Chapter 463

2011 EDITION

Boxing, Mixed Martial Arts and Entertainment Wrestling

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GENERAL PROVISIONS

463.015 Definitions. As used in this chapter:

(1) "Boxing" means a contest between contestants who fight with their fists protected by gloves or mittens fashioned of leather or similar material, the duration of which is limited to a stated number of rounds separated by rest periods of equal duration. "Boxing" includes kickboxing, a form of boxing in which blows are delivered with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.

(2) "Entertainment wrestling" means a noncompetitive performance in which the participants deliver blows or apply holds with no intent to punish or immobilize an opponent. Entertainment wrestling is distinguished from boxing, mixed martial arts or other wrestling by the fact that the outcome of the performance is predetermined.

(3) "Event" means a boxing, mixed martial arts or entertainment wrestling match, contest, exhibition or performance.

(4) "Exhibition" means a demonstration of boxing or mixed martial arts skills, the results of which are not counted toward the official record of the competitors.

(5) "Judge" means a person licensed by the Superintendent of State Police who is at ringside during a boxing or mixed martial arts event and who has the responsibility of scoring the performance of the participants in the event.

(6) "Manager" means a person licensed by the superintendent who does any of the following:

(a) By contract or agreement undertakes to represent the interests of any professional boxer or mixed martial arts competitor in procuring or arranging the conduct of any boxing or mixed martial arts event in which the professional boxer or mixed martial arts competitor is a participant.

(b) Receives or is entitled to receive more than 10 percent of the contracted portion of the gross purse of any professional boxer or mixed martial arts competitor for any services related to the boxer's or mixed martial arts competitor's participation in a boxing or mixed martial arts event.

(c) Is an officer, director or stockholder of any corporation which receives or is entitled to receive more than 10 percent of the contracted portion of the gross purse of any professional boxer or mixed martial arts competitor for any services relating to the boxer's or mixed martial arts competitor's participation in a boxing or mixed martial arts event.

(d) Directs or controls the professional activities of any professional boxer or mixed martial arts competitor.

(e) Attends the professional boxer or mixed martial arts competitor at ringside or purports to be the manager of a professional boxer or mixed martial arts competitor.

(7) "Matchmaker" means a person licensed by the Superintendent of State Police who is employed by or associated with a promoter in the capacity of booking and arranging boxing or mixed martial arts events between opponents and for whose activities in this regard the promoter is legally responsible.

(8) "Mixed martial arts" means a combative sporting contest, the rules of which allow two mixed martial arts competitors to attempt to achieve dominance over one another by utilizing a variety of techniques including, but not limited to, striking, grappling and the application of submission holds. "Mixed martial arts" does not include martial arts such as tae kwon do, karate, kempo karate, kenpo karate, judo, sumo, jujitsu, Brazilian jujitsu, submission wrestling and kung fu.

(9) "Official" means an individual authorized by the Oregon State Athletic Commission to perform duties as assigned by the commission. "Official" includes, but is not limited to, a referee, judge, timekeeper, inspector or ringside physician or other assigned medical personnel.

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

(11) "Professional boxer or mixed martial arts competitor" means an individual licensed by the superintendent who competes for or has competed for a money prize, purse or compensation in a boxing event or has competed in a professional or amateur mixed martial arts event.

(12) "Promoter" means a corporation, partnership, association, individual or other organization licensed by the superintendent who arranges, gives, holds or conducts a boxing, mixed martial arts or entertainment wrestling event in this state and who is legally responsible for the lawful conduct of the boxing, mixed martial arts or entertainment wrestling event. [1987 c.789 §2; 1991 c.211 §1; 1993 c.587 §1; 1993 c.742 §120; 1993 c.744 §209; 1997 c.350 §3; 2003 c.142 §1; 2007 c.585 §1]

463.018 Legislative findings. The Legislative Assembly finds that the boxing, mixed martial arts and entertainment wrestling industries in this state should be regulated in order to protect the best interests of both

contestants and the public. [1987 c.789 §1; 1997 c.350 §4; 2007 c.585 §2]

463.020 [Repealed by 1965 c.200 §12 (463.021 enacted in lieu of 463.020)]

463.021 [1965 c.200 §13 (enacted in lieu of 463.020); 1975 c.409 §2; repealed by 1987 c.789 §24]

463.023 [1997 c.350 §2; repealed by 2007 c.585 §28]

463.025 Licensing of participants, managers and other officials; rules; fees. (1) A person may not act as a professional boxer or mixed martial arts competitor, manager of a professional boxer or mixed martial arts competitor, referee, judge, second, timekeeper or matchmaker until the person has been licensed pursuant to this chapter.

