

# Chapter 463

2017 EDITION

## Unarmed Combat Sports and Entertainment Wrestling

<b>GENERAL PROVISIONS</b>			
463.015	Definitions	463.165	Licensing of officials; compensation and reimbursement; qualifications; rules
463.018	Legislative findings	463.175	Objection to event by city or county; filing with commission
463.025	Licensing of competitors, managers and other officials; fees; rules	463.185	Authority of superintendent to enforce chapter; revocation, suspension and denial of licenses; hearing; civil penalty; rules
463.035	Promoter license required; fees; rules; corporate surety bond	463.195	Commission subject to ORS 291.201 to 291.222, 291.232 to 291.260 and 291.990
463.037	Attendance of commission representatives at unarmed combat sports events	463.200	Commission considered criminal justice agency
463.047	Assignment of medical personnel to event; medical qualification of competitors; rules	463.210	Organizations exempt from licensing and bonding provisions
463.057	Approval of amateur athletic organizations; fees; rules	463.220	Deposit of revenues
<b>COMMISSION; REGULATION</b>		<b>TAX ON GROSS RECEIPTS</b>	
463.113	Oregon State Athletic Commission; rules; duties of commission and superintendent	463.320	Imposition of tax; amount; report; rules; payment; exceptions
463.125	Members; term; officers; administrator; qualifications; meetings; voting; expenses	463.322	Persons exempt from tax
463.145	Prohibited financial interest or investment; compensation and reimbursement of officials; rules	463.330	Applicability of tax
463.149	Oregon State Athletic Commission Medical Advisory Committee; members; duties; nomination of medical personnel	463.340	Effect of failure to file report
463.155	Compliance audits and verification; duties of superintendent; rules	463.360	Payment of salaries and expenses
		463.370	Distribution of tax revenues
		<b>PENALTIES</b>	
		463.995	Penalties



**463.010** [Amended by 1965 c.200 §1; repealed by 1987 c.789 §24]

### GENERAL PROVISIONS

**463.015 Definitions.** As used in this chapter:

(1) “Amateur athletic organization” means an entity organized and operated exclusively to foster state, national and international amateur unarmed combat sports competition.

(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 unarmed combat sports by the fact that the outcome of the performance is predetermined.

(3) “Event” means an unarmed combat sports or entertainment wrestling match, bout, contest, exhibition or performance.

(4) “Exhibition” means a demonstration of unarmed combat sports skills, the results of which are not counted toward the official record of the competitors.

(5) “Gross receipts” means the consideration, including money, credits, rights or other items of value, received from the sale of tickets or other admissions indicia or rights, without any deduction from the total value of the consideration.

(6) “Judge” means a person licensed by the Superintendent of State Police who is at cageside or ringside during an unarmed combat sports event and who has the responsibility of scoring the bout of the competitors in the event.

(7) “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 a professional unarmed combat sports competitor in procuring or arranging the conduct of an unarmed combat sports event in which the professional unarmed combat sports competitor is a participant.

(b) Receives or is entitled to receive more than 10 percent of the contracted portion of the gross purse of a professional unarmed combat sports competitor for services related to the unarmed combat sports competitor’s participation in an unarmed combat sports event.

(c) Is an officer, director or stockholder of a corporation that receives or is entitled to receive more than 10 percent of the contracted portion of the gross purse of a professional unarmed combat sports competitor for services relating to the unarmed combat

sports competitor’s participation in an unarmed combat sports event.

(d) Directs or controls the professional activities of a professional unarmed combat sports competitor.

(e) Attends to the professional unarmed combat sports competitor at cageside or ringside or purports to be the manager of a professional unarmed combat sports competitor.

(8) “Matchmaker” means a person licensed by the superintendent who is employed by or associated with a promoter in the capacity of booking and arranging unarmed combat sports events between unarmed combat sports competitors and for whose activities in this regard the promoter is legally responsible.

(9) “Medical personnel” means a physician licensed under ORS chapter 677 or a physician assistant licensed under ORS 677.505 to 677.525.

(10) “Official” means an individual authorized by the superintendent or an authorized representative of the superintendent to perform duties as assigned by the superintendent or an authorized representative of the superintendent. “Official” includes, but is not limited to, a referee, judge, timekeeper or inspector.

