d. The board shall recommend to the commission a compilation
30 of medical publications on the medical aspects of boxing which
31 shall be maintained by the commission and be made available for

32 review to all commission personnel involved in the conduct of any
33 boxing or sparring match or exhibition.

34 e. The board shall also advise the commission on any study of
35 equipment, procedures or personnel which will, in their opinion,
36 promote the safety of boxing and wrestling participants.

37 f. In order for the members of the board to have adequate
38 opportunities to express their opinions in the performance of their
39 responsibilities, the board is deemed to be a purely advisory body
40 and not subject to the provisions of the "Open Public Meetings
41 Act," P. L. 1975, c. 231 (C. 10:4-6 et seq.).

1 10. a. The commission may make or cause to be made such
2 investigations as it shall deem proper in the administration of this
3 act or the rules or regulations promulgated pursuant to the act,
4 including but not limited to examinations of the books, records,
5 documents, papers or any financial records of any licensee or
6 applicant for a license pursuant to this act.

7 b. Every licensee and every applicant for a license shall on
8 demand exhibit to the commission or to its investigators or
9 inspectors or agents all of the matters and things which the
10 commission is authorized to investigate, inspect or examine and to
11 facilitate as far as may be in their power to do in any such
12 investigation, examination or inspection and they shall not in any
13 way hinder or delay or cause the hinderance or delay of same in
14 any manner whatsoever.

15 c. For the purpose of any investigation, examination or inspec-
16 tion, or any other proceeding authorized under this act, the
17 commission or the executive director may examine, under oath, any
18 and all persons whatsoever and compel by subpoena the attendance
19 of witnesses and the production of books, records, accounts, papers
20 and documents of any person. The commission may serve its
21 process and notices in the manner provided for civil actions in
22 accordance with the Rules of Court.

23 d. The fees of witnesses required to attend before the executive
24 director or other issuing authority shall be the same as those
25 allowed to witnesses in the Superior Court.

26 e. If any person in any proceeding before the commission refuses
27 to take the oath or refuses a subpoena by failing to appear or testify
28 or produce or file any books, records, accounts, papers or documents
29 when ordered to do so by the commission, the Attorney General
30 may file in the Superior Court a petition for an order of such court:

31 (1) Compelling such person to respond in accordance with the
32 subpoena issued to that person;

33 (2) Suspending the license of such person pending hearing and
34 determination or until compliance with the subpoena;

35 (3) Imposing any other relief or sanction for contempt that may
36 be necessary in accordance with the Rules of Court.

1 11. The commission may order any person to answer a question
2 or questions or produce evidence of any kind and confer immunity
3 as provided in this section. If, in the course of any investigation or
4 hearing conducted under this act, a person refuses to answer a
5 question or produce evidence on the ground that he will be exposed
6 to criminal prosecution thereby, then in addition to any other
7 remedies or sanctions provided for by this act, the commission may,
8 by resolution of two of its members and after the written approval
9 of the Attorney General, issue an order to answer or to produce
10 evidence with immunity.

11 If, upon issuance of such an order, the person complies therewith,
12 he shall be immune from having such responsive answer given by
13 him or such responsive evidence produced by him, or evidence
14 therefrom, used to expose him to criminal prosecution, except that
15 such person may nevertheless be prosecuted for any perjury
16 committed in such answer or in producing such evidence, or for
17 contempt for failing to give an answer or produce evidence in
18 accordance with the order of the commission provided, however, that
19 no period of incarceration for contempt shall exceed 18 months in
20 duration pursuant to this section. Any such answer given or
21 evidence produced shall be admissible against him upon any
22 criminal investigation, proceeding or trial against him for such
23 perjury, upon any investigation, proceeding or trial against him
24 for such contempt, or in any manner consonant with State and
25 constitutional provisions.

1 12. Any person violating any provision of this act or regulation
2 promulgated thereunder shall, in addition to any other sanction
3 provided herein, be liable to a civil penalty of not less than
4 \$250.00 and not more than \$25,000.00 for the first offense and not
5 less than \$500.00 and not more than \$50,000.00 for the second and
6 each subsequent offense. For the purpose of construing this
7 section, each transaction or statutory violation shall constitute a
8 separate offense; provided, however, a second or subsequent offense
9 shall not be deemed to exist unless an administrative or court order
10 has been entered in a prior, separate and independent proceeding.