(2) Application for a license shall be made upon a form furnished by the Superintendent of State Police and shall be accompanied by an annual license fee established by the superintendent by rule.

(3) Each person licensed under this section shall present the license upon request to promoters and representatives of the superintendent, including members of the Oregon State Athletic Commission, as evidence of eligibility to act or perform in the person's licensed capacities in connection with boxing or mixed martial arts events.

(4) A person under 18 years of age may not be issued a license to act as a mixed martial arts competitor. [1987 c.789 §14; 1991 c.211 §2; 1993 c.742 §121; 1993 c.744 §209a; 2007 c.585 §3]

463.030 [Repealed by 1965 c.200 §14 (463.031 enacted in lieu of 463.030)]

463.031 [1965 c.200 §15 (enacted in lieu of 463.030); repealed by 1987 c.789 §24]

463.035 Promoter license required; fees; rules; corporate surety bond. (1) A person may not act as a promoter of boxing, mixed martial arts or entertainment wrestling until the person has been licensed pursuant to this chapter.

(2) Application for a promoter's license shall be made upon a form furnished by the Superintendent of State Police and must be accompanied by payment of the application fee established by the superintendent by rule.

(3) Before a license is issued to any promoter of boxing, mixed martial arts or entertainment wrestling, the applicant for licensure must:

(a) Pay the annual license fee established by the superintendent by rule; and

(b) File with the superintendent a corporate surety bond issued by a company authorized to do business in this state drawn in an amount acceptable to the superintendent and the release of which is conditioned upon:

(A) Timely payment of all taxes and civil penalties due the state or its political subdivisions;

(B) Payment to the state or a political subdivision thereof which establishes liability against a promoter for damages, penalties or expenses arising from promotional activity;

(C) Payment of the purses of the competitors;

(D) Payment of reimbursement to the superintendent of the cost of approval of an event canceled by the promoter without good cause; and

(E) Payment of compensation to inspectors, referees, timekeepers, judges and event medical personnel.

(4) In addition to the requirements specified in subsection (3) of this section, prior to being issued a license to promote entertainment wrestling, an applicant must provide an affidavit to the superintendent stating that the health and safety of the participants is the responsibility of the promoter.

(5) If the circumstances of an event to be promoted so require, the superintendent may increase the required amount of the corporate surety bond previously filed with the superintendent in compliance with this section.

(6) The superintendent may accept a cash deposit or the assignment of a savings account in lieu of the corporate surety bond required by this section. [1987 c.789 §§12,16; 1987 c.788 §8; 1991 c.211 §3; 1993 c.742 §§122,122a; 1993 c.744 §§209b,209c; 2003 c.142 §2; 2007 c.585 §4]

463.037 Attendance of commission representatives at boxing matches. A boxing match may not take place in this state unless the following Oregon State Athletic Commission representatives are in attendance:

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

(2) Officials assigned by the commission; and

(3) Medical personnel assigned by the commission. [1987 c.789 §9; 2007 c.585 §5]

463.040 [Amended by 1963 c.426 §5; 1965 c.200 §2; repealed by 1987 c.789 §24]

463.045 [1963 c.426 §2; 1965 c.200 §3; repealed by 1987 c.789 §24]

463.047 Assignment of medical personnel to event; certification of contestants. (1) The Oregon State Athletic Commission shall assign medical personnel to each boxing or mixed martial arts event held in this state.

(2) Prior to the commencement of any boxing or mixed martial arts event held in this state, the medical personnel assigned to the event shall certify that each contestant is medically qualified to participate in the event. In determining whether to issue or

withhold the required certification, the assigned medical personnel shall consider:

(a) The results of a prefight medical examination conducted by physicians approved by the commission; and

(b) The recent ring record of the contestant seeking certification.