(11) “Person” includes an individual, association, organization, partnership or corporation.

(12) “Professional unarmed combat sports competitor” means an individual licensed by the superintendent who competes for or has competed for a money prize, purse or compensation in an unarmed combat sports event.

(13) “Promoter” means a person licensed by the superintendent who arranges, gives, holds or conducts an entertainment wrestling or unarmed combat sports event in this state and who is legally responsible for the lawful conduct of the event.

(14) “Striking” means a physical attack in which an individual uses a part of the individual’s body with the intent to inflict damage on an opponent.

(15) “Submission” means an act by an individual who yields to the individual’s opponent and that results in the individual’s immediate defeat.

(16) “Unarmed combat sports” means a form of competition where the intent is to win by striking, knockout, technical knockout or submission. “Unarmed combat sports” does not include tae kwon do, karate, kenpo karate, judo, sumo, jujitsu, Brazilian jujitsu, submission wrestling, kung fu, submission grappling or other martial art where

the intent is for the competitor to win by points only and where that martial art is exhibited independently.

(17) "Unarmed combat sports competitor" means an individual licensed by the superintendent who competes in an unarmed combat sports 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; 2017 c.235 §1]

**463.018 Legislative findings.** The Legislative Assembly finds that the unarmed combat sports and entertainment wrestling industries in this state should be regulated in order to protect the best interests of entertainment wrestlers, unarmed combat sports competitors and the public. [1987 c.789 §1; 1997 c.350 §4; 2007 c.585 §2; 2017 c.235 §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 competitors, managers and other officials; fees; rules.**

(1) A person may not act as an unarmed combat sports competitor, official, manager, second for a professional unarmed combat sports competitor or matchmaker unless the person is licensed pursuant to this chapter.

(2) Application for a license must be made upon a form provided by the Superintendent of State Police and must 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 unarmed combat sports events.

(4) A person under 18 years of age may not be issued a license to act as an unarmed combat sports competitor, manager, official, second or matchmaker.

(5) This section does not apply to an unarmed combat sports competitor, official, manager, second for a professional unarmed combat sports competitor or matchmaker competing or participating in an unarmed combat sports event supervised by an amateur athletic organization. [1987 c.789 §14; 1991 c.211 §2; 1993 c.742 §121; 1993 c.744 §209a; 2007 c.585 §3; 2017 c.235 §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) A person may not act as a promoter of unarmed combat sports or entertainment wres-

ting until the person has been licensed pursuant to this chapter.

(b) A person who intends to act as a promoter for entertainment wrestling events and for unarmed combat sports events shall apply for separate licensure for each type of event.

(2) Application for a promoter's license must be made upon a form provided by the Superintendent of State Police. The form must specify whether the application is for a license as a promoter of entertainment wrestling events or for a license as a promoter of unarmed combat sports events.

(3) Before a license is issued to any promoter of unarmed combat sports 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 of the state that establishes liability against a promoter for damages, penalties or expenses arising from promotional activity;

(C) Payment of the purses of the entertainment wrestlers or unarmed combat sports 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.

(7) A person under 18 years of age may not be issued a license to act as a promoter. [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; 2017 c.235 §5]

**463.037 Attendance of commission representatives at unarmed combat sports events.** (1) An unarmed combat sports event may not take place in this state unless the following Oregon State Athletic Commission representatives are in attendance:

(a) The Superintendent of State Police or an authorized representative of the superintendent to oversee conduct of the event;

(b) Officials assigned by the superintendent or an authorized representative of the superintendent; and

(c) Medical personnel assigned by the superintendent or authorized representative of the superintendent.

(2) This section does not apply to an event supervised by an approved amateur athletic organization. [1987 c.789 §9; 2007 c.585 §5; 2015 c.446 §1; 2017 c.235 §6]

**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; medical qualification of competitors; rules.** (1) The Superintendent of State Police or an authorized representative of the superintendent shall assign or approve medical personnel to each unarmed combat sports event held in this state.

