

17-22-101. Definitions.

For purposes of this chapter:

- (1) "Amateur" means a person who has never received nor competed for any purse or other compensation except reimbursement for expenses;
- (2) "Boxing" means to compete with the fists;
- (3) "Commission" means the State Athletic Commission as provided in § 17-22-201;
- (4) "Exhibition" means any engagement in which the participants show or display their skills without necessarily striving to win;
- (5) "Kick boxing" means any form of boxing in which blows are delivered with the hand and any part of the leg below the hip, including the foot;
- (6) "Manager" means any person who, directly or indirectly, controls or administers the wrestling, boxing, kick boxing, or martial arts affairs of any professional participant of the same;
- (7) "Martial arts" means any discipline where the participants utilize kicks, punches, blows, strikes, or other techniques, including, but not limited to, any form of judo, kung fu, karate, and tae kwon do, or any combination thereof;
- (8) "Match" means any engagement in which the participants show or display their skills while striving in good faith to win;
- (9) "Person" means any individual, partnership, corporation, association, or club;
- (10) "Professional" means a person who has received or competed for any purse or other article of a value greater than fifty dollars (\$50.00), either for the expenses of training or for participating in any match or exhibition;
- (11) "Promoter" means any person, club, organization, corporation, or association, and in the case of a corporate promoter includes any officer, director, employee, or stockholder thereof who produces, arranges, or stages any professional boxing, kick boxing, wrestling, or martial arts match or exhibition;
- (12) "Semi-professional" means a person engaging in an activity regulated by this chapter for pay or gain but not as a full-time occupation; and
- (13) "State" means the State of Arkansas.

History. Acts 1999, No. 1085, § 1.

17-22-201. Creation - Members.

(a) A State Athletic Commission is created which shall consist of seven (7) members who shall be at least twenty-five (25) years of age.

(b)(1) Members shall be appointed by the Governor for a term of two (2) years.

(2) Four (4) of the members of the commission shall be members of the state executive committees of any patriotic organizations chartered by authority of a special act of the Congress of the United States.

(3) One (1) member shall be a representative of the field of physical education.

(4) One (1) member shall be a representative of the field of sports promotion.

(5) One (1) member shall be a consumer representative.

(6) Furthermore, one (1) of the seven (7) members of the commission shall be a member of a minority race, and one (1) of the seven (7) shall be a senior citizen.

(c)(1) The members of the commission shall serve without pay and shall have authority to promulgate such rules and regulations as are necessary for the operation and enforcement of this chapter and not in conflict with this chapter.

(2) The members of the commission may receive expense reimbursement in accordance with § 25-16-901 et seq.

(d) When any member of the commission shall cease to be a member of the state executive committee of any such patriotic organization as herein mentioned, his or her commission as a member of the commission shall automatically expire. The Governor shall appoint a successor, whose qualifications shall be as prescribed in this section.

History. Acts 1927, No. 131, §§ 2, 3; Pope's Dig., § 12062; Acts 1985, No. 970, § 2; A.S.A. 1947, §§ 84-2903, 84-2904; Acts 1991, No. 1188, § 1; 1997, No. 250, § 130.

17-22-202. Chair.

The State Athletic Commission shall elect one (1) of its members as chair.

History. Acts 1927, No. 131, § 3; Pope's Dig., § 12063; A.S.A. 1947, § 84-2904.

17-22-203. Secretary.

(a) The State Athletic Commission shall have authority to select a secretary and fix the salary thereof at a sum not to exceed the maximum annual salary prescribed for such a position in the biennial appropriation for the commission.

(b) The secretary shall:

(1) Keep in the office of the commission a full, complete, and up-to-date record of all the proceedings of the commission;

(2) Keep an up-to-date account of all money received by him or her on behalf of the commission; and

(3) Perform such other duties as shall be prescribed by the commission.

History. Acts 1927, No. 131, §§ 3, 5; Pope's Dig., §§ 12063, 12065; Acts 1985, No. 970, § 2; A.S.A. 1947, §§ 84-2904, 84-2906.

17-22-204. Authority.

(a) The State Athletic Commission shall have the sole discretion, management, control, and jurisdiction over all professional or semi-professional matches and exhibitions involving boxing, kick boxing, wrestling, or martial arts in this state.