(3) When certification under this section is withheld from a contestant, the commission shall immediately notify the promoter or a representative of the promoter and any event involving the medically unqualified contestant shall be canceled. [2007 c.585 §11]

463.050 [Amended by 1963 c.426 §6; 1965 c.200 §4; repealed by 1987 c.789 §24]

463.055 [1963 c.426 §4; 1965 c.200 §5; repealed by 1987 c.789 §24]

463.060 [Amended by 1963 c.426 §7; 1965 c.200 §6; 1983 c.740 §180; repealed by 1987 c.789 §24]

463.110 [Amended by 1987 c.429 §1; repealed by 1987 c.789 §24]

COMMISSION; REGULATION

463.113 Oregon State Athletic Commission; rules; duties of commission and superintendent. (1) There is created in the Department of State Police the Oregon State Athletic Commission, which shall regulate the promotion of all professional boxing, mixed martial arts and entertainment wrestling events in this state. The commission shall adopt rules for conducting professional boxing and mixed martial arts events that promote the safety and best interest of the contestants and of the public.

(2) The Superintendent of State Police shall:

(a) Adopt and enforce rules for conducting professional boxing and mixed martial arts events that promote the safety and best interest of the contestants and of the public.

(b) License and regulate participants and officials for all professional boxing and professional and amateur mixed martial arts events in this state.

(c) Establish and utilize the most efficient methods available for compiling boxing and mixed martial arts event results and record keeping and for communication of results and records.

(d) Make available upon request the records of every participant in and the results of every boxing and mixed martial arts event subject to regulation under this chapter.

(e) The provisions of this subsection do not apply to entertainment wrestling.

(3) If, in the judgment of the superintendent, it is necessary to protect the public interest or the health or safety of boxing, mixed martial arts or entertainment wrestling participants, the superintendent may temporarily suspend, without prior notice or hearing, any license issued pursuant to this chapter until a final determination is made by the superintendent. If no hearing is held prior to the suspension, the suspended licensee may apply to the superintendent for a hearing to determine if the suspension should be modified, set aside or continued. The application for a hearing shall be in writing and must be received by the superintendent within 30 days of the date of suspension. The superintendent shall set the matter for hearing within 30 days of receipt of the written request of the suspended licensee.

(4) Whenever any promoter fails to make a report of any event within the period prescribed by this chapter, or whenever a required report is unsatisfactory, the superintendent or a designee of the superintendent may examine, or cause to be examined, the books and records of the promoter and any other persons or organizations, and subpoena and examine under oath such persons for the purpose of determining the total amount of the gross receipts for any event and the amount of tax due pursuant to this chapter. The superintendent may fix and determine the tax as a result of the examination described in this subsection.

(5) The superintendent may delegate to the Oregon State Athletic Commission any of the powers described in subsection (2) of this section. [1987 c.789 §3; 1991 c.211 §4; 1993 c.742 §§123,123a; 1993 c.744 §§210,210a; 2003 c.142 §3; 2003 c.653 §1; 2007 c.585 §6]

463.115 [1963 c.426 §3; 1965 c.200 §7; repealed by 1987 c.789 §24]

463.120 [Amended by 1963 c.426 §8; 1965 c.200 §8; repealed by 1987 c.789 §24]

463.125 Members; term; officers; administrator; qualifications; meetings; voting; expenses. (1) The Oregon State Athletic Commission shall consist of five members appointed by the Superintendent of State Police for terms of four years. A member may not serve more than two terms. Membership shall represent distinct geographic areas. The Portland metropolitan area, central Willamette Valley and two other areas shall be represented. Vacancies occurring shall be filled by appointment in the same manner for the balance of the unexpired term. A member of the commission may be removed from office by the superintendent for cause. Each member of the commission, before entering upon the duties of office, shall take and subscribe to an oath to perform the duties of this office faithfully, impartially and justly to the best of the member's ability.

(2) The chairperson and vice chairperson shall be elected from among the members at

the first meeting of each calendar year or when a vacancy exists.

(3) An administrator shall be appointed by the superintendent using the State Personnel Relations Law to establish suitable qualifications and compensation. The administrator shall be required to demonstrate adequate knowledge and experience related to boxing and mixed martial arts.

(4) The superintendent may employ other personnel as necessary.

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

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

(7) Three votes shall constitute a majority.

