HOUSE SUBSTITUTE TO SENATE BILL 224:

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 4B of Title 43 of the Official Code of Georgia Annotated, relating to the Georgia Athletic and Entertainment Commission, so as to revise and clarify definitions relative to the commission; to change a provision relating to the applicability of the chapter; to change a provision relating to the term of appointment for members of the commission; to provide that restrictions on members and employees of the commission apply to martial arts and wrestling in addition to boxing; to provide for the offense of promotion of unarmed combat; to provide for penalties; to revise provisions relating to taxation of promoters´ gross receipts; to change a provision relating to service charges for tickets sold by an authorized ticket agent; to provide for the commission´s authority relative to licensure of organizations that govern and authorize matches, contests, and exhibitions of martial arts and wrestling, licensure of promoters of martial arts matches, contests, and exhibitions, and permitting of such matches, contests, and exhibitions; to provide for fees and exceptions; to provide for requirements for such matches, contests, and exhibitions; to prohibit licensure in certain circumstances; to provide for exceptions; to prohibit certain practices and employment of any person or entity convicted of a felony or crime of moral turpitude; to prohibit employment of such a person or entity by certain organizations; to provide for penalties; to provide for fines and for suspension, revocation, and denial of licenses and permits; to provide for exemptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4B of Title 43 of the Official Code of Georgia Annotated, relating to the Georgia Athletic and Entertainment Commission, is amended by striking Code Section 43-4B-1, relating to definitions relative to the commission, and inserting in lieu thereof the following:

″43-4B-1.

As used in this chapter, the term:

(1) 'Amateur,' when applied to a person engaged in boxing, wrestling, or a martial art, means a person who receives no compensation and engages in a match, contest, or exhibition of boxing, wrestling, or a martial art that ~~which~~ is governed or authorized by:

(A) U.S.A. Boxing;

(B) The Georgia High School Athletic Association;

(C) The National Collegiate Athletic Association;

(D) Amateur Athletic Union;

(E) Golden Gloves; ~~or~~

(F) Team Georgia Amateur Wrestling;

(G) USA Wrestling;

(H) National High School Coaches Association;

(I) North American Sport Karate Association;

(J) International Sport Kick Boxing/Karate Association;

(K) World Kick Boxing Association;

(L) United States Kick Boxing Association;

(M) International Sport Combat Federation;

(N) Professional Karate Commission;

(O) International Kick Boxing Federation; or

(P) The local affiliate of any organization listed in this paragraph.

(2) 'Boxing match' means a contest between two individuals in which contestants score points in rounds of two or three minutes by striking with padded fists the head and upper torso of the opponent or by knocking the opponent down and rendering the opponent unconscious or incapable of continuing the contest by such blows, which contest is held in a square ring supervised by a referee and scored by three judges.

(3) 'Boxing registry' means a registry created or designated pursuant to subsection (j) of Code Section 43-4B-4.

(3.1) 'Charitable organization' means an entity described by:

(A) Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or

(B) Section 170(c), Internal Revenue Code of 1986 (26 U.S.C. Section 170(c)).

(4) 'Commission' means the Georgia Athletic and Entertainment Commission.

(5) 'Exhibition' means a contest where the participants engage in the use of boxing, wrestling, or martial arts skills and techniques and where the objective is to display such skills and techniques without striving to win.

(6) 'Face value' means the dollar value of a ticket or order, which value shall reflect the dollar amount that the customer is required to pay or, for complimentary tickets, would have been required to pay to purchase a ticket with equivalent seating priority in order

to view the match, contest, exhibition, or entertainment event. A complimentary ticket shall not have a face value of $0.00. A complimentary ticket shall not have a face value of less than that of the least expensive ticket available for sale to the general public. Face value shall include any charges or fees, such as dinner, gratuity, parking, surcharges, or any other charges or fees which are charged to and must be paid by the customer in order to view the match, contest, exhibition, or entertainment event. It shall exclude any portion paid by the customer for federal, state, or local taxes.

(7) 'Gross proceeds' means the total revenue received solely from the sale of tickets used or intended to be used by the audience physically attending any event required to be licensed under this chapter.