1 13. Upon the failure of any person to comply within 10 days after
2 service of any commission order directing payment of penalties
3 or restoration of moneys, the commission may issue a certificate to
4 the Clerk of the Superior Court that such person is indebted to the

5 State for the payment of such penalty or the restoration of moneys.
 6 A copy of such certificate shall be served upon the person against
 7 whom the order was entered. Thereupon the Clerk shall immediately
 8 enter upon his record of docketed judgments the name of the person
 9 so indebted and of the state, a designation of the statute under
 10 which the penalty is imposed, the amount of the penalty imposed,
 11 or the amount of moneys ordered, restored, and the date of the
 12 certification. Such entry shall have the same force and effect as the
 13 entry of a docketed judgment in the Superior Court, and the
 14 commission shall have all rights and remedies of a judgment
 15 creditor in addition to exercising all other available remedies.

1 14. Whenever it shall appear to the commission that a violation
 2 of this act or the regulations promulgated thereunder has occurred,
 3 is occurring or will occur, the Attorney General, in addition to any
 4 other proceeding authorized by law, may seek and obtain in a
 5 summary proceeding in the Superior Court an injunction prohi-
 6 biting such act or practice. In any such proceeding the court may
 7 assess a civil penalty in accordance with the provisions of this act
 8 and may enter such orders as may be necessary to prevent the
 9 performance of an unlawful practice in the future and to fully
 10 remedy any past unlawful activity.

1 15. a. No promoter shall hold or conduct any public boxing,
 2 wrestling or martial arts exhibition, event, performance or contest
 3 in the State of New Jersey without first having obtained a license
 4 from the commission.

5 b. No person shall participate, either directly or indirectly, in
 6 any boxing, wrestling or martial art exhibition, event, performance
 7 or contest, or be the holder thereof, unless such person shall
 8 have first obtained a license from the commission.

9 The commission shall license all promoters; boxers, wrestlers,
 10 martial art contestants or performers, their managers, scorers and
 11 trainers; booking agents; ring officials and other persons the
 12 commission deems necessary.

13 c. All licenses shall be for a period of one year, unless revoked
 14 for cause and shall be subject to the provisions of this act and to
 15 such rules and regulations adopted pursuant to this act. Before
 16 acting upon any application for a license, the commission may
 17 examine, under oath, applicants or other witnesses. All applications
 18 shall be on a form prescribed by the commission. The commission
 19 shall, by regulation, establish fees for the issuance or renewal of
 20 all licenses.

16. a. The commission shall not grant a license to any person
 who is under a restraining order or a protective order issued by a court of law.

2 who does not possess good character, honesty, integrity and
3 responsibility.

4 b. No license shall be granted or renewed if the applicant has
5 been delinquent in paying a tax which has been assessed pursuant
6 to section 23 of this act unless good cause is shown.

7 c. Each applicant for licensure pursuant to this act shall produce
8 such information, documentation and assurances as may be required
9 to establish by clear and convincing evidence the applicant's
10 reputation for good character, honesty, integrity and responsibility.

1 17. Prior to the licensure and the renewal of a license of a boxer,
2 the boxer shall receive an extensive medical examination, including
3 an examination by an ophthalmologist, a cardiologist, a neurologist,
4 and an orthopedist. In order to receive a license, a boxer shall
5 provide to the commission a passport book, which shall have: a. a
6 current photograph of the boxer; b. the address, telephone number,
7 and social security number of the boxer and his manager; c. an
8 accurate history of all matches that the boxer has engaged in since
9 becoming a professional, which history shall include information
10 on the matches won and lost and the matches in which there was a
11 technical knockout or a knockout. A boxer who shall knowingly fail
12 to provide accurate information in the passport book shall be denied
13 a license or shall have his license suspended immediately, as the
14 case may be.

1 18. No boxer shall receive compensation to spar in any training
2 facility except by virtue of a license to do so obtained from the
3 commission. The license shall be for a period of one year and shall
4 be renewable annually. Prior to licensure and the renewal of a
5 license, the boxer shall receive the medical examination specified
6 in section 17 of this act.

1 19. Before any license is granted or renewed pursuant to section
2 15 a. of this act, the applicant shall execute and file with the
3 commission a bond to the State of New Jersey in an amount, no less
4 than \$10,000.00, to be fixed by the commission, conditioned upon the
5 faithful performance by the applicant of the provisions of this act
6 and the payment of taxes herein imposed. The bond shall be in a
7 form with sureties thereon satisfactory to the commission. No
8 licenses shall be renewed unless such bond has been renewed and
9 filed with the commission.

1 20. a. The commission may revoke any license, after hearing for
2 cause. The commission shall have the power to discipline any
3 licensee who shall violate any of the provisions of this act or the
4 regulations made pursuant thereto. This discipline may take the
5 form of revocation or suspension of a license held by the licensee

6 for all or part of the unexpired portion thereof, and of a refusal
7 to renew a license held by any such licensee.

8 b. The commission may, upon its own motion, or upon the verified
9 written complaint of any person charging a licensee with violating
10 any provision of this act or the rules and regulations promulgated
11 hereunder, suspend temporarily any license or permit until final
12 determination by the commission when such action is necessary to
13 protect the public welfare and the best interests of boxing, wrestling
14 or the martial arts.