(8) Members of the commission and representatives of the commission shall be paid per diem and travel expenses as designated under ORS 292.495 when conducting the business of the commission. [1987 c.789 §4; 1993 c.742 §124; 1993 c.744 §211; 2007 c.585 §7]

463.130 [Amended by 1955 c.426 §1; 1965 c.200 §9; 1975 c.409 §1; repealed by 1987 c.789 §24]

463.135 [1987 c.789 §5; 1991 c.211 §5; repealed by 2007 c.585 §28]

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

463.145 Prohibited financial interest or investment. (1) A member of the Oregon State Athletic Commission may not have any financial interest or investment in any professional boxer, mixed martial arts competitor or entertainment wrestler.

(2) A member of the commission may not have any financial interest or investment in any boxing, mixed martial arts or entertainment wrestling event or promotion or any person or promoter involved in a boxing, mixed martial arts or entertainment wrestling event or promotion.

(3) An official, judge, referee, inspector, timekeeper or other employee or representative of the commission may not:

(a) Have any financial interest or investment in a professional boxer or mixed martial arts competitor or an entertainment wrestler, nor in any person or promoter involved in promotion of a boxing, mixed martial arts or entertainment wrestling event, nor in any individual promotion of an event.

(b) Be an officer in a national or international sanctioning organization.

(4) The Superintendent of State Police may not have any financial interest or investment in:

(a) Any professional boxer, mixed martial arts competitor or entertainment wrestler.

(b) Any boxing, mixed martial arts or entertainment wrestling event or promotion or any person or promoter involved in a boxing, mixed martial arts or entertainment wrestling event or promotion.

(5) Notwithstanding subsection (3) of this section and ORS 244.040, an official may be compensated by a promoter for services performed in relation to an event authorized under this chapter. [1987 c.789 §7; 1993 c.742 §125; 1993 c.744 §211a; 2003 c.142 §4; 2007 c.585 §12]

463.149 Oregon State Athletic Commission Medical Advisory Committee; appointment; duties; nomination of ringside physicians. (1) There is established an Oregon State Athletic Commission Medical Advisory Committee consisting of five members appointed by the Superintendent of State Police. Members of the committee shall be physicians licensed under ORS chapter 677.

(2) The term of office of each committee member is four years, but committee members serve at the pleasure of the superintendent. A committee member may not serve more than two consecutive terms, except that a committee member serves until a successor is appointed and qualified. If there is a vacancy for any cause, the superintendent shall make an appointment to become immediately effective for the unexpired term.

(3) A committee member is entitled to the same compensation and expenses provided for members of the Oregon State Athletic Commission under ORS 463.125.

(4) A majority of the members of the committee constitutes a quorum for the transaction of business.

(5) The committee shall gather, assess and update, when necessary, medical data for the purpose of recommending to the commission:

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

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

(c) Emergency procedures for ring injuries;

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

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

(6) The committee shall periodically present to the commission the proposed safety and medical procedures developed under subsection (5) of this section for discussion and consideration for adoption.

(7) The committee shall identify and nominate for approval by the commission a sufficient number of qualified licensed physicians to serve as ringside physicians for boxing and mixed martial arts events held throughout this state.

(8) A member of the committee who has been nominated by the committee and approved by the commission may serve as a ringside physician. [2007 c.585 §9]

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

463.155 Authority of commission to appoint inspectors; duties. (1) The Oregon State Athletic Commission shall appoint a sufficient number of inspectors, who shall be paid as determined by the commission. The appointed inspectors shall serve as tax assessors for the commission for the boxing, mixed martial arts or entertainment wrestling events that the inspectors are assigned to and shall:

(a) Oversee ticket sales to the event; and

(b) Count and report the total ticket sales and the gross receipts from the total ticket sales to the commission within 72 hours after the conclusion of the event.

(2) The inspector for a boxing, mixed martial arts or entertainment wrestling event shall verify the accuracy of the promoter's account and the amount of the taxed gross receipts for any event to which the inspector is assigned by the commission.

(3) An appointed inspector may be designated by the commission to act as a representative of the commission in overseeing the conduct of a boxing or mixed martial arts event. [1987 c.789 §6; 1987 c.788 §7; 2003 c.142 §5; 2007 c.585 §13]

463.160 [Repealed by 1959 c.160 §1]

463.165 Authority of superintendent to license officials; qualifications; license denial. (1) The Superintendent of State Police shall license referees, judges and timekeepers who shall be assigned to officiate at boxing and mixed martial arts events held in this state. Licensed referees, judges and timekeepers shall be paid by the superintendent at rates the superintendent considers reasonable.