(b) The commission shall have the authority to appoint inspectors and other officials necessary to properly conduct any match or exhibition authorized by this chapter.

(c) The commission shall have the authority to adopt and promulgate, amend, or abrogate any and all rules and regulations considered by it necessary or expedient for the performance of its functions as provided in this chapter and in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d) The commission may issue subpoenas, examine witnesses, and administer oaths and shall, at its discretion, investigate allegations or practices violating the provisions of this chapter.

(e) The commission shall have the authority to hire an investigator for the purposes outlined in this section.

History. Acts 1927, No. 131, § 3; Pope's Dig., § 12063; Acts 1985, No. 970, § 2; A.S.A. 1947, § 84-2904; Acts 1993, No. 1277, § 1; 1999, No. 1085, § 2.

17-22-205. Personal liability.

The members of the State Athletic Commission and employees of the commission shall not be personally liable for acts performed in carrying out their official duties except in the case of gross misconduct, and no legal action shall be maintained against any member or employee of the commission for such acts except in the case of gross misconduct.

History. Acts 1985, No. 970, § 5; A.S.A. 1947, § 84-2913.

17-22-206. Professional or semi-professional martial arts.

The General Assembly finds and declares to be the public policy of this state that it is in the best interest of the public and the martial arts that professional or semi-professional martial arts be subject to an effective and efficient system of strict control and regulation in order to protect the safety and well-being of the participants in professional or semi-professional martial arts matches and exhibitions and to promote the public confidence in the regulatory process and the conduct of professional or semi-professional martial arts matches and exhibitions. To further such public confidence and trust, the State Athletic Commission shall have the authority to adopt and promulgate, amend, or abrogate any and all rules and regulations concerning professional or semi-professional martial arts.

History. Acts 1999, No. 1085, § 3.

17-22-207. Civil penalties.

(a) Any person who, after notice and hearing, is found by the State Athletic Commission to have violated any provision of this chapter or any rules or regulations of the commission may be assessed a civil penalty not to exceed one thousand dollars (\$1,000) for each violation.

(b) The penalty provided for in this section plus interest at ten percent (10%) per annum shall be paid to the commission before the penalized person can be issued a license by the commission.

(c) The commission shall have the authority to file suit in the Circuit Court of Pulaski County or the circuit court of the county in which the person resides to obtain a judgment for the amount of any penalty not paid within thirty (30) days of service on the person of the order assessing the penalty, unless the circuit court enters a stay pursuant to the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 1999, No. 1085, § 3.

17-22-208. Boxing elimination contests.

(a) This chapter does not apply to boxing elimination contests in which all of the following apply:

(1) The contestants compete for prizes only in elimination contests and are not also professional boxers competing in four (4) or more rounds of non-elimination boxing;

(2) Each bout is scheduled to consist of three (3) or fewer one-minute rounds with contests conducted on no more than two (2) consecutive calendar days;

(3) Competing contestants are prohibited from boxing for more than twelve (12) minutes on each contest day;

(4) The contestants participating in the elimination contest are to be insured by the promoter for not less than one thousand dollars (\$1,000) for medical and hospital expenses to be paid to the contestants to cover injuries sustained in the contest and for not less than five thousand dollars (\$5,000) to be paid in accordance with the statutes of descent and distribution of personal property if a contestant dies as a result of injuries sustained in the elimination contest;

(5) A licensed physician is in attendance at ringside, and the physician has authority to stop the contest for medical reasons;

(6) All contestants pass a physical examination given by a licensed physician before the contest;

(7) A preliminary breath test is administered to each contestant which indicates a blood alcohol content of two-tenths of one percent (0.2%) or less; and

(8) The promoter conducts the elimination contest in compliance with the following:

(A) A contestant who has lost by a technical knockout is not permitted to compete again for a period of thirty (30) calendar days or until the contestant has submitted to the promoter the results of a physical examination equivalent to that required of professional boxers;

(B)(i) The ringside physician examines a contestant who has been knocked out in an elimination contest or whose fight has been stopped by the referee because the contestant received hard blows to the head that made the contestant defenseless or incapable of continuing immediately after the knockout or stoppage.

