Chapter 463

2005 EDITION

Boxing and Wrestling

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GENERAL PROVISIONS

463.015 Definitions. As used in this chapter:

(1) "Boxing" means a contest other than as described in subsection (7) of this section 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, and 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) "Cable system operator" means a person or group of persons who:

(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in the cable system; or

(b) Controls or is responsible for, through an arrangement, the management and operation of the cable system.

(3) "Commission" means the Oregon State Boxing and Wrestling Commission.

(4) "Department" means the Department of State Police.

(5) "Entertainment wrestling" means a 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, extreme fighting and wrestling by the fact that the outcome of the performance is predetermined.

(6) "Exhibition" means a demonstration of boxing or wrestling skills.

(7) "Extreme fighting" means a no-holds-barred match, competition or exhibition that combines elements of boxing, wrestling or martial arts without a system of rules approved by the Oregon State Boxing and Wrestling Commission.

(8) "Judge" means a person licensed by the Superintendent of State Police who is at ringside during a boxing or wrestling match and who has the responsibility of scoring the performance of the participants in the match.

(9) "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 wrestler in procuring or arranging the conduct of any professional boxing or wrestling match in which the boxer or wrestler is a participant as a contestant.

(b) Receives or is entitled to receive more than 10 percent of the gross purse of any professional boxer or wrestler for any services related to such boxer's or wrestler's participation in a professional boxing contest.

(c) Is an officer, director or stockholder of any corporation which receives or is entitled to receive more than 10 percent of the gross purse of any professional boxer or wrestler for any services relating to such boxer's or wrestler's participation in a professional boxing or wrestling contest.

(d) Directs or controls the professional boxing activities of any professional boxer or wrestler.

(e) Attends the professional boxer or wrestler at ringside or purports to be the professional boxer's or wrestler's manager.

(10) "Matchmaker" means a person licensed or issued a permit by the superintendent who is employed by or associated with a promoter in the capacity of booking and arranging boxing or wrestling matches between opponents and for whose activities in this regard the promoter is legally responsible.

(11) "Pay-per-view" means a closed circuit telecast, regardless of the delivery system used, that is not intended to be available for viewing without the payment of a fee, whether collected or based on each event viewed, for the privilege of viewing the telecast.

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

(13) "Professional boxer or wrestler" means a person licensed by the superintendent who competes for a money prize, purse or compensation in a boxing or wrestling contest, exhibition or match held within this state.

(14) "Promoter" means a corporation, partnership, association, individual or other organization licensed by the superintendent who arranges, gives, holds or conducts a boxing or wrestling contest, match or exhibition or an entertainment wrestling performance in this state and who is legally responsible for the lawful conduct of such boxing or wrestling contest, match or exhibition or entertainment wrestling performance. "Promoter" includes:

(a) A person who holds distribution rights to a closed circuit telecast of a boxing or wrestling event that occurs within or outside this state and who sells the rights to a cable system operator in this state.

(b) A person who holds the distribution rights to a pay-per-view telecast of a boxing or wrestling event that occurs within or

outside this state and who sells the ability to receive the telecast to a person who charges an admission for the right to view the telecast in this state.

(c) A person who holds distribution rights to a closed circuit telecast of a boxing or wrestling event that occurs within this state and who sells the rights to another for broadcast within or outside this state. "Promoter" does not include a cable system operator.

(15) "Superintendent" means the Superintendent of State Police.

(16) "Wrestling" includes any form of fighting other than as described in subsections (1), (5) and (7) of this section, between contestants in which the contestants deliver blows to an opponent's body or apply holds to the opponent's body with the intent to punish, immobilize or throw the opponent, with the possible effect of rendering the opponent unable to continue the contest. [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]

463.018 Legislative findings. (1) The Legislative Assembly finds that the boxing and wrestling industry in this state should be regulated in order to protect the best interests of both contestants and the public.

(2) The Legislative Assembly further finds that:

(a) The entertainment spectacle commonly known as extreme fighting is a violent exhibition that is excessively and unacceptably dangerous to the participants and is promoted and advertised to that end;

(b) Extreme fighting lacks appropriate restrictions on dangerous blows or life-threatening maneuvers, and the matching of participants with incompatible styles of fighting makes it impossible for the state to regulate extreme fighting in a way that can reasonably protect the safety of the participants; and

(c) It is therefore an appropriate exercise of the authority of the State of Oregon to prohibit extreme fighting and similarly named combative sports. [1987 c.789 §1; 1997 c.350 §4]

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 Extreme fighting prohibited. No person shall arrange, give, hold or conduct an extreme fighting match, competition or exhibition. [1997 c.350 §2]

463.025 Licensing of participants, managers and other officials; permits in lieu of licenses for certain officials. (1) No person shall act as a professional boxer or wrestler, manager of a professional boxer or wrestler, referee, judge, second, timekeeper, matchmaker, ticket taker, security officer or box office employee until the person has been licensed pursuant to this chapter.

