

Senate File 2286 - Introduced

SENATE FILE 2286
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3192)

A BILL FOR

1 An Act relating to the regulation of professional and
2 amateur mixed martial arts matches and events by the labor
3 commissioner and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 90A.1, Code 2009, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. *“Mixed martial arts match”* means a
4 professional or amateur mixed martial arts match or event that
5 is open to the public.

6 Sec. 2. Section 90A.1, subsections 3 and 4, Code 2009, are
7 amended to read as follows:

8 3. *“Official”* means a person who is employed as a referee,
9 judge, timekeeper, or match physician for a ~~boxing or~~
10 ~~wrestling match or event covered by this chapter.~~

11 4. *“Participant”* means a person involved in the ~~boxing~~
12 ~~or wrestling a match or event covered by this chapter,~~ and
13 includes contestants, seconds, managers, and similar event
14 personnel.

15 Sec. 3. Section 90A.1, subsection 6, Code 2009, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. c. Organizes, holds, advertises, or
18 otherwise conducts a mixed martial arts match.

19 Sec. 4. Section 90A.2, subsection 1, Code 2009, is amended
20 to read as follows:

21 1. A person shall not act as a promoter of a professional
22 boxing or wrestling match or a mixed martial arts match without
23 first obtaining a license from the commissioner. This
24 subsection shall not apply to a person distributing a
25 closed-circuit, pay-per-view, or similarly distributed signal
26 to a person acting as a promoter or to a person viewing the
27 signal in a private residence.

28 Sec. 5. Section 90A.4, Code 2009, is amended to read as
29 follows:

30 **90A.4 Match promoter responsibility.**

31 The A promoter, ~~as defined in section 90A.1, subsection~~
32 ~~6, paragraph “a”,~~ shall be responsible for the conduct of
33 all officials and participants at a ~~professional boxing~~
34 ~~or wrestling match or event covered by this chapter.~~ The
35 commissioner may reprimand, suspend, deny, or revoke the

1 participation of any promoter, official, or participant for
2 violations of rules adopted by the commissioner. Rulings or
3 decisions of a promoter or an official are not decisions of the
4 commissioner and are not subject to procedures under chapter
5 17A. The commissioner may take action based upon the rulings
6 or decisions of a promoter or an official. This section shall
7 not apply to a promoter as defined in section 90A.1, subsection
8 6, paragraph "b".

9 Sec. 6. Section 90A.5, subsection 1, paragraphs c and h,
10 Code 2009, are amended to read as follows:

11 c. A ~~boxer~~ contestant fails to pass a prefight physical
12 examination.

13 h. A match promoter, ~~professional boxer~~ contestant, or
14 participant is in violation of rules adopted pursuant to
15 section 90A.7.

16 Sec. 7. Section 90A.5, subsection 1, Code 2009, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. i. A contestant does not present adequate
19 proof of age pursuant to section 90A.12.

20 Sec. 8. Section 90A.6, subsection 1, unnumbered paragraph
21 1, Code 2009, is amended to read as follows:

22 The commissioner may suspend, deny, revoke, annul, or
23 withdraw a license, registration, or authority to participate
24 in a professional boxing or wrestling match or mixed martial
25 arts match if any of the following occur:

26 Sec. 9. Section 90A.9, subsection 1, Code 2009, is amended
27 to read as follows:

28 1. The promoter of a professional boxing or wrestling match
29 or event or a mixed martial arts match shall, within twenty
30 days after the match or event, furnish to the commissioner a
31 written report stating the number of tickets sold, the gross
32 amount of admission proceeds of the ~~professional boxing or~~
33 ~~wrestling match~~ or event, and other matters the commissioner
34 may prescribe by rule. The value of complimentary tickets in
35 excess of five percent of the number of tickets sold shall

1 be included in the gross admission receipts. Within twenty
2 days of the match or event, the promoter shall pay to the
3 treasurer of state a tax of five percent of its total gross
4 admission receipts, after deducting state sales tax, from the
5 sale of tickets of admission to the ~~professional boxing or~~
6 ~~wrestling~~ match or event.

7 Sec. 10. Section 90A.11, Code 2009, is amended to read as
8 follows:

9 **90A.11 License penalty penalties — cease and desist order.**

10 1. A person who acts as a ~~professional boxing or wrestling~~
11 match promoter, as defined in section 90A.1, without first
12 obtaining a license commits a serious misdemeanor. In addition
13 to criminal penalties, the promoter and shall be liable to the
14 state for the taxes and penalties pursuant to section 90A.9.

