

A Bill for an Act Relating to the Boxing Commission.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 440-1, Hawaii Revised Statutes, is amended to read as follows:

“§440-1 Definitions. As used in this chapter:

“Club” means promoter, corporation, organization, or association.

“Commission” means the state boxing commission.

“Secretary” means the executive secretary to the state boxing commission.

“Contest” means match or exhibition.

“Professional boxer” is one who competes for a money prize or purse, or teaches [or], pursues, or assists in the practice of boxing as a means of obtaining a livelihood or pecuniary gain.

“Amateur boxing contest” is one in which no contestant has received or will receive, directly or indirectly, any money, prize, reward, or compensation either for the expenses of training for [such] the contest or for taking part therein, except as provided in this chapter.”

SECTION 2. Section 440-2, Hawaii Revised Statutes, is amended to read as follows:

“§440-2 Commission established. There shall be a board which shall be known as the state boxing commission of Hawaii. The commission shall consist of five members who shall be appointed and may be removed by the governor in the manner provided by section 26-34. One of the members shall be a member of the Hawaiian association of [the] an amateur athletic [union] federation of the United States of America. One member shall be designated by the governor as chairman of the commission.”

SECTION 3. Section 440-5, Hawaii Revised Statutes, is amended to read as follows:

“§440-5 Deputy commissioners. The director of commerce and consumer affairs may appoint and remove deputy commissioners. The boxing commission may direct [such] deputy commissioners or any one or more of them to be present at any boxing contest and, in the absence of the commission or a member thereof, to superintend and control the boxing contest, in accordance with this chapter and the rules [and regulations] passed by the commission pursuant thereto. The deputy

commissioners shall make a written report to the secretary in the manner and form prescribed by the commission of the conditions prevailing at every [such] contest.”

SECTION 4. Section 440-6, Hawaii Revised Statutes, is amended to read as follows:

“**§440-6 Seal [,] and rules[, and regulations; reports to legislature].** The boxing commission shall adopt a seal and may make, amend, and repeal [such] rules [and regulations] as it considers necessary or expedient for the conduct of its business and the regulation of the matters herein committed to its charge. The rules [and regulations] when prescribed in conformity with chapter 91 have the force and effect of law.

[The commission shall submit to the legislature, through the director of regulatory agencies, at the beginning of each regular session thereof, a full report of its proceedings and may submit therewith such recommendations pertaining to its affairs as it may deem advisable.]”

SECTION 5. Section 440-7, Hawaii Revised Statutes, is amended to read as follows:

“**§440-7 Secretary; other employees.** The department of commerce and consumer affairs shall employ a secretary subject to chapters 76 and 77. The secretary will attend all meetings of the boxing commission, keep a full and true record of all its books, documents, and papers, prepare for service [such] notices and other papers as may be required by the commission, coordinate and supervise the activities and duties of whatever other offices the commission establishes, and otherwise act for and in behalf of the commission as the commission may prescribe and in a manner not inconsistent with the terms and intent of this chapter.

Subject to chapters 76 and 77, the department may employ [such] clerks, inspectors, and other employees as it deems necessary.”

SECTION 6. Section 440-8, Hawaii Revised Statutes, is amended to read as follows:

“**§440-8 Authority to subpoena witnesses, to administer oaths and penalties.** The chairman or the secretary may issue subpoenas for the attendance of witnesses before the boxing commission with the same effect as if they were issued in an action in the circuit court, and may administer oaths in all matters connected with the administration of the affairs of the commission. Disobedience of [such] a subpoena and false swearing before the secretary or the commission shall be attended by the same consequences and be subject to the same penalties as if [such] disobedience or false swearing occurred in an action in the circuit court.”

SECTION 7. Section 440-9, Hawaii Revised Statutes, is amended to read as follows:

“**§440-9 Jurisdiction of commission.** The boxing commission is vested with the sole jurisdiction, direction, management, and control over all professional and amateur boxing, to be conducted, held, or given within the State. No [such] professional or amateur boxing contest shall be conducted, held or given within the State except in accordance with this chapter and the rules [and regulations] adopted by the commission pursuant thereto.

The commission shall not allow any professional boxing contest unless the contestants use gloves not less than five ounces in weight and does not consist of more than fifteen rounds of a duration of more than three minutes each with an interval of one minute between each round and the succeeding round, and unless each contestant is [over] at least eighteen years of age and one hour prior to the contest is examined by a licensed physician who shall certify in writing to the referee of the contest that the contestant is physically fit to engage therein."