15 A hearing shall be held within 30 days after the date of which any
16 license or permit has been suspended temporarily unless extended
17 for good cause.

18 c. The commission may also, after affording an opportunity to
19 be heard, take one or more of the following actions:

20 (1) Issue a reprimand or censure with regard to any act, conduct
21 or practice which in the commission's judgment upon consideration
22 of all relevant facts and circumstances does not warrant the
23 initiation of formal action.

24 (2) Assess civil penalties in accordance with this act.

25 (3) Order that any person violating any provision of this act or
26 any regulation made pursuant thereto cease and desist from future
27 violations thereof or take such affirmative corrective action as may
28 be necessary with regard to any act or practice found unlawful by
29 the commission.

30 (4) Order any person found to have violated any provision of
31 an act or any regulation made pursuant thereto to restore to any
32 person aggrieved by an unlawful act or practice, any moneys or
33 property, real or personal, acquired by means of such act or
34 practice, provided however that the commission shall not order
35 restoration in a dollar amount greater than those moneys received
36 by a licensee or his agent or any other person violating this act or
37 any regulation made pursuant thereto.

38 (5) Order any person as a condition for continued, reinstated or
39 renewed licensure to secure medical or such other professional
40 treatment as may be necessary.

1 21. a. No boxing, wrestling or martial art exhibition, event,
2 performance or contest shall be held by any promoter unless such
3 promoter shall have, at least two weeks before the holding of the
4 same, notified the commission, in such form, with such detailed
5 information and at such place as the commission may prescribe, of
6 the proposed holding of the same, and shall, in addition to having
7 a license as provided by section 15 of this act, have obtained from
8 the commission a permit in writing to hold the same. No permit

9 shall be granted to any promoter who has been delinquent in paying
10 a tax which has been assessed pursuant to section 23 of this act
11 unless good cause is shown.

12 b. The commission shall be notified, at least one week in advance,
13 in such form and with such detailed information as the commission
14 may prescribe, that a boxing, wrestling or martial art exhibition,
15 event, performance or contest is to be telecast, televised or
16 broadcast in any manner, including but not limited to television,
17 radio or any transmission via a cable television system as defined
18 in section 1 of P. L. 1972, c. 186 (C. 48:5A-1) or any transmission
19 via microwave, closed circuit, satellite, fiber optic link or any other
20 method of limited distribution.

21 c. No person shall charge or receive an admission fee for exhi-
22 biting within the State a telecast of any boxing, wrestling, or
23 martial art exhibition, event, performance or contest which occurs
24 or has occurred within this State without a permit issued by the
25 commission. Permits are required for simultaneous telecasts,
26 closed-circuit telecasts, or any transmission of any kind including
27 but not limited to transmission via microwave, closed circuit,
28 satellite or fiber optic link. As a condition of obtaining a permit,
29 the commission must be furnished with all contracts and agreements
30 pertaining to the transmissions.

31 d. The commission shall be informed by the promoter when any
32 boxing, wrestling or martial art exhibition, event, performance or
33 contest will be exhibited in any manner either within or without
34 the State. As a condition of obtaining a permit, the commission
35 shall be furnished with all contracts and agreements pertaining to
36 such exhibitions viewed either within or without the State.

1 22. a. There is created and established a non-lapsing dedicated
2 account to be known as the State Athletic Commission Account.
3 The account shall be credited with taxes, revenues and penalties
4 collected pursuant to this act.

5 b. Amounts received, receivable or anticipated from date of
6 enactment shall be appropriated, notwithstanding the provision of
7 P. L. 1976, c. 67 (C. 52:9H-5 et seq.), to fund the necessary
8 expenses of the State Athletic Commission in the performance of
9 the functions, duties and powers of that office upon the certification
10 of the commission.

11 c. To the extent that moneys are available beyond those funds
12 necessary to meet the costs of section 23b., the commission shall
13 determine at the close of each fiscal year an appropriate amount
14 to be returned to the General Fund for general State purposes.

15 d. There shall be made available from the General Fund such

16 additional amounts, as may be required to carry out the provisions
 17 of this act.

1 23. a. Every promoter shall, within seven days, exclusive of
 2 Saturdays, Sundays and legal holidays, after the conclusion of an
 3 exhibition, event, performance or contest thereof furnish to the
 4 commission at such place as it may prescribe, a duly verified written
 5 report of the exact amount of tickets either sold or issued as
 6 complimentary tickets for such exhibition, event, performance or
 7 contest, the gross proceeds thereof and such other matters as the
 8 commission may prescribe.

