

2019 Regular Session

HOUSE BILL NO. 405

BY REPRESENTATIVE AMEDEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BOARDS/COMMISSIONS: Provides relative to the deregulation of professional wrestling

1 AN ACT

2 To amend and reenact the heading of Chapter 3 of Title 4 of the Louisiana Revised Statutes

3 of 1950, R.S. 4:61(A),(B), and (E), 63(C), 64, 65(A), (B), and (C)(3), (4), and (5),

4 66(A), 67(C)(1), 70(A) and (B), 71, 75, 76, 81.1(A), 82, 82.1(A), 83, 85(3) and (4),

5 R.S. 14:102.11(B), R.S. 36:4.1(D)(12), and R.S. 37:36(E)(1)(g) and to repeal R.S.

6 4:61(G) and 85(7) and (8), relative to the State Boxing and Wrestling Commission;

7 to remove professional wrestling from the authority of the State Boxing and

8 Wrestling Commission; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. The heading of Chapter 3 of Title 4 of the Louisiana Revised Statutes of

11 1950 and R.S. 4:61(A),(B), and (E), 63(C), 64, 65(A), (B), and (C)(3), (4), and (5), 66(A),

12 67(C)(1), 70(A) and (B), 71, 75, 76, 81.1(A), 82, 82.1(A), 83, 85(3) and (4) are hereby

13 amended and reenacted to read as follows:

14 CHAPTER 3. BOXING ~~AND WRESTLING~~

15 §61. State Boxing ~~and Wrestling~~ Commission; domicile; authority

16 A. There is hereby created a State Boxing ~~and Wrestling~~ Commission within

17 the office of the governor. It shall consist of seven members, all of whom shall be

18 appointed by the governor to serve at the pleasure of the governor making the

19 appointment. Five members appointed by the governor shall be appointed, one from

1 each Public Service Commission district and two from the state at large. Each  
 2 appointment by the governor shall be submitted to the Senate for confirmation. The  
 3 governor shall designate one member as chairman, one member as secretary, and one  
 4 member as vice chairman. The secretary shall execute a bond of five thousand  
 5 dollars, in favor of the state treasurer, for the faithful performance of the duties of his  
 6 office. The premium of this bond shall be paid out of the commission funds.

7 B. The commission has sole and full discretion, authority, management,  
 8 regulation, and control of all professional boxing; and mixed technique events, ~~and~~  
 9 ~~wrestling contests~~ held, conducted, or given within this state, and such other powers  
 10 and duties specified in this Chapter, and all other powers necessary and proper to  
 11 enable it to execute fully and effectively all of the objects, purposes, duties, and  
 12 policies of this Chapter. The commission shall have power in its discretion to  
 13 declare forfeited the prize, remuneration, or purse, or any part thereof, belonging to  
 14 the contestants or one of them, or the share thereof of any manager if, in its  
 15 judgment, such contestant or contestants are not honestly competing or the contestant  
 16 or manager of a contestant, as the case may be, has committed an act in the premises  
 17 in violation of any rule, order, or regulation of the commission.

18 \* \* \*

19 E. All members of the commission shall be persons of good moral character.  
 20 No member of the commission shall be connected with professional or amateur  
 21 boxing ~~or wrestling~~ either as promoter, associate promoter, agent, employee,  
 22 manager, publicity agent or professional better, second, or fighter ~~or wrestler~~ during  
 23 his tenure as a member of the commission.

24 \* \* \*

25 §63. Duties and authority of secretary of commission

26 \* \* \*

27 C. The secretary or his duly authorized representative shall keep a record of  
 28 the receipts at professional boxing ~~and wrestling~~ contests or exhibitions.