(2) Medical personnel who are not employed by the Department of State Police and who are assigned to serve at an unarmed combat sports event must be paid by the promoter at a rate established by the superintendent by rule. The promoter shall reimburse the mileage and lodging expenses incurred by medical personnel described in this subsection at a rate established by the superintendent by rule.

(3) The promoter of an unarmed combat sports event shall reimburse the Oregon State Athletic Commission for medical supplies used at the unarmed combat sports event at rates determined by the superintendent by rule.

(4) Prior to the commencement of an unarmed combat sports event held in this state, the medical personnel assigned to the event shall medically qualify each unarmed combat sports competitor to compete in the event in accordance with rules recommended by the commission and adopted by the superintendent. In determining whether to issue or withhold the required medical qualification,

the assigned medical personnel shall consider:

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

(b) The recent record of the unarmed combat sports competitor seeking medical qualification.

(5) When medical qualification under this section is withheld from an unarmed combat sports competitor, the superintendent or authorized representative of the superintendent shall immediately notify the promoter or a representative of the promoter and any event involving the unarmed combat sports competitor must be canceled.

(6) This section does not apply to medical personnel supervised by approved amateur athletic organizations. [2007 c.585 §11; 2015 c.446 §2; 2017 c.235 §7]

**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]

**463.057 Approval of amateur athletic organizations; fees; rules.** (1) A person may not act as an amateur athletic organization unless the Superintendent of State Police has approved the person under this section.

(2) An applicant for approval shall apply to the superintendent on a form provided by the superintendent and shall accompany the application with a fee established by the superintendent by rule.

(3) An applicant shall provide to the superintendent an affidavit stating that the health and safety of the unarmed combat sports competitors in unarmed combat sports events supervised by the applicant is the responsibility of the applicant.

(4) The applicant shall meet all requirements for approval as an amateur athletic organization as established by the superintendent by rule.

(5) The superintendent may deny, revoke or suspend approval of an amateur athletic organization if the amateur athletic organization:

(a) Fails to provide information requested by the superintendent or the authorized representative of the superintendent; or

(b) In the discretion of the superintendent, should not be approved to act as an amateur athletic organization.

(6) If an amateur athletic organization fails or refuses to file an application for approval under this section, or the approval of an amateur athletic organization is denied, revoked or suspended, the amateur athletic organization may not participate in an ama-

teur unarmed combat sports event. [2017 c.235 §4]

**Note:** 463.057 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.

**463.060** [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 unarmed combat sports and entertainment wrestling events in this state. The commission shall adopt rules to conduct events that promote the safety and best interest of the entertainment wrestlers, unarmed combat sports competitors and the public.

(2) The Superintendent of State Police shall:

(a) Adopt and enforce rules for conducting unarmed combat sports events that promote the safety and best interest of the unarmed combat sports competitors and of the public.

(b) License and regulate unarmed combat sports competitors, promoters, managers, seconds, matchmakers and officials for unarmed combat sports events regulated by the commission.

(c) Establish and utilize the most efficient methods available for compiling unarmed combat sports event results and record keeping and for communication of results and records.

(d) Make available upon request the records of every unarmed combat sports competitor in and the results of every unarmed combat sports event subject to regulation under this chapter.

(3) The provisions of subsection (2) of this section do not apply to entertainment wrestling.

(4) If, in the judgment of the superintendent or authorized representative of the superintendent, it is necessary to protect the public interest or the health or safety of unarmed combat sports competitors or entertainment wrestlers, the superintendent or authorized representative of 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 must 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.

(5) If a promoter fails to make a report of any event within the period prescribed by this chapter, or if a required report is unsatisfactory, the superintendent or authorized representative of the superintendent may examine, or cause to be examined, the books and records of the promoter and other persons, and subpoena and examine those persons under oath 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.

(6) The superintendent or authorized representative of the superintendent may delegate to the Oregon State Athletic Commission 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; 2017 c.235 §8]

**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)(a) The Oregon State Athletic Commission consists of five members appointed by the Superintendent of State Police for terms of four years. A member may not serve more than two terms, except that a member serves until the member's successor is appointed.

(b) Membership must represent distinct geographic areas. The Portland metropolitan area, central Willamette Valley and two other areas must be represented.