(8) 'Gross receipts' means:

(A) The gross price charged for the sale or lease of broadcasting, television, pay per view, closed circuit, or motion picture rights without any deductions for commissions, brokerage fees, distribution fees, production fees, advertising, or other expenses or charges; ~~and~~

(B) The face value of all tickets sold and complimentary tickets ~~redeemed.~~ issued, provided, or given; and

(C) The face value of any seats issued, provided, or given in exchange for advertising, sponsorships, or anything of value to the promotion of an event.

(9) 'Local tax' means any occupation tax or other tax owed to a county or municipality in order to hold a ~~professional~~ match, contest, or exhibition ~~of boxing~~ or to carry on a business as a ticket broker within such county or municipality.

(9.1) 'Kickboxing' means unarmed combat involving the use of striking techniques delivered with the upper and lower body and in which the competitors remain standing while striking.

(10) 'Manager' means a person who under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a matter related to boxing on behalf of a boxer. Such term includes, but is not limited to, a person who functions as a booking agent, adviser, or consultant.

(10.1) 'Martial art' means any form of unarmed combative sport or unarmed combative entertainment that allows contact striking, except boxing or wrestling.

(10.2) 'Mixed martial arts' means unarmed combat involving the use of a combination of techniques from different disciplines of the martial arts, including but not limited to grappling, submission holds, and strikes with the upper and lower body.

(11) 'Matchmaker' means a person who is employed by or associated with a promoter in the capacity of booking and arranging professional matches, contests, or exhibitions ~~of boxing~~ between opponents or who proposes professional matches, contests, or exhibitions

~~of boxing~~ and selects and arranges for the participants in such events and for whose activities in this regard the promoter is legally responsible.

(11.1) 'Original purchaser for personal use' means a person who buys one or more tickets with the intention of using the ticket or tickets solely for the use of the purchaser or the purchaser´s invitees, employees, and agents. An original purchaser who resells more than six tickets to the same athletic contest or entertainment event and who resells tickets to an athletic contest or entertainment event for more than 105 percent of their face value shall be rebuttably presumed to be engaging in the business of a ticket broker in any criminal prosecution or civil action, order, or penalty by the commission.

(11.2) 'Patron boxing,' 'patron wrestling,' or 'patron martial arts' means boxing, wrestling, or martial arts that is not:

(A) Governed or authorized by any organization listed in paragraph (1) of this Code section;

(B) Governed or authorized by an organization licensed by the commission in accordance with this chapter;

(C) Governed or authorized by an organization exempted from licensure by the commission in accordance with this chapter; and

(D) Licensed by the commission in accordance with Article 2 of this chapter.

~~(11.2)~~(11.3) 'Pay per view' means a telecast for which a fee is required in addition to any other fee paid by the viewer for any other services of the telecaster.

(12) 'Person' means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.

(13) 'Physician' means a doctor of medicine or other medical professional legally authorized by any state to practice medicine.

(14) 'Professional' means a person who is participating or has participated in a match, contest, or exhibition ~~of boxing~~ which is not governed or authorized by one or more of the organizations listed in paragraph (1) of this Code section and:

(A) Has received or competed for or is receiving or competing for any cash as a salary, purse, or prize for participating in any match, contest, or exhibition ~~of boxing~~;

(B) Is participating or has participated in any match, contest, or exhibition ~~of boxing~~ to which admission is granted upon payment of any ticket for admission or other evidence of the right of entry;

(C) Is participating or has participated in any match, contest, or exhibition ~~of boxing~~ which is or was filmed, broadcast, or transmitted for viewing; or

(D) Is participating or has participated in any match, contest, or exhibition ~~of boxing~~ which provides a commercial advantage by attracting persons to a particular place or promoting a commercial product or enterprise.

(15) 'Professional match, contest, or exhibition ~~of boxing~~' means a ~~boxing~~ match, contest, or exhibition which is not governed or authorized by one or more of the organizations listed in paragraph (1) of this Code section and:

(A) Rewards a ~~boxer participating~~ participant with cash as a salary, purse, or prize for such participation;

(B) Requires for admission payment of a ticket for admission or other evidence of the right of entry;

(C) Is filmed, broadcast, or transmitted for viewing; or

(D) Provides a commercial advantage by attracting persons to a particular place or promoting a commercial product or enterprise.

(16) 'Promoter' means the person primarily responsible for organizing, promoting, and producing a professional match, contest, or exhibition ~~of boxing~~ and who is legally responsible for the lawful conduct of such professional match, contest, or exhibition ~~of boxing~~.