SECTION 8. Section 440-10, Hawaii Revised Statutes, is amended to read as follows:

"§440-10 Licenses, promoters. Any individual, partnership, club, association, organization, or corporation may make application to the boxing commission for a license to conduct, hold, and give professional boxing contests. The application shall be in writing, addressed to the commission, and duly verified by the applicant, or if the applicant is a club, association, organization, or corporation, by a duly authorized officer thereof[.],¹ and shall include the following:

- (1) Evidence of financial integrity for an individual applicant, for each partner of a partnership or joint venture, or for each corporate entity or association to include a:
 - (A) Current credit report covering a five-year period immediately preceding the date of application;
 - (B) Current financial statement certified by a registered certified public accountant or a registered public accountant;
 - (C) State tax clearance from the state department of taxation;
- (2) For corporations organized under the laws of the State of Hawaii, a copy of the affidavit of officers on file with the department of commerce and consumer affairs, or certificates of registration for foreign corporations and partnerships;
- (3) Proof that applicant has contracted for major medical insurance coverage for all boxers on the applicant's cards.

The application shall contain a recital of [such] the facts as may be specified by the commission in order for it to determine whether or not the applicant possesses the necessary physical, mental, moral, and financial qualifications to entitle the applicant to a license.

The commission shall not issue any license to conduct, hold, or give boxing contests unless it is satisfied that the applicant has complied with the conditions of this chapter, possesses the necessary qualifications for a license, and is the real party in interest, and intends to conduct, hold, or give [such] the contests or matches itself. A license may be revoked at any time if the commission finds after a hearing that the licensee is not the real party in interest or does not comply with the conditions of this chapter. Every license shall be subject to this chapter and [such] the rules [and regulations] as the commission may prescribe."

SECTION 9. Section 440-11, Hawaii Revised Statutes, is amended to read as follows:

"§440-11 License fee; bond. The application for a license to promote professional boxing contests shall be accompanied by an annual fee, or, by the fee

required for a single promotion. The fee for an annual license or for a license covering some definite period less than one year shall be \$150 in the city and county of Honolulu and \$50 in each of the other counties. The fee for a single promotion shall be ~~[\$50 [75]]~~ \$75 in the city and county of Honolulu and ~~[\$25 [37.50]]~~ \$37.50 in each of the other counties. Applications for licenses to promote amateur boxing contests shall be accompanied by an annual fee of \$75 in the city and county of Honolulu and ~~[\$25]~~ \$37.50 in each of the other counties.

Before any [such] license is granted, the applicant shall file with the boxing commission a bond in the sum of ~~[\$2,000]~~ \$5,000 with good and sufficient sureties conditioned for the faithful performance by the applicant of this chapter. In case of default in [such] the performance, the bond shall be forfeited and the full amount thereof, or any less amount as the commission may determine, shall be recovered by the attorney general in the name of the State and the amount so recovered shall be paid [into the state treasury.] to any aggrieved party for monetary damages sustained as a result of the applicant's default in performance, as determined by the commission, with the remainder paid into the state treasury."

SECTION 10. Section 440-12, Hawaii Revised Statutes, is amended to read as follows:

"§440-12 Licenses, participants. Any individual, partnership, or corporation may make application to the boxing commission for a license to act as physician, referee, judge, matchmaker, manager, timekeeper, second, [trainer,] announcer, or professional boxer to participate, either directly or indirectly, in any contest. The application shall be in writing, addressed to the commission, and duly verified by the applicant or, if the applicant is a corporation, by a duly authorized officer thereof. The application shall contain a recital of [such] facts as may be specified by the commission in order for it to determine whether or not the applicant possesses the necessary physical, mental, and moral qualifications to entitle the applicant to a license. Any license to act as physician, referee, judge, matchmaker, manager, timekeeper, second, [trainer,] announcer, or professional boxer may be suspended or revoked by the commission upon [such] cause as it deems sufficient after due hearing."

SECTION 11. Section 440-13, Hawaii Revised Statutes, is amended to read as follows:

"§440-13 License fees. Every applicant to whom a license is issued to participate in the conduct of professional boxing in any of the capacities hereinafter set forth shall pay annually to the State a license fee as follows: physician, ~~[\$5 [7.50]]~~ \$7.50; referee, ~~[\$25 [37.50]]~~ \$37.50; judge, ~~[\$10 [15]]~~ \$15; matchmaker, \$10; manager, ~~[\$25 [37.50]]~~ \$37.50; timekeeper, ~~[\$5 [7.50]]~~ \$7.50; second, ~~[\$5 [7.50]]~~ \$7.50; [trainer, \$5 [7.50];] announcer, ~~[\$5 [7.50]]~~ \$7.50; and professional boxer, ~~[\$5 [7.50]]~~ \$7.50. The charge for a duplicate of a license shall be ~~[\$1 [1.50]]~~ \$1.50.