9 b. The commission shall determine and fix the number of
 10 complimentary tickets for each exhibition, event, performance or
 11 contest. All complimentary tickets must include upon the face of the
 12 ticket the price of the ticket and printed or otherwise labelled as a
 13 complimentary ticket. The price shall be deemed to be the value
 14 of each ticket of the same kind for which the ticket normally would
 15 be offered for sale if it was not issued as a complimentary ticket.
 16 It shall be a crime of the fourth degree to sell, offer to sell or receive
 17 with the intent to sell a ticket which was originally issued as a
 18 complimentary ticket.

19 c. Every promoter shall, within seven days, exclusive of Satur-
 20 days, Sundays and legal holidays, after the conclusion thereof, pay
 21 to the commission a tax of 10% of the total gross receipts from the
 22 sale of tickets and 10% of the face value of all tickets issued as
 23 complimentary tickets; and, in addition thereto, a tax of 5% on
 24 any moneys received by reason of the lease or sale of television,
 25 including cable television, and closed-circuit television, moving
 26 pictures or radio rights in connection with any such exhibition or
 27 performance. When a boxing or wrestling performance is held at
 28 which a championship title is at stake, the aforementioned tax of
 29 10% of the total gross receipts from the sale of tickets of admission
 30 and of the price value of all tickets shall be reduced to 5%. In
 31 addition, the tax of 10% on all other moneys received in connection
 32 with such a championship event shall be:

	<i>Moneys Received</i>	<i>Amount of Tax</i>
33	Up to \$50,000	5%
34	\$50,000-\$150,000	3%
35	\$150,000-\$250,000	2%
36	\$250,000 and above	1%

37 d. The total amount of gross receipts from any such exhibition
 38 or performance including those derived from the sale or lease of
 39 television, moving pictures and radio rights and the total amount
 40 of tax due hereunder shall be provided to the commission for review

41 and determination. For this purpose the commission may examine,
 42 or cause to be examined, the books and records of any person and
 43 hold a hearing.

44 e. Should any person being liable for the tax imposed, fail to
 45 pay same, an action in the name of the commission may be main-
 46 tained in any court of competent jurisdiction, to be prosecuted by
 47 the Attorney General, in addition to any remedies given by the
 48 bond filed in accordance with section 19 of this act, which actions
 49 and remedies may be pursued simultaneously or in any order which
 50 the commission may see fit.

1 24. A licensee may use only tickets obtained from a printer
 2 licensed by the commission. The commission is authorized to issue
 3 licenses to printers for the purpose of this act and for the prevention
 4 of fraud and to prescribe rules and regulations governing such
 5 issuance and may for cause revoke the same. Such tickets shall be
 6 printed and made in such form as the commission shall prescribe.
 7 All licenses hereunder shall be for a period of one year unless
 8 sooner revoked for cause. At the time of the application for such
 9 license, the applicant shall execute and file with the commission a
 10 bond to the State of New Jersey in the sum of not less than
 11 \$10,000.00 in proper form and with sureties thereon satisfactory to
 12 the commission, which bond shall be conditioned for compliance
 13 with the provision of the license.

1 25. a. A licensee holding a boxing exhibition or performance may
 2 add to the price of each ticket sold for a professional boxing
 3 exhibition or performance an amount specifically designated by
 4 him on the ticket for contribution as a donation either to the
 5 pension plan established pursuant to section 36 of this act or to the
 6 disability insurance program established pursuant to section 34 of
 7 this act. The additional amount shall be added to all the tickets to
 8 be sold for the exhibition or performance involved.

9 b. At the time of payment of the admissions tax required, the
 10 licensee shall pay to the commission any amounts collected pursuant
 11 to subsection a. of this section.

12 c. Where not otherwise specifically designated by the licensee,
 13 amounts collected pursuant to this section shall be allocated equally
 14 for support of the pension and the disability insurance programs.

15 d. Any amounts received pursuant to this section may be
 16 considered by the commission to reduce all of the allocations
 17 required, but no such amounts donated shall be considered to offset
 18 the donor's allocation or any other person's allocation otherwise
 19 required of him.

1 26. a. The Attorney General is authorized to investigate and

2 prosecute any allegation of criminal or civil violations pertaining
3 to any boxing, wrestling or martial art exhibition, event, perfor-
4 mance or contest which is held at or sponsored by any person or
5 entity licensed pursuant to the "Casino Control Act," P. L. 1977,
6 c. 110 (C. 5:12-1 et seq.).

7 b. The identities of all recipients of complimentary tickets to
8 any boxing, wrestling or martial art exhibition, event, performance
9 or contest which is held at or sponsored by a person or entity
10 licensed pursuant to the "Casino Control Act," P. L. 1977, c. 110
11 (C. 5:12-2 et seq.) shall within 72 hours after the conclusion of the
12 exhibition, event, performance or contest be reported to both the
13 commission and the Division of Gaming Enforcement of the
14 Department of Law and Public Safety.