(16.1) 'Promotion of unarmed combat' means the organization, promotion, production, publicizing, or arranging of, or provision of a venue for, a competition of unarmed combat by a person who receives some compensation or commercial benefit from such competition.

(17) 'Purse' or 'ring earnings' means the financial guarantee or any other remuneration, or part thereof, for which professional boxers or wrestlers are participating in a match, contest, or exhibition and includes the boxer´s or wrestler´s share of any payment received for radio broadcasting, television, or motion picture rights.

(17.1) 'Shidokan' means unarmed combat involving three separate, segregated rounds of which karate rules and techniques are exclusively used in one round, kickboxing rules and techniques are exclusively used in one round, and grappling rules and techniques are exclusively used in one round.

(18) 'State' means any of the 50 states, Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(19) 'Ticket broker' means:

(A) Any person who is involved in the business of reselling tickets of admission to athletic contests, concerts, theater performances, amusements, exhibitions, or other entertainment events held in this state to which the general public is admitted and who charges a premium in excess of the price of the ticket; or

(B) Any person who has a permanent office or place of business in this state who is involved in the business of reselling tickets of admission to athletic contests, concerts, theater performances, amusements, exhibitions, or other entertainment events held

inside or outside this state to which the general public is admitted and who charges a premium in excess of the price of the ticket.

The term ticket broker shall not include the owner, operator, lessee, or tenant of the property in which an athletic contest or entertainment event is being held or the sponsor of such a contest or event or the authorized ticket agent of such persons.

(20)(A) 'Unarmed combat' means any form of competition between human beings or one or more human beings and one or more animals in which:

(i) One or more blows are struck which may reasonably be expected to inflict injury on a human being; and

(ii) There is some compensation or commercial benefit arising from such competition, whether in the form of cash or noncash payment to the competitors or the person arranging the competition; the sale of the right to film, broadcast, transmit, or view the competition; or the use of the competition to attract persons to a particular location for some commercial advantage or to promote a commercial product or commercial enterprise.

Such term also means any amateur kickboxing match in which the competitors are not wearing protective gear.

(B) Unarmed combat shall include but shall not be limited to: tough man fights, bad man fights, nude boxing, ~~and~~ nude wrestling, patron boxing, patron martial arts, and patron wrestling.

(C) Unarmed combat shall not include:

(i) Professional boxing licensed in accordance with this chapter;

(ii) Professional wrestling governed or authorized by an organization licensed or exempted from licensure in accordance with this chapter;

(iii) Amateur boxing governed or authorized by an organization listed in paragraph (1) of this Code section;

(iv) Amateur wrestling governed or authorized by an organization listed in paragraph (1) of this Code section;

(v) Any competition displaying the skills of a single form of an Oriental system of unarmed ~~self-defense~~ combative sports or unarmed combative entertainment, including, but not limited to, kick boxing, karate, or full-contact karate, ~~which~~ that is held pursuant to the rules of that form and governed or authorized by ~~a nationally recognized organization~~ an organization licensed by the commission in accordance with Article 4 of this chapter;

(vi) Shidokan when the competition is governed ~~by the United States Shidokan of the World Karate Association~~ or authorized by an organization licensed by the commission in accordance with Article 4 of this chapter; or

(vii) Mixed martial arts fighting when the competition is ~~sanctioned, approved, or endorsed by the International Sport Combat Federation (ISCF).~~ governed or authorized by an organization licensed by the commission in accordance with Article 4 of this chapter; or

(viii) Other martial arts competitions, when governed or authorized by an organization licensed by the commission in accordance with Article 4 of this chapter.

(21) 'Wrestling' means:

(A) A staged ~~a staged~~ performance of fighting and gymnastic skills and techniques by two or more human beings who are not required to use their best efforts in order to win and for which the winner may have been selected before the performance commences; or

(B) A performance of fighting and gymnastic skills and techniques by two or more human beings."

SECTION 2.

Said chapter is further amended by striking Code Section 43-4B-2, relating to the application of the chapter, and inserting in lieu thereof the following:

"43-4B-2.