(2) The person employing a matchmaker, ticket taker, security officer or box office employee may apply for a permit covering all such employees in lieu of their obtaining individual licenses. However, the same standards apply to such employees operating under a permit as would apply if the employees were licensed.

(3) The application for a license or permit shall be made upon a form furnished by the Superintendent of State Police and shall be accompanied by an annual license or permit fee as determined by the superintendent.

(4) Each person licensed or issued a permit under this section shall keep the license or copy of the permit in the person's personal possession and shall present the license or copy of the permit upon request to promoters and representatives of the superintendent, including members of the Oregon State Boxing and Wrestling Commission, as evidence of eligibility to act or perform in the person's licensed or permitted capacities in connection with boxing or wrestling contests, matches or exhibitions. [1987 c.789 §14; 1991 c.211 §2; 1993 c.742 §121; 1993 c.744 §209a]

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; corporate surety bond. (1) No person shall act as a promoter of boxing, wrestling or entertainment wrestling until the person has been licensed pursuant to this chapter.

(2) The application for a promoter's license shall be made upon a form furnished by the Superintendent of State Police and shall be accompanied by an annual license fee in an amount to be determined by the superintendent.

(3) Before a license is issued to any promoter of boxing, wrestling or entertainment wrestling, the applicant for such license must 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 conditioned upon the occurrence of the following:

(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.

(e) Payment of compensation to inspectors, referees, timekeepers, judges and event physicians.

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

(5) 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.

(6) The following persons must possess a promoter's license issued pursuant to this chapter:

(a) A person who holds distribution rights to a closed circuit telecast of a boxing or wrestling event that occurs within or outside this state and who sells the rights to a cable system operator in this state.

(b) A person who holds the distribution rights to a pay-per-view telecast of a boxing or wrestling event that occurs within or outside this state and who sells the ability to receive the telecast to a person who charges an admission for the right to view the telecast in this state.

(c) A person who holds distribution rights to a closed circuit telecast of a boxing or wrestling event that occurs within this state and who sells the rights to another for broadcast within or outside this state. [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]

463.037 Commission representatives' attendance at boxing matches required. No boxing match shall take place in this state unless the following Oregon State Boxing and Wrestling Commission representatives are in attendance:

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

(2) Licensed judges and referees;

(3) A licensed physician designated by the commission; and

(4) An inspector appointed by the commission. [1987 c.789 §9]

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]

463.050 [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 Boxing and Wrestling Commission; rules; powers of commission and superintendent. (1) There is created in the Department of State Police the Oregon State Boxing and Wrestling Commission which shall regulate the promotion of all professional boxing and wrestling matches and exhibitions and entertainment wrestling performances within the boundaries of the State of Oregon. The commission shall recommend, and the Superintendent of State Police shall adopt without change, rules for the conduct of professional boxing and wrestling that promote the safety and best interest of the contestants and of the public.

(2) The superintendent has the following powers:

(a) To enforce rules for the conduct of professional boxing and wrestling that promote the safety and best interest of the contestants and of the public.

(b) To license and regulate participants and officials for all professional boxing and wrestling matches and exhibitions in this state.

(c) To establish and utilize the most efficient methods available for compiling boxing results and record keeping and for communication of results and records.

(d) Upon request, to make results of every boxing and wrestling event within its jurisdiction, and records of any contestant who participates in events within its jurisdiction, available to state agencies of another state charged with regulatory authority over boxing and wrestling events in that state, to record keeping organizations and to other interested persons and to receive and give effect to the regulatory orders of any agency of another state charged with regulatory authority over boxing and wrestling events in that state.

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

(3)(a) The superintendent may temporarily suspend, without prior notice or hearing, any license issued pursuant to this chapter until final determination by the superintendent, if, in the judgment of the superintendent, the action is necessary to protect the public interest or the health or safety of boxing and wrestling participants. 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 after the date of suspension. The superintendent shall set the matter for hearing within 30 days after receipt of the written request of the suspended licensee.

(b) Notwithstanding the grounds for suspension of a license under paragraph (a) of this subsection, the license of a promoter of an entertainment wrestling performance may be suspended only if the licensee fails to provide to the superintendent, at least 10 days prior to the performance, an affidavit that certifies that all participants who are going to participate in the entertainment wrestling performance are free from blood borne pathogens.

(4) Whenever any promoter fails to make a report of any contest or event within the period prescribed by this chapter, or whenever such 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 contest or 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 Boxing and Wrestling 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]

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 Boxing and Wrestling Commission shall consist of five members appointed by the Superintendent of State Police for terms of four years. Except as described in subsection (10) of this section, no member shall be eligible to 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. Each 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 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) A full-time or part-time 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 wrestling.

