



Sen. Dan Rutherford

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09600HB0786sam002

LRB096 07372 ASK 26876 a

1 AMENDMENT TO HOUSE BILL 786

2 AMENDMENT NO. _____. Amend House Bill 786, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Professional Boxing Act is amended by
6 changing Sections 0.05, 1, 6, 7, 8, 11, 16, and 25.1 as
7 follows:

8 (225 ILCS 105/0.05)

9 (Section scheduled to be repealed on January 1, 2012)

10 Sec. 0.05. Declaration of public policy. Professional
11 boxing and full-contact martial arts ~~other~~ contests in the
12 State of Illinois, and amateur full-contact martial arts
13 events, are hereby declared to affect the public health,
14 safety, and welfare and to be subject to regulation and control
15 in the public interest. It is further declared to be a matter
16 of public interest and concern that these contests and events

1 ~~boxing and other contests~~, as defined in this Act, merit and
2 receive the confidence of the public and that only qualified
3 persons be authorized to participate in these contests and
4 events ~~boxing and other contests~~ in the State of Illinois. This
5 Act shall be liberally construed to best carry out these
6 objects and purposes.

7 (Source: P.A. 95-593, eff. 6-1-08.)

8 (225 ILCS 105/1) (from Ch. 111, par. 5001)

9 (Section scheduled to be repealed on January 1, 2012)

10 Sec. 1. Short title and definitions.

11 (a) This Act may be cited as the Professional Boxing Act.

12 (b) As used in this Act:

13 1. "Department" means the Department of Financial and
14 Professional Regulation.

15 2. "Secretary" means the Secretary of Financial and
16 Professional Regulation.

17 3. "Board" means the State Professional Boxing Board
18 appointed by the Secretary.

19 4. "License" means the license issued for promoters,
20 contestants, or officials in accordance with this Act.

21 5. (Blank).

22 6. "Contest" means a professional boxing, ~~martial art,~~
23 or professional full-contact mixed martial arts ~~art~~ match
24 or exhibition.

25 7. (Blank).

1 8. (Blank).

2 9. "Permit" means the authorization from the
3 Department to a promoter to conduct contests.

4 10. "Promoter" means a person who is licensed and who
5 holds a permit to conduct contests.

6 11. Unless the context indicates otherwise, "person"
7 includes, but is not limited to, an individual, an
8 association, organization, business entity ~~partnership,~~
9 ~~corporation,~~ gymnasium, or club.

10 12. (Blank).

11 13. (Blank).

12 14. (Blank).

13 15. "Judge" means a person licensed by the Department
14 who is at ringside during a contest ~~match~~ and who has the
15 responsibility of scoring the performance of the
16 participants in the contest.

17 16. "Referee" means a person licensed by the Department
18 who has the general supervision of a contest and is present
19 inside of the ring during the contest.

20 17. "Amateur" means a person who is not competing for,
21 and has never received or competed for, any purse or other
22 article of value, directly or indirectly, either for
23 participating in any contest or for the expenses of
24 training therefor, other than a non-monetary prize that
25 does not exceed \$50 in value.

26 18. "Contestant" means a person licensed by the

1 Department who competes for a money prize, purse, or other
2 type of compensation in a contest, ~~exhibition, or match~~
3 held in Illinois.

4 19. "Second" means a person licensed by the Department
5 who is present at any contest to provide assistance or
6 advice to a contestant during the contest.

7 20. "Matchmaker" means a person licensed by the
8 Department who brings together contestants or procures
9 ~~matches or~~ contests for contestants.

10 21. "Manager" means a person licensed by the Department
11 who is not a promoter and who, under contract, agreement,
12 or other arrangement with any contestant, undertakes to,
13 directly or indirectly, control or administer the affairs
14 of contestants.

15 22. "Timekeeper" means a person licensed by the
16 Department who is the official timer of the length of
17 rounds and the intervals between the rounds.

18 23. "Purse" means the financial guarantee or any other
19 remuneration for which contestants are participating in a
20 contest.

21 24. "Physician" means a person licensed to practice
22 medicine in all its branches under the Medical Practice Act
23 of 1987.