## 1 §64. Rules and regulations

2 The commission may make rules and regulations governing all boxing; and  
3 mixed technique events, ~~and wrestling~~ contests, or exhibitions under its jurisdiction,  
4 the sale of tickets at such contests or exhibitions, the promoters of such contests or  
5 exhibitions, and the contestants, their seconds and managers in such contests or  
6 exhibitions, and all other rules and regulations as the commission, in its discretion,  
7 deems necessary to carry out the purposes of this Chapter. Should any case occur  
8 which may not be covered in this Chapter or by the rules and regulations of the  
9 commission, it shall be determined by the commission, but only insofar as such  
10 determination is consistent with justice, the best interests of boxing; and mixed  
11 technique ~~event~~ events, ~~and wrestling~~ and with the powers and authority granted by  
12 this Chapter. A copy of the pertinent rules and regulations of the commission shall  
13 be furnished to the contestants or their managers in contests or exhibitions subject  
14 to the jurisdiction of the commission. No such contest or exhibition shall be  
15 conducted, held, or given except in accordance with the provisions of this Chapter  
16 and the rules and regulations of the commission, provided that no such boxing  
17 contest or exhibition shall exceed twenty rounds.

## 18 §65. Licenses; fees; bond

19 A.(1) The commission may issue a promoter's license to hold, conduct, or  
20 give boxing, or mixed technique ~~event~~, ~~and wrestling~~ events, contests, or exhibitions  
21 to any applicant, including, in the case of corporations, its officers and stockholders,  
22 who, in the discretion of the commission, has the financial responsibility, experience,  
23 character, and general fitness, to be such that the licensing of such applicant will be  
24 consistent with the public interest, convenience, or necessity and with the best  
25 interests of boxing, or mixed technique ~~event~~, ~~or wrestling~~ events generally and in  
26 conformity with this Chapter and the rules and regulations of the commission. Such  
27 licenses shall be issued for the calendar year, and the commission may require  
28 applicants therefor to submit their applications prior to the commencement of the  
29 calendar year. The holding of such a license shall not be construed to grant the

1 licensee a vested right to have the license renewed the following calendar year. The  
2 number of licenses to be issued to hold, conduct, or give boxing, or mixed technique  
3 ~~event, or wrestling~~ events, contests, or exhibitions in any particular parish shall be  
4 determined by the commission, in its discretion consistent with the public interest,  
5 convenience, or necessity and with the best interests of boxing or ~~wrestling~~ mixed  
6 technique events generally.

7 (2) Before any such license is granted, the applicant shall execute and file  
8 with the State Boxing ~~and Wrestling~~ Commission a bond of five thousand dollars in  
9 favor of the Louisiana State Boxing ~~and Wrestling~~ Commission as a security of good  
10 faith and ability to abide by the terms and provisions of this Chapter, for which the  
11 commission secretary shall issue to the applicant a certificate of its filing and  
12 approval. In lieu thereof, a certified check will be acceptable, which amount shall  
13 be kept on deposit by the secretary for the duration of the license period. This bond  
14 may be increased by the commission before approving the holding, conducting, or  
15 giving of any boxing, or mixed technique event, ~~or wrestling~~ exhibition, or contest,  
16 based upon the seating capacity of the hall or facility where ~~said~~ the event, contest,  
17 or exhibition is to be conducted. The following schedule shall govern the amount  
18 of the additional bond that may be required to be posted with the commission for the  
19 holding, conducting, or giving of a boxing, or mixed technique event, ~~or wrestling~~  
20 contest, or exhibition:

21 BOND REQUIREMENTS

22	SEATING CAPACITY	BOND
23	(1) 0 to 999.....	\$ 5,000.00
24	(2) 1,000 to 2,999.....	\$ 15,000.00
25	(3) 3,000 to 5,999.....	\$ 30,000.00
26	(4) 6,000 to 9,999.....	\$ 40,000.00
27	(5) 10,000 or above.....	\$ 50,000.00

28 (3) The commission may require a bond from clubs, with security, for the  
29 faithful performance of all contracts entered into and approved by the commission.

1 At the discretion of the commission, the amount of the performance bond required  
2 of a club may equal, but shall not exceed, the total amount of all professional boxing  
3 contracts entered into by that club. In lieu thereof, a certified check will be  
4 acceptable. This bond shall be in addition to the bond of between five thousand  
5 dollars and fifty thousand dollars hereinabove required.