(ii) The ringside physician may recommend post-fight neurological examinations, which may include computerized axial tomography scans or magnetic resonance imaging, to be performed on the contestant immediately after the contestant leaves the location of the contest.

(iii) The promoter shall not permit the contestant to compete until a physician has certified that the contestant is fit to compete.

(iv) If the physician recommends further neurological examinations, the promoter shall not permit the contestant to compete until the promoter receives copies of examination reports demonstrating that the contestant is fit to compete;

(C)(i) The promoter shall require that a contestant who has sustained a severe injury or knockout in

an elimination contest be examined by a physician.

(ii) The promoter shall not permit the contestant to compete until the physician has certified that the contestant has fully recovered;

(D) The promoter shall not permit a contestant to compete in an elimination contest for a period of not less than sixty (60) days if the contestant has been knocked out or has received excessive hard blows to the head that required the fight to be stopped;

(E) A contestant who has been knocked out twice in a period of three (3) months or who has had excessive head blows causing a fight to be stopped shall not be permitted by a promoter to participate in an elimination contest for a period of not less than one hundred and twenty (120) days after the second knockout or stoppage;

(F) A contestant who has been knocked out or had excessive hard blows to the head causing a fight to be stopped three (3) times consecutively in a period of twelve (12) months shall not be permitted by a promoter to participate in an elimination contest for a period of one (1) year after the third knockout; and

(G) Before resuming competition after any of the periods of rest prescribed in subdivisions (a)(8) (D) - (F) of this section, a promoter shall require the contestant to produce a certification by a physician stating that the contestant is fit to take part in an elimination contest.

(b) As part of the physical examination given before the contest, the licensed physician or other trained person shall administer a preliminary breath test in compliance with standards imposed in rules promulgated by the Department of Arkansas State Police regarding equipment calibration and methods of administration.

(c)(1) The promoter shall keep a log of preliminary breath test results of contestants on file at its place of business for at least three (3) years after the date of administration of the test.

(2) These results shall be made available to law enforcement officials upon request.

(d) An elimination contest held pursuant to subsection (a) of this section is not considered to be in violation of the law.

(e) Any person violating the provisions of this section shall be guilty of a Class A misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000).

History. Acts 2001, No. 631, § 1.

17-22-301. Authorized matches and exhibitions - Sponsoring organizations.

(a) Professional or semi-professional matches or exhibitions in this state that involve wrestling, boxing, kick boxing, martial arts, or any combination thereof, which are conducted for purses or where an admission fee is charged, are authorized by this chapter.

(b) All matches or exhibitions as provided in subsection (a) of this section shall be conducted only in accordance with the provisions of this chapter and acts amendatory or supplemental hereto and in accordance with the rules and regulations of the State Athletic Commission.

(c) All matches or exhibitions as provided in subsection (a) of this section shall be sponsored by and held under the auspices of a patriotic organization chartered by authority of a special act of the Congress of the United States, a chartered civic club, a nonprofit corporation, or any part of such organizations. No sponsoring organization or part of any sponsoring organization may be composed of persons under the age of twenty-one (21).

(d) The commission shall have no authority to limit the number of organizations as provided in subsection (c) of this section which may sponsor matches or exhibitions in any area of the state, nor to limit or restrict the number of wrestling organizations or federations promoting or organizing matches or exhibitions in the state.

(e) No sponsoring organization, or any part thereof, as provided in subsection (c) of this section shall also be a promoter in the same match or exhibition that is authorized in subsection (a) of this section. Neither shall a promoter also be a sponsoring organization in the same match or exhibition as authorized in subsection (a) of this section.

History. Acts 1927, No. 131, § 1; Pope's Dig., § 12061; Acts 1965, No. 463, § 1; 1985, No. 970, §§ 1, 4; A.S.A. 1947, §§ 84-2902, 84-2911; Acts 1987, No. 659, §§ 2, 4; Acts 1989, No. 596, § 1; 1999, No. 1085, § 4.

17-22-302. Issuance of licenses - Fees.

(a) The State Athletic Commission shall have the authority to appoint and issue annual licenses to persons engaging in professional or semi-professional wrestling, boxing, kick boxing, and martial arts in this state.

(b) The commission shall have the authority to appoint and issue annual licenses to promoters of a professional or semi-professional wrestling, boxing, kick boxing, or martial arts match or exhibition in this state.