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

(5) One of the appointed commissioners shall be a physician, duly licensed to practice in this state.

(6) 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.

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

(8) Three votes shall constitute a majority.

(9) Nonsalaried 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.

(10) Notwithstanding subsection (1) of this section, with the approval of the superintendent, a physician member of the commission may serve more than two consecutive terms as a commission member. [1987 c.789 §4; 1993 c.742 §124; 1993 c.744 §211]

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

463.135 Duties of physician member. (1) The physician member's duties shall include gathering, assessing and updating, when necessary, medical data for the purpose of proposing:

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

(b) Medical procedures and substances allowed for use by seconds in the 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.

(2) The physician member shall present to the Oregon State Boxing and Wrestling Commission proposed safety and medical

procedures for discussion and adoption by commission vote.

(3) The duties of the physician member shall also include the identification of a sufficient number of qualified and duly licensed physicians to serve as ringside physicians in boxing events throughout the state, and nomination of identified physicians for approval by the commission.

(4) Prior to the commencement of any boxing contest to be held in this state between licensed professional boxers, the physician member shall certify to the commission that the participants are medically qualified to participate in a boxing contest. In determining whether to issue or withhold such certification, the physician member shall consider:

(a) Results of a prefight medical examination conducted by the physician member;

(b) Results of a prefight medical examination conducted by physicians approved by the commission; or

(c) The licensed professional boxer's recent ring record.

(5) When the physician member determines not to provide the certification of medical qualification required by subsection (4) of this section, the member shall immediately notify the promoter or the promoter's representatives of the fact of such noncertification, and the boxing contest involving the medically unqualified licensed professional boxer shall be canceled.

(6) In the case of a wrestling exhibition, if the physician member determines, based upon reliable information, that a licensed professional wrestler is not medically qualified to participate in such contest, the physician member shall so certify and provide such certification to the promoter or the promoter's representatives, and the wrestling contest involving the medically unqualified licensed professional wrestler shall be canceled. [1987 c.789 §5; 1991 c.211 §5]

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

463.145 Financial interest or investment prohibited. (1) No member of the Oregon State Boxing and Wrestling Commission shall have any financial interest or investment in any professional boxer or wrestler or entertainment wrestler.

(2) No member of the commission shall have any financial interest or investment in any boxing, wrestling or entertainment wrestling promotion or any person or promoter involved in boxing, wrestling or entertainment wrestling promotion.

(3) No official, judge, referee, inspector, timekeeper or other employee or representative of the commission shall:

(a) Have any financial interest or investment in any professional boxer or wrestler or entertainment wrestler, nor in any person or promoter involved in promotion of boxing, wrestling or entertainment wrestling cards, nor in any individual promotion of said cards.

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

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

(a) Any professional boxer or wrestler or entertainment wrestler.

(b) Any boxing, wrestling or entertainment wrestling promotion or any person or promoter involved in boxing, wrestling or entertainment wrestling. [1987 c.789 §7; 1993 c.742 §125; 1993 c.744 §211a; 2003 c.142 §4]

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 Boxing and Wrestling Commission shall appoint a sufficient number of inspectors who shall be paid as the commission designates. The appointed inspectors shall serve as tax assessors for the commission, overseeing ticket sales and count, and reporting the totals of each boxing and wrestling match or exhibition and each entertainment wrestling performance to the commission within 72 hours.

(2) The designated inspector for a boxing or wrestling match or an entertainment wrestling performance shall verify the accuracy of the promoter's account and the amount of the taxed gross receipts for any match, exhibition or performance to which said 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 the overseeing of the conduct of a boxing or wrestling match. [1987 c.789 §6; 1987 c.788 §7; 2003 c.142 §5]

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 matches in this state. Licensed referees, judges and timekeepers shall be paid by the superintendent at rates the superintendent considers reasonable.

(2) The Oregon State Boxing and Wrestling Commission shall recommend, and the

superintendent shall adopt without change, reasonable qualifications for applicants seeking licenses as a promoter, manager, matchmaker, professional boxer or wrestler, judge, referee, second or timekeeper.

(3) After investigation and hearing, the superintendent shall 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]

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 contest, match or exhibition. Any objection must be filed in writing with the Oregon State Boxing and Wrestling Commission. [1987 c.789 §13; 1991 c.211 §6]

463.180 [Repealed by 1987 c.789 §24]

463.185 Authority of superintendent to enforce chapter; suspension 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 shall investigate any allegations of activity which 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, upon recommendation of the Oregon State Boxing and Wrestling Commission, may revoke or suspend the license or permit of any judge, boxer, wrestler, manager, referee, timekeeper, second, matchmaker or promoter for:

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

(b) Engaging in activity in this state covered by the license or permit, in connection with a boxing or wrestling contest, match or exhibition, that is not approved by the superintendent.