15 c. All contracts or agreements entered into by any person or
16 entity licensed pursuant to the "Casino Control Act," P. L. 1977,
17 c. 110 (C. 5:12-1 et seq.) and any promoter, sponsor or participant
18 in any boxing, wrestling or martial art exhibition, event, perfor-
19 mance or contest shall be made available for inspection upon
20 request by either the commission or the Attorney General; all such
21 exhibitions, events, performances or contests and all such contracts
22 or agreements, shall be governed as if the exhibition, event, perfor-
23 mance or contest took place in a casino hotel facility. The Attorney
24 General is also authorized to examine any contract or agreement
25 relating to the televising of any boxing, wrestling or martial art
26 exhibition, which is supplied to the commission pursuant to this
27 section.

28 d. Every event, performance or contest in a casino hotel licensed
29 pursuant to the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1
30 et seq.) shall be subject to licensure in accordance with the "Casino
31 Control Act, P. L. 1977, c. 110 (C. 5:12-1 et seq.).

1 27. The commission shall establish a list of physicians who are
2 willing and able to perform the medical services required by this
3 act. The list shall be drawn from those physicians recommended
4 by the board pursuant to subsection a. of section 9 of this act. The
5 commission shall assign a physician from the list to attend every
6 boxing exhibition or performance.

1 28. a. In addition to any other examination required by law, rule,
2 or regulation, if a boxer is scheduled to participate in a boxing
3 exhibition or performance, he shall be examined by the attending
4 physician on the day of the exhibition or performance. The
5 examination shall include procedures for examining boxers recom-
6 mended by the board pursuant to section 9 of this act. If the
7 attending physician determines that a boxer is physically or

8 mentally unfit to proceed, the physician shall promptly notify the
9 commission or its representative, who shall immediately cancel the
10 exhibition or performance. The results of a boxer's pre-fight
11 physical shall be put into writing by the attending physician, signed
12 by him, and filed with the commission no more than 24 hours after
13 the termination of the exhibition or performance.

14 b. Immediately after the conclusion of a boxing contest or
15 exhibition, the attending physician shall examine each boxer in the
16 contest and file a written report to the commission no later than
17 24 hours after the termination of the exhibition or performance.

18 c. The report of each examination required under subsections
19 a. and b. of this section shall include specific comments on the
20 condition of the heart, eyes, nerves, and brain of the boxer.

1 29. a. No boxing or sparring exhibition or performance shall be
2 of more than fifteen rounds in length. The contestants shall wear,
3 during any such exhibition or performance, gloves weighing at least
4 eight ounces each. In addition, for one year after the effective date
5 of this act, the gloves shall be thumbless, except for main events
6 and championship matches. Prior to the conclusion of the one-year
7 period, the commission shall study the effects on boxing and on
8 boxers of the use of the thumbless gloves and shall decide whether
9 to continue its use. If the commission decides in favor of the use of
10 the thumbless glove, all gloves used thereafter shall be thumbless.

11 b. A boxing exhibition or performance may be terminated by
12 the attending physician if he determines that one of the contestants
13 is physically or mentally unfit to proceed.

1 30. a. No decision shall be given in any boxing, wrestling or
2 sparring contest unless the title of the division, class or grade to
3 which the contestants belong shall be at stake or unless in the
4 judgment of the commission such contest should be a decision
5 contest. In any decision contest, the decision shall be rendered by
6 the referee immediately upon the conclusion of the contest, but the
7 commission may, whenever it deems it desirable, designate two
8 judges appointed by him who, with the referee, and by a majority
9 vote thereof shall render a decision in any such contest.

10 b. Notwithstanding the provisions of subsection a. to the con-
11 trary, the score for each round in a boxing exhibition or performance
12 shall be posted immediately after the conclusion of the round and
13 prior to the commencement of the next round. The score shall be
14 recorded in a manner that provides visibility of the score by the
15 audience at the exhibition or performance.

1 31. A person promoting a boxing match shall have no financial
2 dealings, directly or indirectly, with a fight manager or a boxer

3 who is engaged in a match promoted by the person, nor shall such a
4 person promote a boxing match in which the fight manager or the
5 boxer is a member of the immediate family of the promoter. For
6 the purposes of this section, "immediately family" means parent,
7 child, sibling, spouse, or spouse of a child or sibling.

1 32. No official or appointee of the commission who receives
2 compensation for the performance of duties at a boxing exhibition
3 or performance shall be paid in cash. Payment for those services
4 shall be only by check issued by the commission.

1 33. The commission shall make periodic inspections of the
2 training facilities where sparring matches occur to insure that a
3 boxer who is receiving compensation to spar is properly licensed.