(a) The provisions of this chapter shall not be construed to apply to any match, contest, or exhibition ~~of boxing~~:

(1) In which the contestants are all amateurs; and

(2) Which is governed or authorized by:

(A) U.S.A. Boxing;

(B) The Georgia High School Athletic Association;

(C) The National Collegiate Athletic Association;

(D) Amateur Athletic Union;

(E) Golden Gloves; ~~or~~

(F) Team Georgia Amateur Wrestling;

(G) USA Wrestling;

(H) National High School Coaches Association;

(I) North American Sport Karate Association;

(J) International Sport Kick Boxing/Karate Association;

(K) World Kick Boxing Association;

(L) United States Kick Boxing Association;

(M) International Sport Combat Federation;

(N) Professional Karate Commission;

(O) International Kick Boxing Federation; or

(P) The local affiliate of any organization listed in this paragraph.

(b) The provisions of this chapter shall not apply to any matches, contests, or exhibitions of professional wrestling or to a promoter or organization that promotes, organizes, or governs such matches, contests, or exhibitions where such promoter or organization is a corporation that, at the time of such matches, contests, or exhibitions:

(1) Is registered under the federal Securities Exchange Act of 1934; and

(2) Has total assets of not less than $25,000,000.00.

SECTION 3.

Said chapter is further amended in Code Section 43-4B-3, relating to the membership of the Georgia Athletic and Entertainment Commission, the commission´s medical advisory panel, and reimbursement of members, by striking subsection (b) and inserting in lieu thereof the following:

″(b) The commission shall be composed of five members appointed by the Governor. ~~All appointments shall be for terms of four years.~~ Each member of the commission shall be appointed for a term of four years and until his or her successor is appointed. Vacancies shall be filled for the unexpired terms under the same procedures and requirements as appointments for full terms.″

SECTION 4.

Said chapter is further amended by striking Code Section 43-4B-8, relating to prohibited activities for commission members, and inserting in lieu thereof the following:

″43-4B-8.

No member or employee of the commission and no person who administers or enforces the provisions of this chapter or rules promulgated in accordance with this chapter may belong to, contract with, or receive any compensation from any person or organization who authorizes, arranges, or promotes professional matches, contests, or exhibitions of boxing, martial arts, or wrestling or who otherwise has a financial interest in any activity or licensee regulated by this commission. The term 'compensation' does not include funds held in escrow for payment to another person in connection with a professional match, contest, or exhibition of boxing, martial arts, or wrestling.″

SECTION 5.

Said chapter is further amended by striking Code Section 43-4B-20, relating to required reports from promoters, and inserting in lieu thereof the following:

″43-4B-20.

(a) A promoter holding a match, contest, or exhibition of boxing shall, within ~~72 hours~~ three business days after the match, file with the commission a written report which includes the number of tickets sold, the amount of gross receipts, the amount of gross proceeds, and any other facts the commission may require. ~~For the purposes of this chapter, total gross receipts include:~~

~~(1) The gross price charged for the sale or lease of pay per view telecasting and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges;~~

~~(2) The face value of all tickets sold and complimentary tickets issued, provided, or given; and~~

~~(3) The face value of any seat or seating issued, provided, or given in exchange for advertising, sponsorships, or anything of value to the promotion of an event.~~ Within ten days following the match, contest, or exhibition of boxing, the promoter shall remit to the commission a tax payment in the amount of 5 percent of the gross proceeds exclusive of any federal taxes.

(b) ~~Where the rights to telecast by pay per view a match or matches held in this state under the supervision of the commission are in whole owned by, sold to, acquired by, or held by any person who intends to or subsequently sells or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this state. Such person shall,~~ A promoter who sells, transfers, or extends to another the rights to telecast by pay per view for viewing in this state, whether the telecast originates inside or outside this state, a match, contest, or exhibition of boxing that would be subject to regulation by the commission in accordance with this chapter if the match, contest, or exhibition were held in this state, shall, within ~~72 hours~~ three business days after the sale, transfer, or extension of such rights in whole or in part, file with the commission a written report that includes the gross price charged for the rights to telecast by pay per view, the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(c) Any written report required to be filed with the commission under this Code section shall be postmarked within ~~72 hours~~ three business days after the conclusion of the match or telecast, if the telecast is later than the match, and an additional five days shall be allowed for mailing.

(d) ~~The written report shall be accompanied by~~ Each promoter subject to subsection (b) of this Code Section shall remit to the commission within ten days following a match, contest, or exhibition a tax payment in the amount of 5 percent of ~~the~~ total gross receipts, as defined in subparagraph (A) of paragraph (8) of Code Section 43-4B-1, exclusive of any federal taxes, except that the tax payment derived from the gross price charged for the sale

or lease of pay per view telecasting and motion picture rights shall not exceed $40,000.00 for any single event.