24 25. "Martial arts" means a discipline or combination of
25 different disciplines that utilizes sparring techniques
26 without the intent to injure, disable, or incapacitate

1 one's opponent, such as, but not limited to, Karate, Kung
2 Fu, Judo, and Jujitsu, ~~Muay Thai,~~ Tae Kwon Do, ~~and~~
3 ~~Kick-boxing.~~

4 26. "Full-contact Mixed martial arts" means the use of
5 a singular discipline or a combination of techniques from
6 different disciplines of the martial arts, including,
7 without limitation, full-force grappling, kicking, and
8 striking with the intent to injure, disable, or
9 incapacitate one's opponent.

10 27. "Amateur full-contact martial arts event" means a
11 full-contact martial arts match or exhibition which all of
12 the participants are amateurs.

13 (Source: P.A. 95-593, eff. 6-1-08.)

14 (225 ILCS 105/6) (from Ch. 111, par. 5006)

15 (Section scheduled to be repealed on January 1, 2012)

16 Sec. 6. Restricted contests and events ~~Prohibitions.~~

17 (a) All professional contests in which physical contact is
18 made are prohibited in Illinois unless authorized by the
19 Department pursuant to the requirements and standards stated in
20 this Act and the rules adopted pursuant to this Act.

21 (b) Department authorization is not required for amateur
22 full-contact martial arts events conducted in a manner that
23 provides substantially similar protections for the health,
24 safety, and welfare of the participants and the public as are
25 required for professional events by this Act and the rules

1 adopted by the Department under this Act. Those protections
2 shall include, at a minimum, onsite medical staff and
3 equipment, trained officials, adequate insurance coverage,
4 weight classes, use of appropriate safety equipment by
5 participants, adequate and safe competition surfaces, and
6 standards regarding striking techniques and fouls. Anyone
7 conducting an amateur full-contact martial arts event shall
8 notify the Department in writing of the date, time, and
9 location of that event at least 20 days prior to the event.
10 Failure to comply with the requirements of this Section shall
11 render the event prohibited and unauthorized by the Department,
12 and persons involved in the event are subject to the procedures
13 and penalties set forth in Section 10.5. This provision does
14 not apply to the following:

15 ~~(1) Boxing contests or wrestling exhibitions conducted~~
16 ~~by accredited secondary schools, colleges or universities,~~
17 ~~although a fee may be charged. Institutions organized to~~
18 ~~furnish instruction in athletics are not included in this~~
19 ~~exemption.~~

20 ~~(2) Amateur boxing matches sanctioned by the United~~
21 ~~States Amateur Boxing Federation, Inc., Golden Gloves of~~
22 ~~America, or other amateur sanctioning body, as determined~~
23 ~~by rule, and amateur wrestling exhibitions.~~

24
25 ~~(3) Amateur martial art matches sanctioned by a~~
26 ~~sanctioning body approved by the Department, as determined~~

1 ~~by rule.~~

2 ~~(4) Martial art instruction conducted by a martial art~~
3 ~~school and contests occurring within or amongst martial art~~
4 ~~schools, provided that (i) the contestants do not receive~~
5 ~~anything of value for participating other than an award,~~
6 ~~trophy, other item of recognition, or a prize that does not~~
7 ~~exceed \$50 in value and (ii) no entrance fee is charged to~~
8 ~~participate or watch the school contests.~~

9 (Source: P.A. 95-593, eff. 6-1-08.)

10 (225 ILCS 105/7) (from Ch. 111, par. 5007)

11 (Section scheduled to be repealed on January 1, 2012)

12 Sec. 7. In order to conduct a contest in this State, a
13 promoter shall obtain a permit issued by the Department in
14 accordance with this Act and the rules and regulations adopted
15 pursuant thereto. This permit shall authorize one or more
16 contests ~~or exhibitions~~. A permit issued under this Act is not
17 transferable.

18 (Source: P.A. 95-593, eff. 6-1-08.)

19 (225 ILCS 105/8) (from Ch. 111, par. 5008)

20 (Section scheduled to be repealed on January 1, 2012)

21 Sec. 8. Permits.

22 (a) A promoter who desires to obtain a permit to conduct a
23 contest shall apply to the Department at least 20 days prior to
24 the event, in writing, on forms furnished by the Department.