1 34. The commission shall promulgate rules and regulations
2 requiring a disability insurance program for each professional
3 boxer, which shall provide minimum financial benefits during
4 periods of disability caused in a professional boxing contest held
5 in this State. The cost of the disability insurance program shall be
6 equitably allocated by the commission among boxers, managers, and
7 promoters. In making such allocation, the commission shall con-
8 sider, but not be limited in its consideration to, the relative profits
9 derived from a boxing contest by the professional boxer, his man-
10 ager, and the promoter. The insured shall be the beneficiary of the
11 policy.

1 35. a. Upon application at any time to the commission by any
2 professional boxer who engages in boxing contests in this State, the
3 commission shall establish a separate trust fund for the boxer.
4 Contributions shall be made by the professional boxer to the trust
5 fund until the trust fund is terminated pursuant to this section.
6 The commission shall order the promoter of a professional boxing
7 contest or exhibition to withhold a sum established by the com-
8 mission, by regulation, not to exceed 10% of the professional boxer's
9 share of a purse for which the professional boxer is competing, if
10 the boxer's share of such purse is not less than \$200.00 nor more
11 than \$1,000.00, or not to exceed 15% of the professional boxer's
12 share of a purse for which the professional boxer is competing if
13 the boxer's share of the purse exceeds \$1,000.00. A professional
14 boxer may, at his option, contribute to the trust fund established
15 for him at a higher rate than that established in this subsection
16 in order to receive higher benefits from the fund.

17 b. The trust funds shall be under the supervision of the com-
18 mission, which shall act as trustee, and the commission shall adopt
19 rules and regulations to effectuate the provisions of this section.

20 c. The commission or its designee shall invest the moneys

21 contained in the trust funds as other trust funds of the State are
22 invested, and all earnings therefrom shall be accumulated and
23 added to the principal of each fund. All moneys in each fund shall
24 be accumulated until the professional boxer who is the beneficiary
25 of the fund dies, or has his license revoked, or retires and has been
26 inactive as a professional boxer for a period of one year com-
27 mencing with the date of retirement, at which time the commission
28 shall remit to him, or his heirs, as the case may be, all funds
29 contained in his trust fund.

30 d. The corpus of any trust fund may be invaded before the
31 boxer's retirement or license revocation upon a showing to the
32 commission of extraordinary circumstances, as approved by the
33 commission.

34 e. The commission shall have sole jurisdiction and supervision
35 of the trust funds provided for in this section.

1 36. a. The commission shall establish a pension plan for profes-
2 sional boxers who engage in boxing contests in this State.

3 b. The commission shall establish a schedule of contributions
4 to finance the pension plan to be paid by professional boxers,
5 managers, and promoters on an equitable basis, as determined by
6 the commission, in an amount sufficient to finance the pension plan.
7 In establishing the schedule, the commission shall consider, but not
8 be limited in its consideration to, the relative profits derived from
9 a boxing contest by the professional boxer, his manager, and the
10 promoter. A professional boxer may, at his option, contribute to
11 the pension plan established by this section at a higher rate than
12 that established by the commission in order to receive greater
13 benefits from the plan.

14 c. Any pension plan established by the commission shall be
15 actuarially sound.

16 d. Except as otherwise provided in this section, the commission
17 or its designee shall invest the money contained in the pension
18 account as other trust funds in the State are invested. The
19 commission or its designee may also invest money from the account
20 in group annuity contracts.

1 37. Any person violating any of the provisions of this chapter
2 for which no specific penalty or other remedy is provided, or in
3 any way aiding, abetting or assisting in such violation, shall be
4 liable to a penalty of \$1,000.00.

1 38. The provisions of this act shall not apply with respect to a
2 boxing, wrestling or martial art exhibition, event, performance or
3 contest in which school pupils or instructors are the only partici-
4 pants; provided, however, that this exemption shall apply only to a

5 performance or exhibition conducted under the direct supervision
6 and control of the board of education of a school district, or the
7 person in authority of a teachers' training school or other
8 institution under the control of the Commissioner of Education
9 and the State Board of Education, or the board, body or person
10 in authority of a duly constituted private or parochial school, a
11 college or university.

1 39. This act shall not affect the orders, rules and regulations
2 heretofore made or promulgated by the State Athletic Commis-
3 sioner, but such orders, rules and regulations shall continue with
4 full force and effect until amended or repealed by the commission.

1 40. Whenever the term "State Athletic Commissioner" occurs
2 or any reference is made thereto in any existing law, contract or
3 document, the same shall be deemed to mean or refer to the
4 commission.

