

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 632** Session of
2011

INTRODUCED BY ROBBINS, ALLOWAY, COSTA AND FONTANA,
FEBRUARY 28, 2011

REFERRED TO STATE GOVERNMENT, FEBRUARY 28, 2011

AN ACT

Amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, further providing for duties of State Athletic Commission; in boxing, further providing for age of participants, for gloves and for contracts; in wrestling, further providing for definitions, for physician to be in attendance and for penalties; and, in registration of athlete agents, further providing for bonding requirements.

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

Section 1. Section 103(b) of Title 5 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:

§ 103. Duties of commission.

* * *

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

* * *

(4) May enter into agreements with other states, territories or possessions of the United States or tribal organizations to permit the commission to supervise boxing matches in the other states, territories or possessions or on tribal reservations, in accordance with the Professional

Boxing Safety Act of 1996 (Public Law 104-272, 15 U.S.C. § 6301 et seq.)

Section 2. Sections 702 and 712 of Title 5 are amended to read:

§ 702. Age of participants.

(a) [General rule] Professional contests and exhibitions.--No person under 18 years of age shall be a participant in any professional contest or exhibition.

[(b) Exception.--

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

(2) Any person between 12 and 17 years of age may participate after obtaining written permission from a parent or legal guardian, as well as consent by the executive director.

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

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

(1) Ten and eleven years of age.

(2) Twelve and thirteen years of age.

(3) Fourteen and fifteen years of age.

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

(d) Amateur contests and exhibitions.--Any age restriction or requirement for amateur boxer participation in any amateur contest or exhibition shall conform with local amateur association rules as approved by the commission.

§ 712. Gloves.

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

(1) One hundred sixty pounds or under, boxing gloves weighing not less than eight ounces each.

(2) Over 160 pounds, boxing gloves weighing not less than ten ounces each.] set by regulation of the commission.

(b) Violation.--A violation of this section or of the commission's regulations may subject the participant, promoter or manager or any of them to suspension of not less than 30 days or revocation of their licenses, at the discretion of the commission, pursuant to section 1304 (relating to suspension or revocation of licenses or permits).

Section 3. Section 1103 of Title 5 is amended by adding a subsection to read:

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

* * *

(c) Mandatory arbitration.--On or after the effective date of this subsection, a contract between a boxer and a manager that is executed on a form provided by the commission shall provide for binding arbitration of disputes by the commission. The arbitration must be conducted by a representative of the commission appointed by the chairman. The arbitration must be

conducted pursuant to the Uniform Arbitration Act, 42 Pa.C.S.
Ch. 73 Subch. A (relating to statutory arbitration).

Section 4. The definition of "promoter" in section 1902 of Title 5 is amended to read:

§ 1902. Definitions.

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

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

* * *

Section 5. Sections 2104 and 2109 of Title 5 are amended to read:

§ 2104. Physician or certified registered nurse practitioner to be in attendance.

Before any professional wrestling contest or exhibition shall take place, the promoter and the operator of the arena or facility shall employ a physician or certified registered nurse practitioner to be present at every wrestling contest or exhibition. The physician or certified registered nurse practitioner shall observe the physical condition of the participants throughout the contest or exhibition and shall be authorized to terminate the contest or exhibition when, in his judgment, severe injury would result if the contest or exhibition were to continue. A certified registered nurse practitioner employed by the promoter shall practice in

accordance with sections 8.2, 8.3 and 8.7 of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law.
The [physician's] fee for the physician or certified registered nurse practitioner shall be paid by the promoter.

§ 2109. [Penalties.] Criminal and civil penalties.

(a) Criminal penalties.--Except for a violation of section 2101 (relating to promoter's license) or 2107 (relating to prohibited acts), a knowing or reckless violation of any provision of this subpart shall be a summary offense. A knowing or reckless violation of section 2101 or 2107 shall be a misdemeanor of the third degree. In addition to any other procedure for instituting proceedings, the executive director may, upon receiving a report of an unlawful incident or a violation of this subpart, authorize the filing of a complaint or citation pursuant to the Pennsylvania Rules of Criminal Procedure.

(b) Civil penalty.--In addition to the penalties under subsection (a), the commission may impose a civil penalty of not more than \$5,000 for any violation of any provision of this subpart or the rules and regulations promulgated under those provisions. Any licensee or permittee upon whom a civil penalty is imposed under this subsection shall have a right to a hearing before the commission within ten days after notice of the commission's intent to impose the penalty is received.

Section 6. Section 3316(a) of Title 5 is amended and the section is amended by adding a subsection to read:

§ 3316. Bonding requirements.

(a) Amount.--[Before] Except as required by subsection (f), before any athlete agent registration is issued, the applicant shall be required to execute and file a surety bond with the

commission in such reasonable amount, but not less than \$20,000,
as the commission shall require.

* * *

(f) Athlete agents.--

(1) An athlete agent who:

(i) represents professional athletes only;

(ii) holds a current registration with a
professional sports organization or association;

(iii) does not enter into agency contracts with
student athletes; and

(iv) does not directly or indirectly recruit or
solicit student athletes to enter into an agency
contract;

is not required to execute and file a surety bond or
alternate security under this section.

(2) An applicant under this subsection shall execute and
file an affidavit with the commission verifying that the
applicant does not act as an athlete agent with regard to
student athletes as defined in section 3102 (relating to
definitions).

Section 7. This act shall take effect in 60 days.