(e)(1) Any promoter who willfully makes a false and fraudulent report under this Code section is guilty of perjury and, upon conviction, is subject to punishment as provided by law. Such penalty shall be in addition to any other penalties imposed by this chapter.

(2) Any promoter who willfully fails, neglects, or refuses to make a report or to pay the taxes as prescribed or who refuses to allow the commission to examine the books, papers, and records of any promotion is guilty of a misdemeanor.

(f) The commission shall remit all tax payments to the general treasury of the state.″

SECTION 6.

Said chapter is further amended in Code Section 43-4B-21, relating to penalties for violations relative to boxing and fighting, by inserting a new subsection to be designated subsection (d) to read as follows:

″(d) Promotion of unarmed combat, as defined in Code Section 43-4B-1, is a misdemeanor for the first offense; a high and aggravated misdemeanor for the second offense; and a felony for the third and subsequent offenses, punishable upon conviction by a fine not to exceed $10,000.00 or imprisonment not to exceed two years, or both such fine and imprisonment.″

SECTION 7.

Said chapter is further amended by striking Code Section 43-4B-26, relating to requirements for ticket brokers, and inserting in its place the following:

″43-4B-26.

In order to engage in the practice or business of a ticket broker a person shall be required to:

(1) Maintain a permanent office or place of business in this state, excluding a post office box, for the purpose of engaging in the business of a ticket broker;

~~(1)~~(2) Apply to the commission for a ticket broker´s license on a form designated by the commission, pay an annual license fee of $500.00, and renew the license annually;

~~(2)~~(3) Pay any local tax required by a local government; and

~~(3)~~(4) Register for sales and use tax purposes pursuant to Article 1 of Chapter 8 of Title 48.″

SECTION 8.

Said chapter is further amended by striking Code Section 43-4B-28, relating to ticket sales, disclosure requirements, resale restrictions, and refunds, and inserting in its place the following:

"43-4B-28.

(a) The ticket broker shall be required to:

(1) ~~Disclose~~ Post at its established place of business the terms of the purchaser´s right to cancel the purchase of a ticket from a ticket broker;

(2) Disclose to the purchaser the refund policy of the ticket broker should an athletic contest or entertainment event be canceled; ~~and~~

(3) Disclose to the purchaser in writing the difference between the face value of the ticket and the amount which the ticket broker is charging for such ticket; and

(4) Sell tickets only at its permanent office, place of business, or through the Internet; provided, however, that delivery of one or more tickets after the transaction is completed to a place other than the ticket broker´s office or place of business shall not violate this paragraph.

(b)(1) A ticket broker shall be prohibited from employing any agent or employee for the purpose of making future purchases of tickets from the owner, operator, lessee, or tenant of the property on which an athletic contest or entertainment event is to be held.

(2) Each ticket broker, including any affiliated group of ticket brokers, shall be prohibited from acquiring and reselling in excess of 1 percent of the total tickets allocated for any contest or event.

(3) Unless otherwise provided in a written agreement between a ticket broker and the purchaser, a ticket broker shall be required to refund any payment received for the purchase of a ticket under this article if the purchaser returns the ticket and requests a cancellation of the sale thereof within 36 hours from the time of purchase of the ticket and if such return is made more than 72 hours preceding the athletic contest or entertainment event.

(4) A ticket broker shall be required to refund any payment received for the purchase of a ticket under this article if the athletic contest or entertainment event is canceled and not rescheduled.

(5) If a ticket broker guarantees in writing delivery of a ticket or tickets to an athletic contest or entertainment event as provided under this article to a purchaser and fails to complete such delivery, the ticket broker shall be required to provide within 15 days a full refund of any amount paid by the purchaser and, in addition, shall pay the purchaser a refund fee of three times the amount paid by the purchaser for each such ticket.

(c)(1) For all venues which seat or admit less than 15,000 persons, a ~~A~~ ticket broker and its employees, agents, and assigns are criminally prohibited from reselling or offering for

resale any ticket within 1,500 feet from the venue where an event or contest is to be held or is being held.

(2) For all venues which seat or admit 15,000 or more persons, a ticket broker and its employees, agents, and assigns are criminally prohibited from reselling or offering for resale any ticket within 2,700 feet from the venue where an event or contest is to be held or is being held.