1 41. This act shall not affect actions or proceedings, civil or
2 criminal, brought by or against the State Athletic Commissioner
3 and pending on the effective date hereof, and such actions and
4 proceedings may be prosecuted or defended in the same manner and
5 to the same effect by the commission as if the foregoing provisions
6 affect any order or recommendation made by, or other matters or
7 proceedings before, the State Athletic Commissioner, and all
8 subject matters and proceedings pending on the effective date of
9 this act shall be continued before the commission.

1 42. Nothing in this act shall affect the validity of any license
2 heretofore issued to any person by the State Athletic Commissioner,
3 but all persons holding such licenses shall in all other respects be
4 subject to the provisions of this act.

1 43. Section 2 of P. L. 1947, c. 71 (C. 40:48-8.16) is amended to
2 read as follows:

3 2. As used in this act:

4 "Retail sale" or "sale at retail" means and includes

5 (1) Any sale in the ordinary course of business for consumption
6 of whiskey, beer or other alcoholic beverages by the drink in
7 restaurants, cafes, bars, hotels and other similar establishments;

8 (2) Any cover charge, minimum charge, entertainment, or other
9 similar charge made to any patron of any restaurant, cafe, bar,
10 hotel or other similar establishment;

11 (3) The hiring, with or without service, of any room in any
12 hotel, inn, rooming or boarding house;

13 (4) The hiring of any rolling chair, beach chair or cabana; and

14 (5) The granting or sale of any ticket, license or permit for
15 admission to any theatre, moving picture exhibition or show, pier,

16 exhibition, or place of amusement, *except charges for admission to*
 17 *boxing, sparring, wrestling, or martial arts events, matches, or*
 18 *exhibitions, which charges are taxed as provided in section 23 of*
 19 *P. L. , c. (C.) (now pending before the*
 20 *Legislature as Assembly Bill No. 2353 of 1984).*

21 “Vendor” means any person selling or hiring property or
 22 services to another person upon the receipts from which a tax is
 23 imposed.

24 “Purchaser” means any person purchasing or hiring property
 25 or services from another person, the receipts from which are tax-
 26 able.

1 44. The following are repealed:

2 R. S. 5:2-1 through 5:2-19; P. L. 1948, c. 247 (C. 5:2-13.1 et seq.);
 3 P. L. 1948, c. 255 (C. 5:2-20 et seq.); Sections 4 through 9 and
 4 sections 18 and 19 of P. L. of 1948, c. 445 (C. 52:16A-4 through 9
 5 and 16A-18 and 19); P. L. 1972, c. 95 (C. 52:17B-140 et seq.).

1 45. This act shall take effect on the 180th day following enactment,
 2 except that before that date, the appointments authorized by this
 3 act may be made, and the administrative steps may be taken for
 4 the purpose of assuring the timely implementation of this act.

STATEMENT

This bill revises the statutes governing the regulation of boxing,
 wrestling, and the martial arts and repeals the existing law.

ASSEMBLY INDEPENDENT AUTHORITIES AND
COMMISSIONS COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2353

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1984

This bill makes a comprehensive reform of the statutes governing boxing and wrestling in New Jersey and adds regulation of professional martial arts exhibitions, events, performances, and contests.

A three-member State Athletic Control Board is created to replace the present State Athletic Commissioner. The board has "sole discretion, management, control and supervision over all public boxing, wrestling and martial arts exhibitions, events, performances, and contests." A commissioner is appointed by the board to be the chief executive officer of the board and to assist the board and implement its policies.

A seven-member State Athletic Control Board Medical Advisory Council is created to prepare regulations and standards for the physical and mental examination of participants in boxing, wrestling, and martial arts contests. The board also is to recommend qualified physicians to conduct the physical examinations of participants and to review annually the physicians' credentials and performance.

Among the provisions of the bill are:

1. The requirement that all promoters; boxers, wrestlers, martial arts contestants, their managers, scorers, and trainers; booking agents; and ring officials be licensed;
2. The requirement that the board adopt rules and regulations for an extensive medical examination prior to licensure and the renewal of a license;
3. The requirement that the board adopt rules and regulations for the issuance of a passport book containing specified information to each licensed boxer;
4. The creation of a State Athletic Control Board Account to fund the expenses of the commission;
5. The establishment of a fee and tax rate structure;
6. The requirement that the score for each round in boxing events be provided to the commissioner or his designee after each round;
7. The prohibition on paying officials and appointees of the commission in cash for performing duties at a boxing match;

8. The prohibition on a promoter having financial dealings with a manager or boxer who is engaged in an event promoted by the promoter, or a promoter promoting a boxing event in which the manager or boxer is a member of his immediate family, unless disclosure is made prior to the event;

9. The establishment of a commission to study and make recommendations concerning disability, pension, and other benefits for professional boxers; and

10. The conduct of a study into the advisability of the use of thumbless gloves in boxing events.

The committee reported the bill favorably.