The boxing commission may establish a schedule of license fees for participation in amateur boxing contests, and may waive payment of [any such] license fees for amateur boxing contests."

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SECTION 12. Section 440-14, Hawaii Revised Statutes, is amended to read as follows:

“§440-14 Licenses, limitations, renewals. No boxing contest shall be conducted, held, or given unless all the parties participating, as designated herein, are licensed by the boxing commission, and it shall be unlawful for any person, partnership, or corporation to participate in a boxing contest in any capacity designated herein unless [he] the person is licensed to do so.

The commission may limit the number of licenses issued for any purpose as specified in this chapter and may limit the number of professional boxing contests conducted, held, or given in any city, town, or in the State.

All licenses shall be for a period of not more than one year and all licenses shall expire on December 31 of the year in which [they] the licenses are issued.

The commission, at its discretion, may upon application, renew [such] the licenses for the following year.

Every club, person, partnership, or corporation licensed under this chapter is subject to [such] the rules [and regulations], and amendments thereof, as the commission may prescribe.”

SECTION 13. Section 440-15, Hawaii Revised Statutes, is amended to read as follows:

“§440-15 Receipts and reports thereon. Every person, club, corporation, organization, or association holding a license to conduct, hold, or give boxing contest shall, within seventy-two hours after the determination of every boxing contest for which admission fees are charged and received, furnish to the boxing commission a written report, duly verified, showing the number of tickets sold for the contest and the amount of the gross receipts or proceeds thereof, and [such] other matters as the commission prescribes.

For the purpose of this section, gross receipts include income received from the sale of broadcasting, television, and motion picture rights.”

SECTION 14. Section 440-17, Hawaii Revised Statutes, is amended to read as follows:

“§440-17 Admission tickets. All tickets of admission to any boxing contest for which admission fees are charged and received shall have printed clearly upon the face thereof the purchase price of same, and no [such] ticket shall be sold for more than the price as printed thereon.”

SECTION 15. Section 440-18, Hawaii Revised Statutes, is amended to read as follows:

“§440-18 Inspectors; duties. The director of commerce and consumer affairs shall employ official representatives designated as inspectors, each of whom shall receive from the boxing commission a card or badge authorizing [him] the person to act as inspector whenever the commission may designate [him] the person to so act. An inspector or the secretary shall be present at all boxing contests and see that this chapter and the rules [and regulations] are strictly observed and shall also be present at the counting of the gross receipts or proceeds of all boxing

contests, and shall, as soon as practicable thereafter, mail or deliver to the commission the official box office statement received by [him.] the inspector or secretary.”

SECTION 16. Section 440-19, Hawaii Revised Statutes, is amended to read as follows:

“§440-19 Referees; duties. At each boxing contest there shall be in attendance a duly licensed referee designated by the boxing commission, who shall direct and control the same. Before starting the boxing contest the referee shall ascertain from each contestant the name of [his] the contestant’s chief second, and shall hold the chief second responsible for the conduct of [his] the assistant seconds during the progress of the contest.

The referee may recommend and the commission may in its discretion declare forfeited any prize, purse, or remuneration or any part thereof, to which the contestants or one of [them] the contestants may be entitled, or any part of the gate receipts for which the contestants are competing, if in its judgment the contestants or one of [them] the contestants are not honestly competing.

Every referee shall warn competing boxers of [his] the referee’s power to recommend the forfeiture of purse or purses, should there be any apparent cause for [such] the warning.

In any case where the referee decides that the contestants are not honestly competing and that under the law [their] the contestants’ purses or the purse of either contestant should be forfeited, the bout shall be stopped before the end of the last round, and no decision shall be given. A contestant earns nothing and shall not be paid for a contest in which there is stalling, faking, or dishonesty or collusion. The commission may, independently of the referee or [his] the referee’s decision, determine the merits of any contest, and take whatever action it considers proper. In any [such] case the secretary or commissioner may order the purse of the offender held up for investigation and action.

The referee shall stop the contest when either of the contestants shows a marked superiority or is apparently outclassed. The referee, [shall] at the termination of each boxing contest, shall render [his] a decision.”