1 The application shall be accompanied by the required fee and
2 shall contain at least the following information:

3 (1) the names and addresses of the promoter;

4 (2) the name of the matchmaker;

5 (3) the time and exact location of the contest;

6 (4) the seating capacity of the building where the
7 event is to be held;

8 (5) a copy of the lease or proof of ownership of the
9 building where the event is to be held;

10 (6) the admission charge or charges to be made; and

11 (7) proof of adequate security measures and adequate
12 medical supervision, as determined by Department rule, to
13 ensure the protection of the health and safety of the
14 general public while attending contests and the
15 contestants' safety while participating in the events and
16 any other information that the Department may determine by
17 rule in order to issue a permit.

18 (b) After the initial application and within 10 days prior
19 to ~~of~~ a scheduled event, a promoter shall submit to the
20 Department all of the following information:

21 (1) The amount of compensation to be paid to each
22 participant.

23 (2) The names of the contestants.

24 (3) Proof of insurance for not less than \$50,000 for
25 each contestant participating in a contest ~~or exhibition~~.

26 Insurance required under this subsection shall cover (i)

1 hospital, medication, physician, and other such expenses as
2 would accrue in the treatment of an injury as a result of the
3 contest ~~or exhibition~~ and (ii) payment to the estate of the
4 contestant in the event of his or her death as a result of his
5 or her participation in the contest ~~or exhibition~~.

6 (c) All promoters shall provide to the Department, at least
7 24 hours prior to commencement of the event, the amount of the
8 purse to be paid for the event. The Department shall promulgate
9 rules for payment of the purse.

10 (d) The contest shall be held in an area where adequate
11 neurosurgical facilities are immediately available for skilled
12 emergency treatment of an injured contestant. It is the
13 responsibility of the promoter to ensure that the building to
14 be used for the event complies with all laws, ordinances, and
15 regulations in the city, town, or village where the contest is
16 to be held. The Department may issue a permit to any promoter
17 who meets the requirements of this Act and the rules. The
18 permit shall only be issued for a specific date and location of
19 a contest and shall not be transferable. In an emergency, the
20 Department may allow a promoter to amend a permit application
21 to hold a contest in a different location than the application
22 specifies and may allow the promoter to substitute contestants.

23 (e) The Department shall be responsible for assigning the
24 judges, timekeepers, referees, physicians, and medical
25 personnel for a contest. It shall be the responsibility of the
26 promoter to cover the cost of the individuals utilized at a

1 contest.

2 (Source: P.A. 95-593, eff. 6-1-08.)

3 (225 ILCS 105/11) (from Ch. 111, par. 5011)

4 (Section scheduled to be repealed on January 1, 2012)

5 Sec. 11. Qualifications for license. The Department shall
6 grant licenses to the following persons if the following
7 qualifications are met:

8 (A) An applicant for licensure as a contestant in a contest
9 must: (1) be 18 years old, (2) be of good moral character, (3)
10 file an application stating the applicant's correct name (and
11 no assumed or ring name may be used unless such name is
12 registered with the Department along with the applicant's
13 correct name), date and place of birth, place of current
14 residence, and a sworn statement that he is not currently in
15 violation of any federal, State or local laws or rules
16 governing boxing, ~~martial arts~~, or full-contact ~~mixed~~ martial
17 arts, (4) file a certificate of a physician licensed to
18 practice medicine in all of its branches which attests that the
19 applicant is physically fit and qualified to participate in
20 contests, and (5) pay the required fee and meet any other
21 requirements. Applicants over age 35 who have not competed in a
22 contest within the last 36 months may be required to appear
23 before the Board to determine their fitness to participate in a
24 contest. A picture identification card shall be issued to all
25 contestants licensed by the Department who are residents of

1 Illinois or who are residents of any jurisdiction, state, or
2 country that does not regulate professional boxing, ~~martial~~
3 ~~arts,~~ or full-contact ~~mixed~~ martial arts. The identification
4 card shall be presented to the Department or its representative
5 upon request at weigh-ins.

6 (B) An applicant for licensure as a referee, judge,
7 manager, second, matchmaker, or timekeeper must: (1) be of good
8 moral character, (2) file an application stating the
9 applicant's name, date and place of birth, and place of current
10 residence along with a certifying statement that he is not
11 currently in violation of any federal, State, or local laws or
12 rules governing boxing, ~~martial arts,~~ or full-contact ~~mixed~~
13 martial arts, (3) have had satisfactory experience in his
14 field, (4) pay the required fee, and (5) meet any other
15 requirements as determined by rule.