(d) Any ticket broker offering to resell tickets to an athletic contest or entertainment event through any printed, broadcast, or Internet advertising shall include in such advertising the license number of such ticket broker offering such tickets for resale.″

SECTION 9.

Said chapter is further amended by striking subsection (a) of Code Section 43-4B-29, relating to resale of tickets by an original purchaser for personal use, and inserting in lieu thereof the following:

″(a) No provision of this article or any other provision of law shall criminally prohibit any person who is the original purchaser for personal use of one or more tickets to an athletic contest or entertainment event covered under this article from reselling or offering for resale any of such tickets for any price, provided that such person does not sell or offer to sell such tickets within ~~1,500 feet of a ticket office~~ 2,700 feet of a venue which seats or admits 15,000 or more persons for such a contest or event or a public entrance to such a contest or event. ~~No provision of this article or any other provision of law shall criminally prohibit the purchaser for personal use of one or more tickets to an athletic contest or entertainment event from reselling or offering for resale any of such tickets in any zone or zones within the restricted areas, as provided in this subsection or subsection (b) of Code Section 43-4B-30, where such activity is authorized by the sponsor of the contest or event and the owner or operator of the venue where such contest or event is being held or to be held.~~″

SECTION 10.

Said chapter is further amended by inserting a new Code section to be designated Code Section 43-4B-29.1 to read as follows:

″43-4B.29.1.

(a) Notwithstanding subsection (c) of Code Section 43-4B-28, and subsection (b) of Code Section 43-4B-30, no provision of this article or any other provision of law shall provide a criminal penalty for or prohibit the resale or offering for resale of a ticket or tickets to an athletic contest or entertainment event covered under this article by a ticket broker or a ticket broker´s employees, agents, and assigns in a zone or zones within the area where

such resale or offering for resale is prohibited by such subsections, if such activity is authorized by the organizer of the contest or event and the owner or operator of the venue where such contest or event is being held or to be held.

(b) Notwithstanding subsection (a) of Code Section 43-4B-29 and subsection (b) of Code Section 43-4B-30, no provision of this article or any other provision of law shall provide a criminal penalty for or prohibit the resale or offering for resale of a ticket or tickets purchased by any person who is the original purchaser for personal use of such ticket or tickets to an athletic contest or entertainment event covered under this article in a zone or zones within the area where such resale or offering for resale is prohibited by such subsections, if such activity is authorized by the organizer of the contest or event and the owner or operator of the venue where such contest or event is being held or to be held.″

SECTION 11.

Said chapter is further amended by striking Code Section 43-4B-30, relating to county and municipal ordinances, and inserting in its place the following:

″43-4B-30.

(a) With regard to any single athletic contest or entertainment event which occurs no more often than once annually and with regard to any series of athletic contests which occur no more often than once annually and which occur within a time period not exceeding ten days, the municipal corporation in which such contest, event, or series of contests is to be held, or if the contest, event, or series of contests is to be held in an unincorporated area, the county of such unincorporated area, is authorized to enact by ordinance regulations governing ticket brokers for such contest, event, or series of contests which are more restrictive than the provisions of this article.

(b) The municipal corporation in which an athletic contest or entertainment event is to be held, or if the contest or entertainment event is to be held in an unincorporated area, the county of such unincorporated area, is authorized to enact an ordinance prohibiting the resale or offering for resale of one or more tickets by a ticket broker or by a person who is the original purchaser for personal use of one or more tickets within 2,700 feet of a venue which seats or admits 15,000 or more persons.

~~(c)(1) Municipal corporations and counties in this state are authorized to enact an ordinance requiring an individual reselling tickets or offering tickets for resale in such municipal corporations or in the unincorporated area of such counties to obtain a permit from the municipal corporation or county for such activity if the individual:~~

~~(A) Engages in reselling tickets or offering tickets for resale in or on the streets, sidewalks, or other places owned or operated by such municipal corporation or county and open to the public regardless of whether such individual maintains a permanent~~

~~office or place of business for reselling tickets or offering tickets for resale in this state; or~~

~~(B) Does not maintain a permanent office or place of business in this state.~~

~~(2) A municipality or county may charge a fee for such permit not to exceed $150.00.~~

~~(3) In order to obtain a permit, individuals first must provide proof of licensing under Code Section 43-4B-26 to the municipality or county issuing such permits.~~

~~(4) The provisions of this Code section shall not apply to an original purchaser for personal use.~~

~~(5) The provisions of this Code section shall not apply to the delivery of one or more tickets after a sales transaction is completed at a ticket broker´s permanent office or place of business in this state.~~″

SECTION 12.