SECTION 17. Section 440-20, Hawaii Revised Statutes, is amended to read as follows:

“§440-20 Judges; duties. The boxing commission may in its discretion appoint two judges to act with the referee in rendering a decision or three judges to act with a non-voting referee in rendering a decision.”

SECTION 18. Section 440-21, Hawaii Revised Statutes, is amended to read as follows:

“§440-21 Physician; duties. Every person, club, corporation, organization, or association holding a license to conduct, hold, or give boxing contests shall have in attendance at every boxing contest, a physician licensed to practice medicine in the State and duly licensed hereunder, who shall observe the physical condition of the contestants and advise the referee with regard thereto, and one hour before each contestant enters the ring certify in writing [over his signature] as to the physical condition of the contestant to engage in the boxing contest. A report of the

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medical examination shall be filed with the boxing commission not later than twenty-four hours after the termination of the boxing contest.”

SECTION 19. Section 440-25, Hawaii Revised Statutes, is amended to read as follows:

“**§440-25 Buildings to conform to legal requirements.** All buildings or structures used or intended to be used for conducting, holding, or giving [such] boxing contests shall in all respects conform to all governmental laws, ordinances, or regulations applicable thereto.”

SECTION 20. Section 440-26, Hawaii Revised Statutes, is repealed.

SECTION 21. Section 440-27, Hawaii Revised Statutes, is amended to read as follows:

“**§440-27 Financial interest in contestant prohibited.** No person, club, corporation, organization, or association holding a license to conduct, hold, or give boxing contests nor any member or stockholder thereof, shall have, either directly or indirectly, any financial interest in any contestant competing in any boxing contest which [he or] it may conduct, hold, or give.”

SECTION 22. Section 440-29, Hawaii Revised Statutes, is amended to read as follows:

“**§440-29 Limit of weight difference between contestants.** No boxing contest shall be allowed in which the difference in weight between the respective contestants exceeds the limits which the boxing commission prescribes in its rules [and regulations].”

SECTION 23. Section 440-30, Hawaii Revised Statutes, is amended to read as follows:

“**§440-30 Control and supervision of amateur boxing contest.** Amateur boxing contests may be placed by the boxing commissioner under the control and supervision of any recognized national amateur athletic association whose standing has first been approved by the commission, subject, however, to [such] the rules [and regulations] as may be prescribed by the commission.”

SECTION 24. Section 440-31, Hawaii Revised Statutes, is amended to read as follows:

“**§440-31 Persons barred as amateur contestants.** No person shall appear as contestant in amateur boxing contests who prior thereto has received any compensation or reward in any form for displaying, exercising, or giving any example of [his] the person's skill in or knowledge of athletic exercises, or for rendering services of any kind to any athletic organization or to any person or persons as trainer, coach, instructor, or otherwise, or who has been employed in any manner professionally by reason of [his] the person's athletic skill or knowledge.”

SECTION 25. Section 440-32, Hawaii Revised Statutes, is amended to read as follows:

“**§440-32 Amateur contestants entitled to medals and trophies only.** A medal or trophy may be awarded to each contestant in an amateur boxing contest not

to exceed in value the sum of \$35 each. The medal or trophy shall have engraved thereon the name of the winner and the date of the event.

No other or additional prize, reward, or remuneration shall be given or awarded to any contestant unless authorized in writing by the boxing commission.

Every contestant in an amateur boxing contest or sparring match shall be registered with the commission or its amateur representative and subject to an annual physical examination. Each amateur contestant shall be examined by a physician immediately before the contest.”

SECTION 26. Section 440-33, Hawaii Revised Statutes, is amended to read as follows:

“**§440-33 Disposition of receipts.** All moneys received by the boxing commission shall be deposited by the director of commerce and consumer affairs with the director of finance to the credit of the general fund of the State.”

SECTION 27. Section 440-35, Hawaii Revised Statutes, is amended to read as follows:

“**§440-35 Not to apply to army, air force, navy, or national guard.** Except as provided in this section, none of the provisions of this chapter shall be construed as having any application to any boxing contest held as a recreational activity by army, air force, navy, and national guard personnel when any [such] contest is held under the supervision of any recreational officer of the army, air force, navy, or national guard, provided that no [such] contest shall be held in any place subject to the jurisdiction of the boxing commission unless the commission has first granted a license to hold the same, for which license no fee shall be charged.”

SECTION 28. Statutory material to be repealed is bracketed. New material is underscored.²

SECTION 29. This Act shall take effect upon its approval.

(Approved June 9, 1983.)

Notes

1. Underscoring missing.
2. Edited pursuant to HRS §23G-16.5.