16 (C) An applicant for licensure as a promoter must: (1) be
17 of good moral character, (2) file an application with the
18 Department stating the applicant's name, date and place of
19 birth, place of current residence along with a certifying
20 statement that he is not currently in violation of any federal,
21 State, or local laws or rules governing boxing, ~~martial arts,~~
22 or full-contact ~~mixed~~ martial arts, (3) provide proof of a
23 surety bond of no less than \$5,000 to cover financial
24 obligations pursuant to this Act, payable to the Department and
25 conditioned for the payment of the tax imposed by this Act and
26 compliance with this Act and the rules promulgated pursuant to

1 this Act, (4) provide a financial statement, prepared by a
2 certified public accountant, showing liquid working capital of
3 \$10,000 or more, or a \$10,000 performance bond guaranteeing
4 payment of all obligations relating to the promotional
5 activities, and (5) pay the required fee and meet any other
6 requirements.

7 In determining good moral character, the Department may
8 take into consideration any violation of any of the provisions
9 of Section 16 of this Act and any felony conviction of the
10 applicant, but such a conviction shall not operate as a bar to
11 licensure. No license issued under this Act is transferable.

12 The Department may issue temporary licenses as provided by
13 rule.

14 (Source: P.A. 95-593, eff. 6-1-08.)

15 (225 ILCS 105/16) (from Ch. 111, par. 5016)

16 (Section scheduled to be repealed on January 1, 2012)

17 Sec. 16. Discipline and sanctions.

18 (a) The Department may refuse to issue a permit or license,
19 refuse to renew, suspend, revoke, reprimand, place on
20 probation, or take such other disciplinary action as the
21 Department may deem proper, including the imposition of fines
22 not to exceed \$5,000 for each violation, with regard to any
23 license for one or any combination of the following reasons:

24 (1) gambling, betting, or wagering on the result of or
25 a contingency connected with a contest or permitting such

1 activity to take place;

2 (2) participating in or permitting a sham or fake
3 contest;

4 (3) holding the contest at any other time or place than
5 is stated on the permit application;

6 (4) permitting any contestant other than those stated
7 on the permit application to participate in a contest,
8 except as provided in Section 9;

9 (5) violation or aiding in the violation of any of the
10 provisions of this Act or any rules or regulations
11 promulgated thereto;

12 (6) violation of any federal, State or local laws of
13 the United States or other jurisdiction governing contests
14 or any regulation promulgated pursuant thereto;

15 (7) charging a greater rate or rates of admission than
16 is specified on the permit application;

17 (8) failure to obtain all the necessary permits,
18 registrations, or licenses as required under this Act;

19 (9) failure to file the necessary bond or to pay the
20 gross receipts tax as required by this Act;

21 (10) engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public, or which is detrimental to
24 honestly conducted contests;

25 (11) employment of fraud, deception or any unlawful
26 means in applying for or securing a permit or license under

1 this Act;

2 (12) permitting a physician making the physical
3 examination to knowingly certify falsely to the physical
4 condition of a contestant;

5 (13) permitting contestants of widely disparate
6 weights or abilities to engage in contests;

7 (14) participating in a contest as a contestant while
8 under medical suspension in this State or in any other
9 state, territory or country;

10 (15) physical illness, including, but not limited to,
11 deterioration through the aging process, or loss of motor
12 skills which results in the inability to participate in
13 contests with reasonable judgment, skill, or safety;

14 (16) allowing one's license or permit issued under this
15 Act to be used by another person;

16 (17) failing, within a reasonable time, to provide any
17 information requested by the Department as a result of a
18 formal or informal complaint;

19 (18) professional incompetence;

20 (19) failure to file a return, or to pay the tax,
21 penalty or interest shown in a filed return, or to pay any
22 final assessment of tax, penalty or interest, as required
23 by any tax Act administered by the Illinois Department of
24 Revenue, until such time as the requirements of any such
25 tax Act are satisfied;

26 (20) (blank);

1 (21) habitual or excessive use or addiction to alcohol,
2 narcotics, stimulants, or any other chemical agent or drug
3 that results in an inability to participate in an event; or

4 (22) failure to stop a contest ~~or exhibition~~ when
5 requested to do so by the Department.