Said chapter is further amended by inserting a new article to be designated Article 4, to read as follows:

″ARTICLE 4

43-4B-50.

(a) The commission shall have the sole authority to license organizations that govern and authorize matches, contests, and exhibitions of martial arts and wrestling and to exempt organizations from licensure in accordance with this article. The commission shall have the sole authority to permit and regulate matches, contests, and exhibitions of martial arts and wrestling. The commission shall have the sole authority to license promoters of matches, contests, and exhibitions of martial arts. The commission shall have the duty to safeguard the public health, to protect competitors, and to provide for competitive matches by requiring licensed organizations to abide by rules promulgated by the commission for basic minimum medical and safety requirements based on the nature of the activity and the anticipated level of physical conditioning and training of competitors. The commission shall have the authority to inquire as to a licensed organization´s plans or arrangements for compliance with such rules. The commission shall have the authority to require annual fees for licensure and a fee for each such match, contest, or exhibition or for each show and to penalize licensed organizations, licensed promoters, and the holders of match permits that violate the provisions of this article or rules of the commission promulgated in accordance with this article.

(b) If requested by a licensed organization, the commission shall have the authority to provide direct oversight services, including but not limited to on-site inspectors, to a

licensed organization for a fee negotiated between the commission and the licensed organization.

43-4B-51.

(a) Except as otherwise provided in subsection (c) of this Code section, the annual fee for licensure of organizations subject to this article is $1,000.00.

(b) As used in this subsection, the term 'show' includes all matches, contests, or exhibits held at the same venue on the same date and included in the same admission fee if an admission fee is charged. Except as otherwise provided in subsection (c) of this Code section, the maximum permit fee for each show authorized or governed by an organization licensed in accordance with this article is $250.00. The maximum permit fee for each match, contest, or exhibition that is not a component of a show and is authorized by an organization licensed in accordance with this article is $250.00, except as otherwise provided in subsection (c) of this Code section. Such fee shall be paid to the commission on or before the date of the match, contest, or exhibition. The commission may provide by rule for a refund of a portion of the fee if the match, contest, or exhibition is not held.

(c) For organizations authorizing or governing matches, contests, or exhibitions of wrestling as defined in subparagraph (A) of paragraph (21) of Code Section 43-4B-1, the annual fee for licensure is $100.00. There shall be no permit fee for matches, contests, or exhibitions of wrestling as defined in such subparagraph. Organizations subject to this subsection shall make reports to the commission in accordance with rules and regulations promulgated by the commission.

(d) The annual fee for a promoter´s license for promoters of martial arts matches, contests, or exhibitions shall be $500.00.

43-4B-52.

(a) A licensed organization shall provide written notice to the commission of a match, contest, or exhibition authorized and governed by the organization no later than 15 days before the date of the match, contest, or exhibition. The licensed organization governing the match, contest, or exhibition shall provide information required by the commission relating to the contestants, venue, rules for the competition, and anticipated level of physical conditioning and training of the contestants.

(b) A licensed organization shall, after a match, contest, or exhibition authorized and governed by the organization, file with the commission an affidavit that includes the number of tickets sold, the amount of gross receipts, the amount of sales tax to be paid to the Department of Revenue, and any other facts the commission may require. Such

affidavit shall be postmarked within three business days after the conclusion of the match, contest, or exhibition.

43-4B-53.

(a) Notwithstanding any other provision of this chapter or any other law to the contrary, no person or entity shall directly or indirectly engage in the practice of being a promoter of kick boxing, muay thai, Thai boxing, full-contact karate, mixed martial arts, shidokan, or martial arts matches, contests, exhibitions of any type, or be employed or otherwise serve as a manager, matchmaker, or organizer for any person or entity engaged in the practice of being a promoter of kick boxing, muay thai, Thai boxing, full-contact karate, mixed martial arts, or martial arts matches, contests, or exhibitions of any type, who has been convicted of, has pleaded guilty to, has entered a plea of nolo contendere to, or has been found guilty of a felony or crime of moral turpitude under the laws of this state or any offense that, had it occurred within this state, would constitute a felony or crime of moral turpitude under the laws of this state for a period of ten years from the date of such conviction or plea. For purposes of this Code section, a conviction shall include but not be limited to disposition under Article 3 of Chapter 8 of Title 42.