(c) Participating as a contestant in a boxing or wrestling contest, match or exhibition in which another contestant is either unlicensed by the superintendent or is medically unqualified as provided in ORS 463.135 (4), (5) and (6).

(d) Participating as an official in a boxing or wrestling contest, match or exhibition in which a contestant is either unlicensed by the superintendent or is medically unqualified as provided in ORS 463.135 (4), (5) and (6).

(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 license or permit privilege.

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

(5) The superintendent shall 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, upon recommendation of the commission, may order the forfeiture of the payment of the purse or any portion thereof of any boxer, wrestler or manager for the violation of this chapter or any rule adopted pursuant to this chapter.

(7) The superintendent may impose a civil penalty in an amount not to exceed $2,500 to be paid by any promoter, matchmaker, boxer, wrestler, 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.

(8) In the conduct of any 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 that require that contracts between promoters and professional boxers and between professional boxers and managers conform to standards calculated by the commission to enhance the best interests of contestants and the public, including but not limited to the requirement that no professional boxer shall receive less than 66-2/3 percent of the gross purse for any contest in which the boxer participates. No boxing contest shall take place in this state unless the superintendent approves the contractual arrangements therefor in light of the standards contained in the rules so adopted.

(10) The provisions of this section do not apply to a promoter of or participant in en-

tertainment wrestling. [1987 c.789 §10; 1991 c.211 §7; 1993 c.742 §127; 1993 c.744 §212; 2003 c.142 §6]

463.190 [Repealed by 1987 c.789 §24]

463.195 Commission subject to ORS 291.201 to 291.222, 291.230 to 291.260 and 291.990. (1) The Oregon State Boxing and Wrestling 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 291.230 to 291.260 and 291.990. [1987 c.789 §10a]

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

463.210 Organizations exempt from licensing and bonding provisions. (1) The promoting, conducting or maintaining of boxing and wrestling matches, contests or exhibitions when conducted by educational institutions, Oregon National Guard Units, United States Amateur Boxing Federation or any other amateur athletic organizations duly recognized by the Oregon State Boxing and Wrestling Commission shall be exempt from the licensing and bonding provisions of this chapter if none of the participants in the contests or exhibitions receives a monetary remuneration, purse or prize for performance or services therein.

(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 which have been recognized by the commission.

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

(c) Contests, matches or exhibitions between members of any troop, battery, company or units of the Oregon National Guard. [1987 c.789 §11]

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, 463.320 and 463.330. As used in ORS 463.113, 463.320 and 463.330:

(1) "Event" includes any match, contest, exhibition or performance.

(2) "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 deductions whatsoever.

(3) "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 Boxing and Wrestling 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]

463.320 Imposition of tax; amount; report; rules; payment. (1) For the privilege of engaging in the activity of professional boxing or wrestling 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 or wrestling event or an entertainment wrestling event held within 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, wrestling or entertainment wrestling event shall:

(a) No later than three days prior to the holding of any boxing, wrestling or entertainment wrestling event, furnish to the Superintendent of State Police a statement containing the name of each contestant or participant and the names of the manager or managers.

(b) No later than 72 hours after termination of the boxing, wrestling or entertainment wrestling event, file with the superintendent a written report, duly verified in accordance with rules recommended by the Oregon State Boxing and Wrestling Commission and adopted by the superintendent, stating the number of tickets or other admissions indicia or rights to admission

sold, the price or prices for which 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 statement 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]

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; distribution; tax. (1) When an admission fee is charged by any person conducting or sponsoring an amateur boxing, wrestling or entertainment wrestling event, the tax imposed by ORS 463.320 (1) and (2) shall apply to the gross receipts from the admissions and the statement filed and tax paid by the conducting or sponsoring person.

(2) The Oregon State Boxing and Wrestling Commission shall designate what percentage of the proceeds of the gross receipts from the conduct of an amateur boxing, wrestling or entertainment wrestling event shall be donated to participating amateur boxing associations and shall cause that percentage to be distributed to those associations. [1987 c.788 §4; 2003 c.142 §8]

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 expenses. The salaries or expenses, or both, of the members and employees, and the operating expenses of the Oregon State Boxing and Wrestling 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]

463.370 Distribution of tax revenues. After deduction of administrative costs of the Oregon State Boxing and Wrestling 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]

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 Boxing and Wrestling Commission a fee of $1 for each ticket sold for admission to a live professional boxing contest, match or exhibition held in this state.

(2) Subsection (1) of this section does not apply to a live professional boxing contest, match or exhibition 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). Such moneys are continuously appropriated to the Oregon State Boxing and Wrestling Commission 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]

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]