6 (b) The determination by a circuit court that a licensee is
7 subject to involuntary admission or judicial admission as
8 provided in the Mental Health and Developmental Disabilities
9 Code operates as an automatic suspension. The suspension will
10 end only upon a finding by a court that the licensee is no
11 longer subject to involuntary admission or judicial admission,
12 issuance of an order so finding and discharging the licensee,
13 and upon the recommendation of the Board to the Director that
14 the licensee be allowed to resume his or her practice.

15 (c) In enforcing this Section, the Board, upon a showing of
16 a possible violation, may compel any individual licensed to
17 practice under this Act, or who has applied for licensure
18 pursuant to this Act, to submit to a mental or physical
19 examination, or both, as required by and at the expense of the
20 Department. The examining physicians or clinical psychologists
21 shall be those specifically designated by the Board. The Board
22 or the Department may order the examining physician or clinical
23 psychologist to present testimony concerning this mental or
24 physical examination of the licensee or applicant. No
25 information shall be excluded by reason of any common law or
26 statutory privilege relating to communications between the

1 licensee or applicant and the examining physician or clinical
2 psychologist. Eye examinations may be provided by a licensed
3 and certified therapeutic optometrist. The individual to be
4 examined may have, at his or her own expense, another physician
5 of his or her choice present during all aspects of the
6 examination. Failure of any individual to submit to a mental or
7 physical examination, when directed, shall be grounds for
8 suspension of a license until such time as the individual
9 submits to the examination if the Board finds, after notice and
10 hearing, that the refusal to submit to the examination was
11 without reasonable cause.

12 (d) If the Board finds an individual unable to practice
13 because of the reasons set forth in this Section, the Board
14 shall require the individual to submit to care, counseling, or
15 treatment by physicians or clinical psychologists approved or
16 designated by the Board, as a condition, term, or restriction
17 for continued, reinstated, or renewed licensure, or in lieu of
18 care, counseling, or treatment, the Board may recommend to the
19 Department to file a complaint to immediately suspend, revoke,
20 or otherwise discipline the license of the individual. Any
21 individual whose license was granted pursuant to this Act, or
22 continued, reinstated, renewed, disciplined, or supervised,
23 subject to such conditions, terms, or restrictions, who shall
24 fail to comply with such conditions, terms, or restrictions,
25 shall be referred to the Director for a determination as to
26 whether the individual shall have his or her license suspended

1 immediately, pending a hearing by the Board.

2 (Source: P.A. 95-593, eff. 6-1-08.)

3 (225 ILCS 105/25.1)

4 (Section scheduled to be repealed on January 1, 2012)

5 Sec. 25.1. Medical Suspension. A licensee who is determined
6 by the examining physician to be unfit to compete or officiate
7 shall be immediately suspended until it is shown that he or she
8 is fit for further competition or officiating. If the licensee
9 disagrees with a medical suspension set at the discretion of
10 the ringside physician, he or she may request a hearing to show
11 proof of fitness. The hearing shall be provided at the earliest
12 opportunity after the Department receives a written request
13 from the licensee.

14 If the referee has rendered a decision of technical
15 knockout against a contestant or if the contestant is knocked
16 out other than by a blow to the head, the contestant shall be
17 immediately suspended for a period of not less than 30 days. In
18 a full-contact ~~mixed~~ martial arts ~~art~~ contest, if the
19 contestant has tapped out or has submitted, the referee shall
20 stop the contest and the ringside physician shall determine the
21 length of suspension.

22 If the contestant has been knocked out by a blow to the
23 head, he or she shall be suspended immediately for a period of
24 not less than 45 days.

25 Prior to reinstatement, any contestant suspended for his or

1 her medical protection shall satisfactorily pass a medical
2 examination upon the direction of the Department. The examining
3 physician may require any necessary medical procedures during
4 the examination.

5 (Source: P.A. 95-593, eff. 6-1-08.)

6 (225 ILCS 105/1.5 rep.)

7 Section 10. The Professional Boxing Act is amended by
8 repealing Sections 1.5.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".