(2) The Oregon State Athletic Commission shall recommend, and the superintendent shall adopt without change, reasonable qualifications for licensure as a promoter, manager, matchmaker, professional boxer, professional or amateur mixed martial arts competitor, judge, referee, second or timekeeper.

(3) The superintendent may deny an application for a license when the applicant has failed to meet the established qualifications or has violated any provisions of this chapter or any rule adopted pursuant to this chapter. [1987 c.789 §8; 1993 c.742 §126; 1993 c.744 §211b; 2007 c.585 §14]

463.170 [Amended by 1965 c.200 §11; 1967 c.611 §1; repealed by 1987 c.789 §24]

463.175 Objection to contest by city or county; filing with commission. Nothing in this chapter prevents any county or city from objecting to the holding of, or participating in, any boxing, mixed martial arts or entertainment wrestling event. Any objection must be filed in writing with the Oregon State Athletic Commission. [1987 c.789 §13; 1991 c.211 §6; 2007 c.585 §15]

463.180 [Repealed by 1987 c.789 §24]

463.185 Authority of superintendent to enforce chapter; revocation, suspension and denial of licenses; hearing; civil penalty; rules. (1) The Superintendent of State Police shall have the sole jurisdiction and authority to enforce the provisions of this chapter. The superintendent or the designee of the superintendent may investigate any allegations of activity that may violate the provisions of this chapter.

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

(3) The superintendent may revoke or suspend the license of any judge, professional boxer or mixed martial arts competitor, manager, referee, timekeeper, second, matchmaker or promoter for:

(a) Violating this chapter or any rule adopted under this chapter.

(b) Engaging in an activity regulated under this chapter in connection with a boxing or mixed martial arts event that is not approved by the superintendent.

(c) Participating as a contestant in a boxing or mixed martial arts event if another contestant is either unlicensed by the superintendent or has been determined to be medically unqualified as provided in ORS 463.047.

(d) Participating as an official in a boxing or mixed martial arts event if a contestant is either unlicensed by the superintendent or has been determined to be medically unqualified as provided in ORS 463.047.

(e) Failing to comply with a valid order of the superintendent.

(f) Aiding and abetting violations of this chapter or rules adopted under this chapter.

(g) Being convicted of a crime that bears upon the exercise of the privileges granted to the holder of the license.

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

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

(6) In addition to the denial, revocation or suspension of a license, the superintendent may order the forfeiture of the payment of the purse or any portion of the purse of any professional boxer or mixed martial arts competitor or manager for the violation of any provision of this chapter or any rule adopted pursuant to this chapter.

(7)(a) The superintendent may impose a civil penalty in an amount not to exceed $100,000, to be paid by any promoter, matchmaker, professional boxer or mixed martial arts competitor, manager or any other participant licensed by the superintendent, for the violation of this chapter or any rule adopted pursuant to this chapter. The penalty shall be deposited in the subaccount of the State Police Account established under ORS 181.175.

(b) The Oregon State Athletic Commission shall recommend, and the superintendent shall adopt without change, rules that establish a method for determining the amount of a civil penalty assessed under this subsection. The rules must include, but need not be limited to, consideration of the gross receipts from the sale of tickets if the violation is related to an event, the severity of the violation for which the penalty is to be imposed and the number of previous violations committed by the person on whom the penalty is to be imposed.

(8) When conducting a contested case hearing under ORS chapter 183 held pursuant to this chapter, the superintendent or designee of the superintendent may administer oaths to witnesses, receive evidence and issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to matters under investigation.

(9) The commission shall recommend, and the superintendent shall adopt without change, rules requiring contracts between professional boxers or mixed martial arts competitors and managers or promoters to conform to standards determined by the commission to protect the best interests of contestants and the public. The rules must include, but need not be limited to, a requirement that each contestant shall receive at least 66-2/3 percent of that contestant's contracted portion of the gross purse for each event in which the professional boxer or mixed martial arts competitor participates. A professional boxing or professional mixed martial arts event may not take place in this state unless the superintendent determines that the contractual arrangements for the event conform to the rules adopted under this subsection.