(c) The commission shall have the authority to appoint and issue annual licenses to managers, matchmakers, referees, judges, physicians, timekeepers, and any other persons arranging, participating in, or otherwise involved with matches and exhibitions as provided in § 17-22-301(a).

(d) The commission shall have the authority to appoint and issue licenses to sponsoring organizations as provided in § 17-22-301(c).

(e) The commission shall have the authority to refuse to issue a license to any person or organization which has been sanctioned in any way by any comparable licensing body of another state.

(f) Fees for the licenses shall be established by the commission.

(g) All licenses as provided in this section shall expire annually on June 30.

History. Acts 1927, No. 131, § 4; 1929, No. 27, § 1; Pope's Dig., § 12064; Acts 1965, No. 463, § 2; 1985, No. 970, § 3; A.S.A. 1947, §§ 84-2905, 84-2912; Acts 1987, No. 659, § 3; 1989, No. 596, § 2; 1993, No. 1277, § 2; 1999, No. 1085, § 5.

17-22-303. License required - Penalty for unlicensed activity.

(a) No person shall participate in or engage in the promotion of a professional or semi-professional wrestling, boxing, kick boxing, or martial arts match or exhibition in this state without first having obtained a license from the State Athletic Commission.

(b) No person shall participate in a professional or semi-professional wrestling, boxing, kick boxing, or martial arts match or exhibition as a manager, matchmaker, referee, judge, physician, or timekeeper, without first having obtained a license from the commission.

(c) No sponsoring organization as provided in § 17-22-301(c) shall sponsor any professional or semi-professional wrestling, boxing, kick boxing, or martial arts match or exhibition without first obtaining a license from the commission.

(d) Any person mentioned in subsections (a), (b), or (c) of this section who does not first obtain a license from the commission before participating in a professional or semi-professional wrestling, boxing, kick boxing, or martial arts match or exhibition shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500).

History. Acts 1927, No. 131, § 8; 1929, No. 27, § 1; Pope's Dig., § 12068; A.S.A. 1947, §§ 84-2901, 84-2909; Acts 1993, No. 1277, § 3; 1999, No. 1085, § 6.

17-22-304. Bond required.

(a) As a condition to the issuance of a license as provided in § 17-22-301(c), the person applying for the license shall file with the State Athletic Commission a cashier's check, a letter of credit, or a corporate surety bond in the sum of one thousand dollars (\$1,000) written by a corporate surety authorized to do business in this state, conditioned upon the licensee's payment of all taxes and other charges due the state and its political subdivisions on account of such matches or exhibitions as provided in § 17-22-301(a).

(b) Each promoter as defined in § 17-22-101 shall file with the commission a bond in the sum of one thousand dollars (\$1,000) written by a corporate surety authorized to do business in this state, conditioned upon the promoter's payment of ticket sales, fees, and other revenues to the sponsor and participants.

History. Acts 1961, No. 450, § 1; A.S.A. 1947, § 84-2910; Acts 1999, No. 1085, § 7.

17-22-305. Refusal or revocation of license.

The State Athletic Commission for good cause may refuse to grant a license to any sponsoring organization as provided in § 17-22-301(c). The commission may also revoke for good cause any license granted under authority of this chapter.

History. Acts 1927, No. 131, § 7; Pope's Dig., § 12067; A.S.A. 1947, § 84-2908; Acts 1993, No. 1277, § 4; 1999, No. 1085, § 8.

17-22-306. Sponsoring organizations - Fees.

(a) Within ten (10) days after a match or exhibition as provided in § 17-22-301(a), every sponsoring organization as provided in § 17-22-301(c) shall furnish to the State Athletic Commission a written report under the penalty of perjury on a form which shall be provided by the commission showing the number of tickets which were issued or sold and the gross receipts therefor without any deductions whatsoever. The person shall also pay to the commission at the same time a five percent (5%) fee exclusive of federal taxes thereon of the total gross receipts received from admission charges for each main or principal exhibition held under the authority of this chapter.

(b) The commission may designate a representative to be present and to observe the computation of the number of tickets issued or sold and the determination of the gross receipts.

History. Acts 1987, No. 659, § 5; 1999, No. 1085, § 9; 2001, No. 536, § 1.