SENATE STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 2353

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 1985

This bill makes a comprehensive reform of the statutes governing boxing and wrestling in New Jersey and adds regulation of kick boxing and combative sports exhibitions, events, performances, and contests.

A three-member State Athletic Control Board is created to replace the present State Athletic Commissioner. The board has "sole discretion, management, control and supervision" over all public boxing, wrestling, kick boxing and combative sports exhibitions, events, performances, and contests. A commissioner is appointed by the board to be the chief executive officer of the board and to assist the board and implement its policies.

A seven-member State Athletic Control Board Medical Advisory Council is created to prepare regulations and standards for the physical and mental examination of participants in boxing, wrestling, kick boxing, and combative sports contests. The board also is to recommend qualified physicians to conduct the physical examinations of participants and to review annually the physicians' credentials and performance.

Among the provisions of the bill are:

1. The requirement that all promoters; boxers, wrestlers, kick boxers and combative sports contestants, their managers, scorers, and trainers; booking agents; and ring officials be licensed;
2. The requirement that the board adopt rules and regulations for an extensive medical examination prior to licensure and the renewal of a license;
3. The requirement that the board adopt rules and regulations for the issuance of a passport book containing specified information to each licensed boxer;
4. The creation of a State Athletic Control Board Account to fund the expenses of the commission;
5. The establishment of a fee and tax rate structure;
6. The requirement that the score for each round in boxing events be provided to the commissioner or his designee after each round;

7. The prohibition on paying officials and appointees of the commission in cash for performing duties at a boxing match;

8. The prohibition on a promoter having financial dealings with a manager or boxer who is engaged in an event promoted by the promoter, or a promoter promoting a boxing event in which the manager or boxer is a member of his immediate family, unless disclosure is made prior to the event;

9. The establishment of a commission to study and make recommendations concerning disability, pension, and other benefits for professional boxers; and

10. The conduct of a study into the advisability of the use of thumbless gloves in boxing events.

The committee amended the bill to:

1. delineate kick boxing, combative sports and the martial arts;

2. reduce the salary of board members from \$10,000.00 to \$5,000.00;

3. stipulate that the Governor, with the advice and consent of the Senate, shall designate the chairman of the board;

4. remove the provision that the State Athletic Control Board Medical Advisory Council is not subject to the provisions of the "Open Public Meetings Act";

5. change the section of the bill concerning the board's investigatory and immunity powers; and

6. clarify the reporting of complimentary tickets given by casinos to contests.

The committee did not amend section 34 of the bill since its provisions are intended to supersede the provisions of P. L. 1984, c. 248.

Marked on
the SCA of the
same day

R-25
1/31/85 J.H.
JH

Senate Amendments

by
Senator Jackman
to

Assembly Bill No. 2353ACS SCA
by (typed copy)

Assemblyman Fortunato

ADOPTED

JAN 31 1985

ADOPTED

JAN 21 1985

Amend:

Page	Sec.	Line
3	3	21

Omit "\$5,000.00" insert "\$10,000.00"

STATEMENT

This amendment provides that members of the State Athletic Control Board shall receive an annual salary of \$10,000.00 instead of \$5,000.00.

Note to printer: Set this change right behind the opposite change in the SCA, but with XX surrounding and the footnote on bottom of page one of the Senate Reprint will show one star for the SCA adopted on 1/31/85 and two stars for the Senate amendments adopted on the same day, but go directly to a Senate Reprint incorporating both.



REC'D APR 5 1985

OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: PAUL WOLCOTT
609-292-8956

TRENTON, N.J. 08625

Release: FRIDAY, MARCH 15, 1985

Governor Thomas H. Kean today signed legislation reforming New Jersey's regulation of the boxing industry.

The bill, A-2353, was sponsored by Assemblyman A. Joseph Fortunato, D-Essex and was originally proposed by Assemblyman William P. Schuber, R-Bergen.

The bill creates a State Athletic Control Board consisting of three members, appointed by the Governor with the advice and consent of the State Senate. The Board is empowered to license boxers, promoters and managers.

The bill also creates a Medical Advisory Council, consisting of seven members appointed by the Governor. All are to be licensed doctors, dentists or osteopaths. The Council will recommend rules and standards for pre-fight, post-fight and periodic comprehensive medical examinations.

The bill also imposes a tax on the gross receipts of a fight, and on the broadcast receipts of any broadcast of a fight. Revenues from the tax will fund the activities of the Athletic Control Board and the Medical Advisory Council.

The Governor also signed legislation appropriating \$1.4 million to provide scholarships to New Jersey high school seniors under the Distinguished Scholars Program.

The bill, S-2371, was sponsored by State Senator John F. Russo, D-Ocean.

- more -