(10) The provisions of this section do not apply to a promoter of or a participant in entertainment wrestling. [1987 c.789 §10; 1991 c.211 §7; 1993 c.742 §127; 1993 c.744 §212; 2003 c.142 §6; 2007 c.585 §16]

463.190 [Repealed by 1987 c.789 §24]

463.195 Commission subject to ORS 291.201 to 291.222, 291.232 to 291.260 and 291.990. (1) The Oregon State Athletic Commission is subject to the provisions of ORS 291.201 to 291.222, including but not limited to the provisions of those sections relating to changes and revisions by the Governor in budget estimates and requests.

(2) The commission and its officers and employees are subject to the provisions of ORS 291.232 to 291.260 and 291.990. [1987 c.789 §10a; 2007 c.585 §17]

463.200 Commission considered criminal justice agency. For purposes of ORS 181.511 to 181.575, the Oregon State Athletic Commission shall be considered a criminal justice agency. [1987 c.789 §18; 2007 c.585 §18]

463.210 Organizations exempt from licensing and bonding provisions. (1) The promoting, conducting or maintaining of a boxing or mixed martial arts event when conducted by educational institutions, Oregon National Guard Units, United States Amateur Boxing, Inc., or any other amateur athletic organizations duly recognized by the Oregon State Athletic Commission is exempt from the licensing and bonding provisions of this chapter if none of the participants in the event receives a monetary remuneration, purse or prize for performance or services.

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

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

(b) Any events between students of educational institutions that are conducted by a college, school or university as part of the institution's athletic program.

(c) Events between members of any troop, battery, company or units of the Oregon National Guard. [1987 c.789 §11; 2007 c.585 §19]

463.220 Deposit of revenues. All revenue obtained under this chapter from license fees, bonds and gross receipts taxes, and any other income received under this chapter, shall be deposited in the subaccount

of the State Police Account established under ORS 181.175. [Formerly 463.350]

TAX ON GROSS RECEIPTS

463.310 Definitions for ORS 463.113, 463.155, 463.320, 463.330, 463.340 and 463.370. As used in ORS 463.113, 463.155, 463.320, 463.330, 463.340 and 463.370:

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

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

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

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

(c) Events between members of any troop, battery, company or units of the Oregon National Guard. [1987 c.788 §5; 1993 c.587 §4; 2003 c.653 §2; 2007 c.585 §20]

463.320 Imposition of tax; amount; report; rules; payment. (1) For the privilege of engaging in professional boxing, mixed martial arts or entertainment wrestling, a tax is imposed upon the gross receipts from the sale of tickets or other fees charged for admission to a professional boxing, mixed martial arts or entertainment wrestling event held in this state. The amount of the tax is six percent of the total gross receipts from the sale of the tickets or other fees for admission to the event.

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

(a) Prior to the holding of any boxing, mixed martial arts or entertainment wrestling event, furnish to the Superintendent of State Police a statement containing the name of each contestant and the names of the managers.

(b) No later than 72 hours after the conclusion of the boxing, mixed martial arts or entertainment wrestling event, file with the superintendent a written report, duly verified in accordance with rules recommended by the Oregon State Athletic Commission and adopted by the superintendent, stating the number and price of tickets or other admissions indicia or rights to admission sold, the total gross receipts from the sales and any other information required under rules recommended by the commission and adopted by the superintendent. The superintendent shall adopt rules recommended by the commission under this subsection.

(c) Pay to the Department of State Police, at the time of filing the report required under paragraph (b) of this subsection, a tax equal to six percent of the total gross receipts from the sale of the tickets or other admissions indicia to the event. [1987 c.788 §§2,3; 1993 c.742 §§128,128a; 1993 c.744 §§213,213a; 2003 c.142 §7; 2003 c.653 §3; 2007 c.585 §21]

463.322 Persons exempt from tax. Nothing in ORS 463.015, 463.035, 463.113, 463.310, 463.320 and 463.322 is intended to tax subscribers to pay-per-view telecasts or cable system operators in this state. [1993 c.587 §6]

Note: 463.322 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 463 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

463.330 Amateur events; admission fee; tax. When an admission fee is charged by any person conducting or sponsoring an amateur boxing, mixed martial arts or entertainment wrestling event, the tax imposed by ORS 463.320 shall apply to the gross receipts from the admissions and the statement filed and tax paid by the conducting or sponsoring person. [1987 c.788 §4; 2003 c.142 §8; 2007 c.585 §22]