(c) Vacancies must be filled by appointment in the same manner for the balance of the unexpired term.

(d) A member of the commission may be removed from office by the superintendent for cause.

(e) Each member of the commission, before assuming 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 must be elected from among the members at

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

(3) The superintendent shall appoint an administrator using the State Personnel Relations Law to establish suitable qualifications and compensation. The administrator must demonstrate adequate knowledge and experience related to unarmed combat sports.

(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 constitutes a quorum.

(7) Three votes constitutes a majority.

(8) Members of the commission and representatives of the commission must 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; 2017 c.235 §9]

**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; compensation and reimbursement of officials; rules.** (1) A member of the Oregon State Athletic Commission may not have a financial interest or investment in an unarmed combat sports competitor or entertainment wrestler.

(2) A member of the commission may not have a financial interest or investment in any unarmed combat sports or entertainment wrestling event or promotion or a person or promoter involved in an unarmed combat sports or entertainment wrestling event or promotion.

(3) An official, medical personnel, authorized representative of the Superintendent of State Police assigned to the commission or representative of the commission may not:

(a) Have a financial interest or investment in:

(A) An unarmed combat sports competitor or an entertainment wrestler;

(B) A person or promoter involved in promotion of an unarmed combat sports or entertainment wrestling event; or

(C) Any individual promotion of an event.

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

(4) An officer, board member or employee of an approved amateur athletic organization

or other person who has ownership interest in an approved amateur athletic organization may not have a financial interest or investment in:

(a) An unarmed combat sports competitor who is licensed in this state; or

(b) An unarmed combat sports event, promotion, person or promoter involved in an unarmed combat sports event or promotion in this state.

(5) The superintendent may not have a financial interest or investment in:

(a) An unarmed combat sports competitor or entertainment wrestler.

(b) An unarmed combat sports or entertainment wrestling event or promotion or a person or promoter involved in an unarmed combat sports or entertainment wrestling event or promotion.

(6) Notwithstanding subsection (3) of this section and ORS 244.040, a promoter shall compensate an official for services performed in relation to an event authorized under this chapter and shall reimburse an official for mileage and lodging expenses incurred by the official at a rate established by rule by the superintendent.

(7) Subsection (6) of this section does not apply to an official assigned to an event supervised by an approved amateur athletic organization. [1987 c.789 §7; 1993 c.742 §125; 1993 c.744 §211a; 2003 c.142 §4; 2007 c.585 §12; 2017 c.235 §10]

**463.149 Oregon State Athletic Commission Medical Advisory Committee; members; duties; nomination of medical personnel.** (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 medical personnel.

(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. If there is a vacancy, 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 when acting in the member's official role as a member of the committee.

(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 unarmed combat sports competitors to be applied in preflight medical examinations;

(b) Medical procedures and substances allowed for use by seconds in an unarmed combat sports competitor's corner;

(c) Emergency procedures for injuries;

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

(e) Safety equipment required to promote the best interests of the unarmed combat sports competitors.

(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 medical personnel for unarmed combat sports 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 medical personnel. [2007 c.585 §9; 2017 c.235 §11]

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

**463.155 Compliance audits and verification; duties of superintendent; rules.** (1) The Superintendent of State Police or the authorized representatives of the superintendent shall:

(a) Conduct compliance audits for unarmed combat sports or entertainment wrestling events;

(b) Oversee ticket sales to the events; and

(c) Verify compliance with ticketing, tax on gross receipts and other requirements of this chapter.

(2) The authorized representative of the superintendent for an unarmed combat sports or entertainment wrestling event shall verify the accuracy of the promoter's account and the amount of the taxed gross receipts for the event.

(3) The superintendent shall establish by rule limitations on complimentary tickets for unarmed combat sports and entertainment wrestling events. [1987 c.789 §6; 1987 c.788 §7; 2003 c.142 §5; 2007 c.585 §13; 2017 c.235 §12]

**463.160** [Repealed by 1959 c.160 §1]

**463.165 Licensing of officials; compensation and reimbursement; qualifications; rules.** (1) The Superintendent of State Police shall license referees, judges, inspectors and timekeepers and shall assign the licensed referees, judges, inspectors and timekeepers to officiate at unarmed combat sports events regulated by the Oregon State Athletic Commission.