6 ~~(4) Notwithstanding any other provision of this Subsection, the commission~~  
7 ~~shall not require the furnishing of any bond for a professional wrestling promoter~~  
8 ~~who, during the calendar year the promoter's license is granted, promotes exclusively~~  
9 ~~events authorized by R.S. 4:83(B).~~

10 B. The commission may charge the following fees for licenses:

- 11 (1) ~~Wrestling and mixed~~ Mixed technique event promoters. . . . . \$ 250.00
- 12 (2) Boxing promoters. . . . . \$ 500.00
- 13 (3) Matchmakers. . . . . \$ 250.00
- 14 (4) Referees. . . . . \$ 25.00
- 15 (5) Managers. . . . . \$ 25.00
- 16 (6) Announcers. . . . . \$ 25.00
- 17 (7) Professional boxing contestants in main bouts. . . . . \$ 25.00
- 18 (8) Seconds. . . . . \$ 25.00
- 19 (9) ~~Professional wrestling contestants~~ Other licenses. . . . . \$ 25.00
- 20 ~~(10) Other licenses. . . . . \$ 25.00~~

21 C. The commission may for cause, and after a hearing, revoke or suspend any  
22 license issued under the provisions of this Chapter, or may fine the holder of such  
23 license the sum of not more than one thousand dollars, or both, for any of the  
24 following reasons:

25 \* \* \*

26 (3) Finding that the licensee has committed an act detrimental to the interests  
27 of boxing, or mixed technique event, or wrestling events generally or to the public  
28 interest, convenience, or necessity.

1 (4) Finding that the licensee has been guilty of or attempted any fraud or  
2 misrepresentation in connection with boxing, or mixed technique event, ~~or wrestling~~;  
3 or events.

4 (5) Finding that a licensee is under suspension or has had his boxing, or mixed  
5 technique event, ~~or wrestling~~ license revoked in another jurisdiction.

6 §66. Professional boxing contracts; permits

7 A.(1) Each club licensed to hold, conduct, or give professional boxing contests  
8 or exhibitions shall furnish signed contracts to the commission as follows:

9 ~~(1)~~ in(a) In the case of main event boxers, six days before the contest or  
10 exhibition; ~~and~~

11 ~~(2)~~ in(b) In the case of preliminary boxers, four days before the contest or  
12 exhibition.

13 (2) No ~~such~~ licensed promoting club, matchmaker, manager, or boxer, ~~or~~  
14 ~~wrestler~~, may publicly announce or advertise that ~~any~~ a bout or exhibition will take  
15 place unless ~~such~~ the bout or exhibition has been formally approved by the  
16 commission.

17 \* \* \*

18 §67. Gross receipts tax; disbursements

19 \* \* \*

20 C.(1) The taxes provided for by this Section shall constitute a special fund,  
21 which shall be disbursed as provided in this Chapter. The commission shall receive  
22 the following salaries: the chairman shall receive a salary of ten thousand dollars per  
23 annum; the vice chairman shall receive a salary of six thousand four hundred dollars  
24 per annum; the secretary shall receive a salary of seven thousand two hundred dollars  
25 per annum; the four other members of the commission each shall receive a salary of  
26 four thousand three hundred dollars per annum, said salaries to be paid from the  
27 monies available in the special fund. If the money available in the special fund is  
28 insufficient to pay the maximum salaries herein authorized, such salaries shall be  
29 reduced proportionately and paid in such amounts as will not exceed the funds

1 available in the special fund. Notwithstanding any other provision of this Section,  
2 any commissioner who is required to travel to attend, organize, or oversee any  
3 boxing event, or mixed technique event, ~~or wrestling event~~ shall be entitled to the  
4 payment of a per diem of eighty dollars per day, such amount being immediately due  
5 and payable to the commission member at the time of the given event.

6 \* \* \*

7 §70. Physicians and emergency medical personnel

8 A. For each boxing, or mixed technique, ~~or professional wrestling~~ event, the  
9 promoter shall appoint a physician, determined by the commission to be competent  
10 and of good standing, who shall examine each contestant before the contestant enters  
11 the ring, and who shall say whether the contestant is in physical condition to  
12 participate as advertised. The physician shall be present at the ringside. The  
13 physician shall render such advice or service as the commission requests. The fees  
14 of the physician for each individual event shall be paid by the club promoting the  
15 event and shall be reasonable and customary for the size and location of the event.