463.340 Effect of failure to file report. (1) If any licensee required to file a report under ORS 463.320 and 463.330 shall fail to make that report within the time prescribed, or if the report is unsatisfactory to the Superintendent of State Police, the superintendent shall examine or cause to be examined the books and records of the licensee. The superintendent may subpoena and examine under oath the licensee or any other person or persons as the superintendent considers necessary to determine the amount of the total gross receipts from the boxing, wrestling or entertainment wrestling event and the amount of the tax thereon. If, upon completion of the examination, it is determined that an additional tax is due, notice thereof shall be served upon the licensee, and if the licensee fails to pay the additional tax within 20 days after service of the notice, the license of the licensee shall be revoked under ORS 463.185. In addition, the licensee and the members thereof shall be subject to a civil penalty imposed as provided under ORS 463.185 (7).

(2) No licensee or person shall fail to pay the tax imposed by ORS 463.320 or 463.330 or to make, sign or verify any report or to supply any information required by the superintendent in connection with the taxes

imposed under ORS 463.320 and 463.330. [1987 c.788 §6; 1993 c.742 §129; 1993 c.744 §213b; 2003 c.142 §9]

463.350 [1987 c.789 §15; 1987 c.788 §9; 1993 c.742 §130; 1993 c.744 §214; renumbered 463.220 in 1993]

463.360 Payment of salaries and expenses. The salaries and expenses of the members and employees and the operating expenses of the Oregon State Athletic Commission shall be paid out of the subaccount of the State Police Account established under ORS 181.175 from moneys received under this chapter. [1987 c.789 §17; 1987 c.788 §10; 1991 c.211 §8; 1993 c.742 §131; 1993 c.744 §215; 2007 c.585 §23]

463.370 Distribution of tax revenues. After deduction of administrative costs of the Oregon State Athletic Commission established under ORS 463.113, 75 percent of the remaining gross receipts tax, as described in ORS 463.320 and deposited in the subaccount of the State Police Account established under ORS 181.175, shall be credited to and deposited in the subaccount established pursuant to section 36 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund. [1987 c.788 §11; 1989 c.650 §1; 1993 c.742 §132; 1993 c.744 §216; 1999 c.1084 §47; 2007 c.585 §24]

FEE ON TICKET SALES

463.500 Fee; deposit of moneys; grants to amateur boxing organizations; rules. (1) In addition to any other fees or taxes required under this chapter, a promoter shall pay to the Oregon State Athletic Commission a fee of $1 for each ticket sold for admission to a live professional boxing event held in this state.

(2) Subsection (1) of this section does not apply to a live professional boxing event held on land controlled by an Oregon Indian tribe. However, an Oregon Indian tribe may make a contribution to the commission for the purposes of subsection (3) of this section.

(3) All moneys collected from the fee imposed under subsection (1) of this section shall be deposited into the subaccount established in the State Police Account under ORS 181.175 (2). The moneys deposited in the subaccount are continuously appropriated to the Oregon State Athletic Commission in the Department of State Police to be used by the commission to award grants to amateur boxing organizations in this state.

(4) The commission shall adopt by rule the manner in which:

(a) The fees required under subsection (1) of this section must be paid; and

(b) Applications for grants may be submitted to the commission and the standards to be used to award the grants to amateur boxing organizations in this state.

(5) The commission shall monitor the amateur boxing organizations that receive grants under this section to determine the success of the grant program.

(6) As used in this section, "amateur boxing organization" means a locally operated boxing club that is registered with the Oregon Association of United States Amateur Boxing, Inc. [2001 c.446 §2; 2007 c.585 §25]

463.810 [1971 c.743 §301; repealed by 1987 c.789 §24]

PENALTIES

463.990 [Repealed by 1987 c.789 §24]

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

(2) Whenever it appears that any person has violated or is threatening to violate any of the provisions of this chapter or of the rules adopted under this chapter, the Attorney General at the request of the Superintendent of State Police may cause a civil suit to be instituted in the circuit court for injunctive relief to restrain such person from continuing the violation. [1987 c.789 §19; 1993 c.742 §133; 1993 c.744 §216a]