(2) A promoter of an unarmed combat sports event shall pay a licensed referee, judge, inspector or timekeeper who is assigned to the unarmed combat sports event regulated by the commission at a rate established by the superintendent by rule. The promoter shall reimburse the licensed referee, judge, inspector or timekeeper for mileage and lodging costs incurred by the referee, judge, inspector or timekeeper at rates established by the superintendent by rule.

(3) The commission shall recommend, and the superintendent shall adopt, reasonable qualifications for licensure as a promoter, manager, matchmaker, unarmed combat sports competitor, inspector, judge, referee, second or timekeeper.

(4) The superintendent may deny an application for a license if the applicant fails to meet the established qualifications or has violated any provisions of this chapter or any rule adopted pursuant to this chapter.

(5) This section does not apply to unarmed combat sports competitors, inspectors, judges, referees or timekeepers for unarmed combat sports events supervised by an approved amateur athletic organization. [1987 c.789 §8; 1993 c.742 §126; 1993 c.744 §211b; 2007 c.585 §14; 2017 c.235 §13]

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

**463.175 Objection to event by city or county; filing with commission.** Nothing in this chapter prevents a county or city from objecting to the holding of, or participating in, an unarmed combat sports or entertainment wrestling event. Objections must be filed in writing with the Oregon State Athletic Commission. [1987 c.789 §13; 1991 c.211 §6; 2007 c.585 §15; 2017 c.235 §14]

**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 has the sole jurisdiction and authority to enforce the provisions of this chapter. The superintendent or the authorized representative of the superintendent may investigate allegations of activity that may violate the provisions of this chapter.



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

(3) The superintendent may deny, revoke or suspend the license of an official or an unarmed combat sports competitor, manager, second, matchmaker or promoter for:

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

(b) Engaging in an activity regulated under this chapter in connection with an unarmed combat sports event that is not approved by the superintendent or authorized representative of the superintendent.

(c) Participating as an unarmed combat sports competitor in an unarmed combat sports event if another unarmed combat sports competitor is either unlicensed by the superintendent or is not medically qualified as provided in ORS 463.047. This paragraph does not apply to unarmed combat sports competitors participating in events supervised by an approved amateur athletic organization.

(d) Participating as an official in an unarmed combat sports event if an unarmed combat sports competitor is either unlicensed by the superintendent or is not medically qualified as provided in ORS 463.047. This paragraph does not apply to officials participating in events supervised by an approved amateur athletic organization.

(e) Failing to comply with a valid order of the superintendent or authorized representative 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 authorized representative of the superintendent may temporarily deny, revoke or suspend the license of an unarmed combat sports competitor, manager, matchmaker, official, promoter or second for a reason listed in subsection (3) of this section.

(5) The superintendent shall deny, and the authorized representative of the superintendent shall temporarily deny, an application for a license when the applicant does not possess the requisite qualifications.

(6) The superintendent or the authorized representative of the superintendent may hold a hearing regarding allegations that a person has violated or failed to comply with this chapter.

(7) In addition to the denial, revocation or suspension of a license, the superinten-

dent or the authorized representative of the superintendent may order the forfeiture of the payment of the purse or any portion of the purse of an unarmed combat sports competitor or manager for the violation of any provision of this chapter or any rule adopted pursuant to this chapter.

(8)(a) The superintendent or authorized representative of the superintendent may impose a civil penalty, in an amount not to exceed \$100,000, to be paid by a promoter, matchmaker, unarmed combat sports 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 must be deposited in the subaccount of the State Police Account established under ORS 181A.020.

(b) The Oregon State Athletic Commission shall recommend, and the superintendent shall adopt, 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.

(9) When conducting a contested case hearing under ORS chapter 183 held pursuant to this chapter, the superintendent or authorized representative 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.

