

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1387

By: Bashore

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5
6 AS INTRODUCED

7 An Act relating to amusements and sports; amending 3A
8 O.S. 2021, Sections 602, 604.3, 605, and 617, which
9 relate to the Oklahoma State Athletic Commission;
10 defining term; removing requirement that certain
11 funds be disbursed to promoter; providing
12 specifications related to the position of the
13 assistant; modifying reimbursement percentage;
14 providing description of certain fee; and providing
15 an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 3A O.S. 2021, Section 602, is
18 amended to read as follows:

19 Section 602. A. As used in the Oklahoma State Athletic
20 Commission Act:

21 1. "Administrative support" means physical resources including
22 but not limited to office space, equipment typically found in an
23 office, and furnishings, and duties including but not limited to the
24 processing of Commission-directed expenditures in regard to payroll,
travel, travel reimbursement, human resources, and management of the

1 Commission's funds from appropriation or the Oklahoma State Athletic
2 Commission Revolving Fund as directed by the Commission;

3 2. "Administrator" means the administrator of the Oklahoma
4 State Athletic Commission;

5 ~~2.~~ 3. "Amateur combative sports event" means a combative sports
6 event in which the participants have never been licensed as
7 professionals in any combative sport;

8 ~~3.~~ 4. "Amateur combative sports practitioner" means a person
9 who has never received or competed for any purse or other article
10 either for the expenses of training therefor or for participating in
11 any combative sports contest or exhibition which exceeds in monies
12 or other things of value a sum to be determined by the Oklahoma
13 State Athletic Commission;

14 ~~4.~~ 5. "Amateur mixed martial artist" means a person eighteen
15 (18) years of age or older who has never received or competed for
16 any purse or other article either for the expenses of training
17 therefor or for participating in any combative sport contest or
18 professional exhibition which exceeds in monies or other things of
19 value a sum to be determined by the Oklahoma State Athletic
20 Commission;

21 ~~5.~~ 6. "Amateur mixed martial arts" means any form of
22 competitive pugilistic contest in which the participants have never
23 been licensed as professionals in any combative sport and blows are
24 delivered with any part of the hands, feet, or knees and multiple

1 combative disciplines are used including grappling. Such contests
2 take place in a rope-enclosed ring or fenced enclosed cage and are
3 fought in timed rounds;

4 ~~6.~~ 7. "Applicant" means any individual, club, association,
5 corporation, partnership or trust which submits to the Oklahoma
6 State Athletic Commission an application for a license or permit
7 pursuant to the Oklahoma State Athletic Commission Act;

8 ~~7.~~ 8. "Booking agent" means independent contractors who act as
9 bookers, agents, agencies and representatives who secure engagements
10 and contracts for combative sports participants;

11 ~~8.~~ 9. "Boxing" means any form of competitive pugilism or
12 unarmed combat in which a blow is usually struck which may
13 reasonably be expected to inflict injury, including, but not limited
14 to, boxing, wrestling, mixed martial arts, and kickboxing, but shall
15 not include the martial arts as defined by the provisions of this
16 section;

17 ~~9.~~ 10. "Broadcast" means any audio or visual transmission sent
18 by any means of signal within this state, whether live or taped or
19 time delayed, and includes any replays thereof. "Broadcast" shall
20 not include any audio or visual transmission sent by any means of
21 signal of any professional boxing event conducted outside this
22 state;

23 ~~10.~~ 11. "Cable system operator" means any person who makes
24 available or provides customers a closed-circuit telecast which is

1 pay-per-view, including any person who does so as a direct broadcast
2 satellite provider or other multichannel video service provider;

3 ~~11.~~ 12. "Closed-circuit telecast of professional combative
4 sporting events" means telecast rights, including television, cable
5 television, or pay-per-view telecasts, acquired by paying a
6 licensing fee or by paying a contractual price by a business or
7 individual, including, but not limited to, arenas, entertainment or
8 meeting centers, restaurants, bars, taverns, hotels, motels, clubs,
9 and organizations, which offers the viewing of the event to the
10 public or to private residences. Such events shall include local
11 and state professional combative sports contests and professional
12 exhibitions as defined in this section. "Closed-circuit telecast"
13 means any such telecast of a professional combative sporting event
14 as described herein which is not intended to be available for
15 viewing without the payment of a fee, collected for or based upon
16 each event viewed, for the privilege of viewing the telecast, and
17 includes pay-per-view;

18 ~~12.~~ 13. "Club" means an incorporated or unincorporated
19 association or body of individuals voluntarily united and acting
20 together for some common or special purpose;