(b) Notwithstanding any other provision of this chapter or any other law to the contrary, no person or entity shall be retained, employed, or otherwise serve as a sanctioning, governing, licensing, authorizing, or ranking body or organization or act as an employee or representative thereof for any kick boxing, muay thai, full-contact karate, mixed martial arts, shidokan, or martial arts matches, contests, or exhibitions of any type promoted, managed, or organized in violation of subsection (a) of this Code section.

(c) Notwithstanding any other provision of this chapter or any other law to the contrary, no sanctioning, governing, licensing, authorizing, or ranking body or organization for any kick boxing, muay thai, Thai boxing, full-contact karate, mixed martial arts, shidokan, or martial arts matches, contests, or exhibitions of any type shall employ, designate, or otherwise assign or utilize any person as a representative or official who has pleaded guilty to, has entered a plea of nolo contendere to, or has been found guilty of a felony or crime of moral turpitude under the laws of this state or any offense that, had it occurred within this state, would constitute a felony or crime of moral turpitude under the laws of this state for a period of ten years from the date of such conviction or plea. For purposes of this Code section, a conviction shall include but not be limited to disposition under Article 3 of Chapter 8 of Title 42.

(d) The first violation of this Code section by any individual or entity shall constitute a misdemeanor of a high and aggravated nature. Any second and subsequent conviction

under this Code section shall constitute a felony and shall be punished by imprisonment for not less than one nor more than five years.

43-4B-54.

(a) The commission is authorized to suspend, revoke, or deny a license or renewal of a license of an organization or a promoter for violation of this article or rules of the commission promulgated in accordance with this article. The commission is authorized to fine a licensed organization or promoter for violation of this article or rules of the commission promulgated in accordance with this article.

(b) The commission is authorized to suspend, revoke, or deny issuance of a permit for a show, match, contest, or exhibition issued in accordance with this article in the interest of the safety or health of the competitors or public, or for violation of this article or rules of the commission promulgated in accordance with this article.

43-4B-55.

(a) Subject to the restriction set forth in Code Section 43-4B-53, the commission is authorized to exempt organizations from the requirements of licensure and permitting when the commission, in its discretion, deems the matches, contests, and exhibitions authorized or governed by the organization present little or no danger to the health and safety of the competitors and the public.

(b) In determining whether to exempt an organization from licensure and permitting requirements, the commission shall consider the following factors:

(1) Whether the organization requesting exemption has allowed any person who has ever pleaded guilty to, has entered a plea of nolo contendere to, or has been found guilty of a felony or crime of moral turpitude under the laws of this state or any offense that, had it occurred within this state, would constitute a felony or crime of moral turpitude under the laws of this state, within ten years of such conviction or plea, to act as a promoter for any match, contest, or exhibition that it has sanctioned, governed, licensed, or authorized or whether it has authorized, retained, employed, or otherwise allowed such a person to act or serve as its employee or representative in connection with any match that it has sanctioned, governed, licensed, or authorized. For purposes of this Code section, a conviction shall include but not be limited to adjudication under Article 3 of Chapter 8 of Title 42. Should the commission determine that a sanctioning organization has allowed, retained, employed, or otherwise authorized such a person to act in any of the aforementioned capacities, the organization shall not be exempted from the requirements of licensure.

(2) Whether the matches, contests, and exhibitions are conducted in the course of teaching wrestling or a martial art and are closely supervised by well-trained teachers;

(3) Whether an admission fee is charged for viewing the matches, contests, or exhibitions;

(4) Whether the matches, contests, or exhibitions offer a commercial advantage to the organization;

(5) Whether the matches, contests, or exhibitions are conducted in a manner to minimize the danger of injury;

(6) Whether the commission´s information about previous matches, contests, or exhibitions conducted by the organization indicates that the matches, contests, or exhibitions are likely to result in injury; and

(7) Other factors deemed by the commission as indicia of danger to health or safety and set out in rules promulgated by the commission.″

SECTION 13.

All laws and parts of laws in conflict with this Act are repealed.