16 B. Each club promoting a boxing, or mixed technique, ~~or professional~~  
17 ~~wrestling~~ event shall pay for and obtain the attendance of emergency medical  
18 personnel to include no less than two attendants and an ambulance which shall be in  
19 attendance throughout each event.

20 \* \* \*

21 §71. Buildings and structures; exceeding seating capacity in sale of tickets or  
22 issuance of invitations

23 All buildings or other structures used for the purposes of this chapter shall be  
24 properly ventilated and provided with exits and fire escapes conforming with the  
25 laws, ordinances, and regulations of the city or parish. No club shall hold, conduct,  
26 or give a boxing ~~or wrestling~~ contest or exhibition unless a certificate of the safety  
27 of the building or other structure has been issued by the city engineer and fire  
28 inspector. Any club which sells or causes to be sold more tickets, or gives out more  
29 invitations, than the seating capacity of the building, structure, or arena, shall for the

1 first offense be fined three hundred dollars and for a second offense five hundred  
2 dollars. The commission shall recover this money in the manner provided for in this  
3 chapter. For a second offense the club also forfeits its license.

4 \* \* \*

5 §75. Sham or fake contests or exhibitions

6 Whoever conducts or is a party to any sham or fake boxing contest or mixed  
7 technique event shall forfeit his license and shall not thereafter be entitled to receive  
8 any license pursuant to the provisions of this Chapter. Such person or persons shall  
9 be subject to fines as set forth in R.S. 4:65(C). ~~Participants in a professional~~  
10 ~~wrestling event are exempt from the provisions of this Section.~~

11 §76. Shamming or faking by contestants

12 Any contestant who is guilty of a sham or fake boxing contest or mixed  
13 technique event shall for the first offense be suspended immediately for a period of  
14 six months from participation in any contest in this state and for the second offense  
15 shall be totally disqualified from further participation in any contest given by any  
16 club licensed for that purpose. The referee, after warning three times the contestant  
17 he believes to be shamming or faking, shall disqualify the contestant and award the  
18 decision to the opposing contestant and shall, moreover, prefer charges against the  
19 disqualified contestant before the commission. In such event, the club shall turn over  
20 to the secretary of the commission all monies payable to the disqualified contestant.  
21 If the referee believes both contestants to be shamming, he shall, after warning both  
22 contestants three times, disqualify them and call the event "no contest", and prefer  
23 charges before the commission against both contestants. In such cases the club shall  
24 refund to all persons in exchange for their seat coupons sixty percent of the face  
25 value of such coupons if the contest declared "no contest" is that scheduled and  
26 advertised as the main event and feature attraction, but the tax levied under this  
27 Chapter shall be paid to the commission as in all other contests or exhibitions, and  
28 the balance shall be retained by the club to cover its expenses in promoting the

1 contest or exhibition. ~~Participants in a professional wrestling event are exempt from~~  
2 ~~the provisions of this Section.~~

3 \* \* \*

4 §81.1. Tough-man contest; prohibition

5 A. For the purposes of this Chapter, "tough-man contest" shall mean any  
6 boxing match, wrestling event, or competition, or combination thereof, between two  
7 or more persons, whether professional or amateur, who use their hands, with or  
8 without gloves, or their feet, or both, in any manner unauthorized by the State  
9 Boxing and Wrestling Commission, and compete for money, financial prize, or any  
10 item of pecuniary or nonpecuniary value or compete at an event where a fee is  
11 charged whereby either participant may obtain pecuniary gain. The term "tough-man  
12 contest" shall not include, nor shall the provisions of this Section apply to any  
13 contest, competition, or exhibition of any of the recognized martial arts including  
14 karate, judo, kung fu, tae kwan do, jujitsu, kickboxing, or any substantially similar  
15 tradition.