(10) The commission shall recommend, and the superintendent shall adopt, rules requiring contracts between professional unarmed combat sports competitors and managers or promoters to conform to standards determined by the commission to protect the best interests of unarmed combat sports competitors and the public. The rules must include, but need not be limited to, a requirement that each unarmed combat sports competitor shall receive at least 66-2/3 percent of that unarmed combat sports competitor's contracted portion of the gross purse for each event in which the professional unarmed combat sports competitor participates. A professional unarmed combat sports event may not take place in this state unless the superintendent or authorized representative of the superintendent determines that the contractual arrangements for the event conform to the rules adopted under this subsection.

(11) 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; 2017 c.235 §15]

**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 agency request budgets.

(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; 2016 c.117 §70]

**463.200 Commission considered criminal justice agency.** For purposes of ORS 181A.160 to 181A.250, 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 an unarmed combat sports event when conducted by educational institutions, Oregon National Guard units or any amateur athletic organizations approved by the Superintendent of State Police is exempt from the licensing and bonding provisions of this chapter if none of the unarmed combat sports competitors 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) An amateur athletic organization, and its affiliated membership clubs, that has been approved by the superintendent.

(b) An event 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; 2017 c.235 §16]

**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 181A.020. [Formerly 463.350]

**463.310** [1987 c.788 §5; 1993 c.587 §4; 2003 c.653 §2; 2007 c.585 §20; repealed by 2017 c.235 §22]

## TAX ON GROSS RECEIPTS

**463.320 Imposition of tax; amount; report; rules; payment; exceptions.** (1) For the privilege of engaging in unarmed combat sports or entertainment wrestling, a tax is imposed upon the gross receipts from the sale of tickets or other fees charged for admission to an unarmed combat sports or entertainment wrestling event held in this state. The amount of the tax is six percent of the total gross receipts, not to exceed \$50,000 per event.

(2) A person licensed or approved under this chapter, and who holds, conducts or supervises an unarmed combat sports or entertainment wrestling event shall:

(a) Prior to the unarmed combat sports or entertainment wrestling event, provide to the Superintendent of State Police or to an authorized representative of the superintendent a statement containing the name of each entertainment wrestler or unarmed combat sports competitor.

(b) No later than five business days after the conclusion of the unarmed combat sports or entertainment wrestling event, file with the superintendent or an authorized representative of 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 as imposed under subsection (1) of this section.

(3) This section does not apply to:

(a) A nonprofit amateur athletic organization approved by the superintendent.

(b) An event between students of educational institutions that is 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.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; 2017 c.235 §17]

**463.322 Persons exempt from tax.** Nothing in ORS 463.015, 463.035, 463.113, 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; 2017 c.235 §18]

**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 Applicability of tax.** When an admission fee is charged by a licensed promoter conducting an unarmed combat sports or entertainment wrestling event, the tax imposed by ORS 463.320 applies 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; 2017 c.235 §19]

**463.340 Effect of failure to file report.** (1) If a licensee required to file a report under ORS 463.320 fails to make that report within the time prescribed, or if the report is unsatisfactory to the Superintendent of State Police or an authorized representative of the superintendent, the superintendent or the authorized representative of 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 other person the superintendent considers necessary to determine the amount of the total gross receipts from the unarmed combat sports or entertainment wrestling event and the amount of the tax on the unarmed combat sports or entertainment wrestling event. If, upon completion of the examination, it is determined that an additional tax is due, the superintendent or authorized representative of the superintendent shall serve notice of the additional tax due upon the licensee, and if the licensee fails to pay the additional tax within 20 days after service of the notice, the superintendent shall revoke the license of the licensee under ORS 463.185. In addition, the licensee and the members of the licensee will be subject to a civil penalty imposed as provided under ORS 463.185 (8).

(2) A licensee or person shall pay the tax imposed by ORS 463.320 or 463.330 and make, sign or verify a report or supply any information required by the superintendent or

authorized representative of the superintendent in connection with the taxes imposed under ORS 463.320. [1987 c.788 §6; 1993 c.742 §129; 1993 c.744 §213b; 2003 c.142 §9; 2017 c.235 §20]

**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 181A.020 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 181A.020, 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]

**463.500** [2001 c.446 §2; 2007 c.585 §25; repealed by 2017 c.235 §22]

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

**463.990** [Repealed by 1987 c.789 §24]

## PENALTIES

**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]