15 2. a. Notwithstanding the procedural requirements of
16 chapter 17A, the commissioner may issue an order to cease and
17 desist a match or event if the criteria of this subsection
18 are met. The county sheriff shall assist with service and
19 enforcement of the commissioner's order to cease and desist if
20 requested by the commissioner. The provisions of chapter 17A
21 shall apply after enforcement of the order to cease and desist.

22 b. The commissioner may issue an order to cease and desist a
23 match or event if all of the following have occurred:

24 (1) The commissioner conducted an investigation and
25 determined a promoter is organizing, advertising, holding,
26 or conducting an event or match that is within the scope of
27 section 90A.2.

28 (2) The promoter has not applied for or has been denied a
29 license.

30 (3) The deadline to file a timely license application has
31 passed.

32 3. a. A person who acts as a promoter without first
33 obtaining a license is subject to a civil penalty of not more
34 than ten thousand dollars for each violation.

35 b. The commissioner shall notify the unlicensed promoter

1 of a proposed civil penalty by service in the same manner as
2 an original notice or by certified mail. If within fifteen
3 business days from the receipt of the notice, the unlicensed
4 promoter fails to file a notice of contest in accordance with
5 rules adopted by the commissioner pursuant to chapter 17A, the
6 penalty as proposed shall be deemed final agency action for
7 purposes of judicial review.

8 c. The commissioner shall notify the department of revenue
9 upon final agency action regarding the assessment of a civil
10 penalty against an unlicensed promoter. Interest shall be
11 calculated on the penalty from the date of final agency action.

12 d. Judicial review of final agency action pursuant to
13 this section may be sought in accordance with the terms of
14 section 17A.19. If no petition for judicial review is filed
15 within sixty days after service of the final agency action
16 of the commissioner, the commissioner's findings of fact and
17 final agency action shall be conclusive in connection with any
18 petition for enforcement which is filed by the commissioner
19 after the expiration of the sixty-day period. The clerk of
20 court, unless otherwise ordered by the court, shall enter a
21 decree enforcing the final agency action and shall transmit
22 a copy of the decree to the commissioner and the unlicensed
23 promoter named in the petition.

24 e. Civil penalties recovered pursuant to this section shall
25 be remitted by the commissioner to the treasurer of state for
26 deposit in the general fund of the state.

27 Sec. 11. Section 90A.12, Code 2009, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 3. A person shall not be a contestant in a
30 mixed martial arts match unless the contestant is twenty-one
31 years of age or older. Each contestant shall submit to
32 the commissioner a certified birth certificate, or similar
33 document, validating the contestant's date of birth prior to
34 the match in order to verify the contestant's eligibility.

35

EXPLANATION

1 This bill places the regulation of amateur and professional
2 mixed martial arts (MMA) matches and events under the authority
3 of the labor commissioner.

4 An MMA match is defined as a professional or amateur MMA
5 match or event that is open to the public. The definition
6 of "promoter" is expanded to include a person who organizes,
7 holds, advertises, or conducts professional or amateur MMA
8 matches.

9 Under Code section 90A.4, promoters are accountable for the
10 conduct of all officials and participants at MMA matches and
11 events.

12 Pursuant to Code section 90A.5(1), as amended by the bill,
13 the commissioner may suspend an MMA match or event if an MMA
14 contestant does not pass a required prefight physical exam; if
15 a promoter, contestant, or participant is in violation of any
16 rules; or if an MMA contestant fails to present adequate proof
17 of age in order to compete.

18 The commissioner also has the authority in certain
19 circumstances as presented in Code section 90A.6(1) to revoke,
20 deny, or withdraw a license for or deny participation in an MMA
21 match or event.

22 Promoters are required to pay taxes on the gross receipts of
23 MMA matches and events. The process and tax are described in
24 Code section 90A.9(1).

25 The bill amends Code section 90A.11 to authorize the labor
26 commissioner to impose civil penalties not to exceed \$10,000
27 per violation for acting as a promoter without a license.

28 The labor commissioner may issue a cease and desist order to
29 prevent a promoter from holding an unlicensed event or match.

30 The bill provides that an MMA contestant must be at least 21
31 years of age, and provide proof thereof pursuant to new Code
32 section 90A.12(3).