16 \* \* \*

17 §82. Noncompliance with Chapter; penalty

18 Whoever conducts, promotes, or in any manner participates in any boxing; or  
19 mixed technique event, ~~or wrestling~~ contest, or exhibition without first complying  
20 with the provisions of this Chapter shall be fined not more than five hundred dollars.

21 §82.1. Noncompliance with Chapter; criminal penalty

22 A. No person shall conduct, promote, or in any manner participate in any  
23 boxing; or mixed technique, ~~or wrestling~~ event or exhibition without the sanctioning  
24 of the commission. Any person violating this Section as a participant, promoter,  
25 judge, or referee shall be guilty of a misdemeanor and, upon conviction, shall be  
26 fined not more than one thousand dollars or imprisoned for not more than six  
27 months, or both.

28 \* \* \*

1        §83. Application of Chapter; ~~professional wrestling events; required notice;~~  
2                exemptions

3                A. The provisions of this Chapter do not apply to amateur contests,  
4 competitions, or exhibitions.

5                B. ~~The provisions of R.S. 4:65(A)(2), 67(A) and (B), 68 through 70, 72, 73,~~  
6 ~~and 79(C) shall not apply to any professional wrestling event provided all of the~~  
7 ~~following conditions are met:~~

8                    (1) ~~The promoter and all participants are licensed pursuant to R.S. 4:65(A)(1)~~  
9 ~~and (B).~~

10                   (2) ~~The venue for the event is either a primary or secondary school gymnasium~~  
11 ~~or has a capacity of four hundred persons or fewer as certified by the state fire~~  
12 ~~marshal.~~

13                   (3) ~~There is present at each event, from the start of the event until the finish~~  
14 ~~of the event, an individual of the full age of majority, who is not a participant in the~~  
15 ~~event, who has documented current certification in Infant/Child/Adult CPR.~~

16                   (4) ~~The promoter secures a commercial liability policy for a minimum of one~~  
17 ~~hundred thousand dollars or provides proof to the secretary of the commission that~~  
18 ~~the venue provides a liability policy in that amount, which policy shall be in full~~  
19 ~~force and effect at the time of the event.~~

20                   (5) ~~All applicable provisions of this Chapter and the rules and regulations for~~  
21 ~~the commission are observed and obeyed during the event.~~

22                   (6) ~~The promoter provides, no less than fifteen days prior to the event, written~~  
23 ~~notice to the secretary of the commission which certifies the compliance with~~  
24 ~~Paragraphs (1) through (5) of this Subsection and includes verifying documents.~~

25                C. ~~The following shall apply to any professional wrestling event conducted~~  
26 ~~pursuant to Subsection B of this Section:~~

27                   (1) ~~The promoter shall not be required by the commission to pay any show~~  
28 ~~date reservation fee nor shall any fee be charged for submission of the written notice~~  
29 ~~required by Paragraph (B)(6) of this Section.~~



1 prize, or any item of pecuniary or nonpecuniary value or compete at an event where  
2 a fee is charged whereby either participant may obtain pecuniary gain. "Tough-man  
3 contest or competition" shall not include, nor shall the provisions of this Section  
4 apply to any contest, competition, or exhibition of any of the recognized martial arts  
5 including karate, judo, kung fu, tae kwan do, jujitsu, kickboxing, or any substantially  
6 similar tradition.

7 \* \* \*

8 Section 3. R.S. 36:4.1(D)(12) is hereby amended and reenacted to read as follows:  
9 §4.1. Agencies transferred from the Department of Economic Development to the  
10 office of the governor; agencies placed within the office of the governor

11 \* \* \*

12 D. The following agencies, as defined in R.S. 36:3, are hereby transferred to  
13 and shall be placed within the office of the governor and shall perform and exercise  
14 their powers, duties, functions, and responsibilities as provided in R.S. 36:803:

15 \* \* \*

16 (12) The State Boxing ~~and Wrestling~~ Commission (R.S. 4:61 et seq.).

