

SECOND REGULAR SESSION

HOUSE BILL NO. 2518

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HUNTER (Sponsor) AND STEVENSON (Co-sponsor).

Read 1st time March 31, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5601L.011

AN ACT

To repeal sections 317.011 and 317.015 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, and to enact in lieu thereof two new sections relating to boxing and wrestling.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 317.011 and 317.015 as enacted by conference committee substitute
2 for senate substitute for senate committee substitute for house committee substitute for house bill
3 no. 780, ninety-fourth general assembly, first regular session, are repealed and two new sections
4 enacted in lieu thereof, to be known as sections 317.011 and 317.015, to read as follows:

317.011. 1. The division shall have the power, and it shall be its duty, to accept
2 application for and issue permits to hold professional boxing, sparring, professional wrestling,
3 professional kickboxing or professional full-contact karate contests in the state of Missouri, and
4 to charge a fee for the issuance of same in an amount established by rule; such funds to be paid
5 to the division which shall pay such funds into the Missouri state treasury to be set apart into the
6 athletic fund.

7 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
8 this fund shall not be transferred and placed to the credit of general revenue until the amount in
9 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
10 fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than
11 yearly then three times the appropriation from the fund for the preceding fiscal year. The

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the
13 appropriate multiple of the appropriations from the fund for the preceding fiscal year.

14 3. The division shall not grant any permit to hold professional boxing, sparring,
15 professional wrestling, professional kickboxing or professional full-contact karate contests in the
16 state of Missouri except:

17 (1) Where such professional boxing, sparring, professional wrestling, professional
18 kickboxing or professional full-contact karate contest is to be held under the auspices of a
19 promoter duly licensed by the division; and

20 (2) Where a fee has been paid for such permit, in an amount established by rule; **and**

21 **(3) Where all of the contestants in any amateur or professional full-contact karate**
22 **or mixed martial arts contest are eighteen years of age or older.**

23 4. In such contests a decision shall be rendered by three judges licensed by the division.

24 5. Specifically exempted from the provisions of this chapter are contests or exhibitions
25 for amateur boxing, amateur kickboxing, amateur wrestling and amateur full-contact karate.
26 However, all amateur boxing, amateur kickboxing, amateur wrestling and amateur full-contact
27 karate must be sanctioned by a nationally recognized amateur sanctioning body approved by the
28 office.

317.015. 1. Any person wishing to make a complaint against a licensee under sections
2 317.001 to 317.014 shall file the written complaint with the division setting forth supporting
3 details. If the division determines that the charges warrant a hearing to ascertain whether the
4 licensee shall be disciplined, it shall file a complaint with the administrative hearing commission
5 as provided in chapter 621, RSMo. Any person holding more than one license issued by the
6 division and disciplined under one license will automatically be disciplined under all licenses.

7 2. (1) The division may refuse to issue any permit or license pursuant to this chapter for
8 one or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this
9 subsection. The division shall notify the applicant in writing of the reasons for the refusal and
10 shall advise the applicant of their rights to file a complaint or an appeal with the administrative
11 hearing commission as provided in chapter 621, RSMo.

12 (2) The division may file a complaint with the administrative hearing commission, as
13 provided in chapter 621, RSMo, against any holder of any permit or license issued pursuant to
14 this chapter, or against any person who has failed to renew or has surrendered their permit or
15 license, for any one or more of the following reasons:

16 (a) Use of an alcoholic beverage or any controlled substance, as defined in chapter 195,
17 RSMo, before or during a bout;

18 (b) The person has been found guilty or has entered a plea of guilty or nolo contendere
19 in a criminal prosecution under any state or federal law for any offense reasonably related to the

20 qualifications, functions or duties of any profession licensed or regulated under this chapter, for
21 any offense an essential element of which is fraud, dishonesty or an act of violence, or for any
22 offense involving moral turpitude, whether or not a sentence is imposed;

23 (c) Use of fraud, deception, misrepresentation or bribery in securing any permit or
24 license issued pursuant to this chapter;

25 (d) Providing false information on applications or medical forms;

26 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
27 in the performing of the functions or duties of any profession licensed or regulated by this
28 chapter;

29 (f) Violating or enabling any person to violate any provision of this chapter or any rule
30 adopted pursuant to this chapter;

31 (g) Impersonating any permit or license holder or allowing any person to use their permit
32 or license;

33 (h) Contestants failing to put forth their best effort during a bout;

34 (i) Disciplinary action against the holder of a license or other right to practice any
35 profession regulated by this chapter and issued by another state, territory, federal agency or
36 country upon grounds for which revocation or suspension is authorized in this state;

37 (j) A person adjudged mentally incompetent by a court of competent jurisdiction;

38 (k) Use of any advertisement or solicitation which is false, misleading or deceptive to
39 the general public or persons to whom the advertisement or solicitation is primarily directed;

40 (l) Use of foul or abusive language or mannerisms or threats of physical harm by any
41 person associated with any bout or contest licensed pursuant to this chapter; [or]

42 (m) Issuance of a permit or license based upon a mistake of fact; **or**

43 **(n) Permitting participation by a person less than eighteen years of age in an**
44 **amateur or professional full-contact karate or mixed martial arts contest in violation of**
45 **subdivision (3) of subsection 3 of section 317.011.**

46 (3) After the complaint is filed, the proceeding shall be conducted in accordance with
47 the provisions of chapter 621, RSMo. If the administrative hearing commission finds that a
48 person has violated one or more of the grounds as provided in paragraphs (a) through (m) of
49 subdivision (2) of this subsection, the division may censure or place the person named in the
50 complaint on probation on appropriate terms and conditions for a period not to exceed five years,
51 may suspend the person's license for a period not to exceed three years, or may revoke the
52 person's license.

53 3. Upon a finding that the grounds provided in subsection 2 of this section for
54 disciplinary action are met, the office may, singly or in combination, censure or place on
55 probation on such terms and conditions as the office deems appropriate for a period not to exceed

56 five years, or may suspend for a period not to exceed three years or revoke the certificate, license,
57 or permit. In any order of revocation, the office may provide that the person shall not apply for
58 a new license for a maximum of three years and one day following the date of the order of
59 revocation. All stay orders shall toll the disciplinary time periods allotted herein. In lieu of or
60 in addition to any remedy specifically provided in subsection 1 of this section, the office may
61 require of a licensee:

62 (1) Satisfactory completion of medical testing and/or rehabilitation programs as the
63 office may specify; and/or

64 (2) A review conducted as the office may specify and satisfactory completion of medical
65 testing and/or rehabilitation programs as the office may specify.

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