17 \* \* \*

18 Section 4. R.S. 37:36(E)(1)(g) is hereby amended and reenacted to read as follows:

19 §36. Exemptions; prohibitions; records; reports

20 \* \* \*

21 E.(1) This Chapter shall not apply to the following licensing entities:

22 \* \* \*

23 (g) The State Boxing ~~and Wrestling~~ Commission.

24 \* \* \*

25 Section 5. R.S. 4:61(G) and 85(7) and (8) are hereby repealed in their entirety.

26 Section 6. The Louisiana State Law Institute is hereby directed to change all  
27 references of the "State Boxing and Wrestling Commission" to the "State Boxing  
28 Commission" where appropriate throughout the Louisiana Revised Statutes of 1950.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 405 Original

2019 Regular Session

Amedee

**Abstract:** Changes the "State Boxing and Wrestling Commission" to the "State Boxing Commission" and removes the commission's authority to regulate professional wrestling.

Present law creates the "State Boxing and Wrestling Commission"(the commission) within the office of the governor which has full and sole discretion, authority, management, regulation, and control of all professional boxing, mixed technique events, and wrestling contests held, conducted, or given within this state. Proposed law changes the name of the commission to the "State Boxing Commission" and removes wrestling from the authority of the commission.

Present law provides that the commission, the individual members of the commission, and the state of La. shall not be liable for damages in any civil action for any wrestling event which is promoted pursuant to present law. Proposed law repeals present law.

Present law provides duties of the commission relating to the regulation of professional boxing, mixed technique events, and professional wrestling. Proposed law retains present law but removes professional wrestling from the subject matter of the commission, and therefore removes all duties as they relate to professional wrestling.

Present law allows the commission to make rules and regulation governing all boxing, mixed technique events, and wrestling contests under its jurisdiction. Proposed law retains present law but removes wrestling events from the subject matter of the commission, and therefore no longer allows the commission to make rules and regulations governing wrestling contests.

Present law allows the commission to issue, suspend, or revoke licenses, collect fees, and require bonds related to holding, conducting, and participating in professional boxing, mixed technique events, and professional wrestling contests or exhibitions. Proposed law retains present law but removes professional wrestling from the subject matter of the commission, and therefore no longer allows the commission to issue, suspend, or revoke licenses, collect fees, or require bonds related to professional wrestling contests or exhibitions.

Present law requires the commission to appoint a physician to examine contestants, be present at ringside, and render advice or services requested by the commission for each professional boxing, mixed technique, or professional wrestling event. Proposed law retains present law but removes professional wrestling from the subject matter of the commission, and therefore removes the requirement that the commission appoint a physician for professional wrestling events.

Present law requires each club promoting a boxing, mixed technique, or wrestling event to pay for and obtain emergency medical personnel and an ambulance to be in attendance at the event. Proposed law retains present law but removes the requirement that each club promoting a wrestling event provide medical personnel and an ambulance.

Present law provides building and structural requirements for clubs holding a boxing or wrestling event. Proposed law retains present law but removes the building and structural requirements for clubs holding wrestling events. Proposed law places these requirements on clubs hosting mixed technique events.

Present law provides for a monetary and criminal penalty for a person who conducts, promotes, or in any manner participates in any boxing, mixed technique, or wrestling event without complying with present law. Proposed law retains present law but removes professional wrestling from the subject matter of the commission, and therefore removes the penalties for a person who conducts, promotes, or participates in any wrestling event without complying with present law.

Proposed law directs the Louisiana State Law Institute to change all references in present law to the "State Boxing and Wrestling Commission" to the "State Boxing Commission".

(Amends the heading of Chapter 3 of Title 4 of the Louisiana Revised Statutes of 1950, R.S. 4:61(A),(B), and (E), 63(C), 64, 65(A), (B), and (C)(3), (4), and (5), 66(A), 67(C)(1), 70(A) and (B), 71, 75, 76, 81.1(A), 82, 82.1(A), 83, 85(3) and (4), R.S. 14:102.11(B), R.S. 36:4.1(D)(12), and R.S. 37:36(E)(1)(g); Repeals R.S. 4:61(G) and 85(7) and (8))