21 ~~13.~~ 14. "Combative sports" means any form of competitive
22 pugilism or unarmed combat in which a blow is usually struck which
23 may reasonably be expected to inflict injury, including but not
24 limited to boxing, wrestling, mixed martial arts, and kickboxing,

1 but shall not include the martial arts (singular) as defined by the
2 provisions of this section;

3 ~~14.~~ 15. "Combative sports practitioner" means a person who
4 competes or spars in a combative sports event and includes boxers,
5 kickboxers, mixed martial artists and wrestlers;

6 ~~15.~~ 16. "Commission" means the Oklahoma State Athletic
7 Commission;

8 ~~16.~~ 17. "Contest" means a combative sports event in which it is
9 reasonable to anticipate that the participants strive earnestly in
10 good faith to win;

11 ~~17.~~ 18. "Corner person" means, but shall not be limited to, a
12 trainer, a second, or any other individual who attends the
13 participant during a match;

14 ~~18.~~ 19. "Event" means a combative sports contest or exhibition
15 including but not limited to a match, bout, contest, show or
16 tournament;

17 ~~19.~~ 20. "Exhibition" means a combative sports event in which
18 the participants show or display their skill by sparring without
19 necessarily striving to win;

20 ~~20.~~ 21. "Judge" means an individual other than a referee who
21 shall have a vote in determining the winner of any contest;

22 ~~21.~~ 22. "Kickboxing" means any form of competitive pugilistic
23 professional contest or exhibition in which blows are delivered with
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1 the hand and any part of the foot. Such contests or exhibitions
2 take place in a rope-enclosed ring and are fought in timed rounds;

3 ~~22.~~ 23. "License" means a certificate issued by the Commission
4 to participants of sanctioned professional combative sports
5 contests, professional exhibitions, and amateur mixed martial arts
6 contests and is a mandatory requirement for participation in such
7 events;

8 ~~23.~~ 24. "Manager" means an individual who controls or
9 administers the affairs of any professional combative sports
10 participant, including acting as a booking agent. "Manager" shall
11 include the representative of a manager as defined by the
12 Commission;

13 ~~24.~~ 25. "Martial arts" means any form of karate, kung fu, tae
14 kwon-do, or any other form of martial or self-defense art;

15 ~~25.~~ 26. "Matchmaker" means an individual who brings together
16 professional combative sports participants or arranges professional
17 combative sports contests or professional exhibitions;

18 ~~26.~~ 27. "Participant" means an individual who takes part in a
19 combative sports event;

20 ~~27.~~ 28. "Pay-per-view telecasts of professional combative
21 sports events" means telecasts offered by cable television companies
22 to subscribers at a cost in addition to the monthly cable television
23 subscription rate. Such events shall include local and state
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1 professional combative sports contests and professional exhibitions
2 as defined in this section;

3 ~~28.~~ 29. "Person" means any individual, partnership, limited
4 liability company, club, association, corporation, trust or other
5 entity;

6 ~~29.~~ 30. "Physician" means an individual licensed under the laws
7 of this state to engage in the general practice of medicine or
8 osteopathic medicine;

9 ~~30.~~ 31. "Professional combative sports practitioner" means an
10 individual eighteen (18) years of age or older who competes for
11 money, prizes, or purses, or who teaches, instructs, or assists in
12 the practice of combative sports or sparring as a means of obtaining
13 pecuniary gain;

14 ~~31.~~ 32. "Professional combative sports event" means a combative
15 sports event in which the participants are paid a purse;

16 ~~32.~~ 33. "Professional mixed martial arts" means any form of
17 competitive pugilistic contest in which the participants are paid a
18 purse and blows are delivered with any part of the hands, feet,
19 elbows, or knees and multiple combative disciplines are used to
20 include grappling. Such contests take place in a rope-enclosed ring
21 or fenced enclosed cage and are fought in timed rounds;

22 ~~33.~~ 34. "Promote" or "promoting" means producing, staging,
23 sponsoring, organizing or otherwise holding a combative sports event
24 whether or not the event is open to the public;

1 ~~34.~~ 35. "Promoter" means any individual, whether a resident or
2 nonresident of Oklahoma, or club or corporation, whether
3 domesticated or not domesticated in Oklahoma, that produces or
4 stages professional contests, amateur mixed martial arts contests,
5 or professional exhibitions conducted within this state and shall
6 include any officer, director, or employees as defined by the
7 Commission;

8 ~~35.~~ 36. "Pugilism" means combative sports or the skill or
9 practice of fighting with the fists;

10 ~~36.~~ 37. "Purse" means the financial guarantee or any other
11 remuneration or thing of value for which a combative sports
12 practitioner participates in a professional combative sports event
13 and shall include the participant's share of any payment received
14 for radio broadcasting, television, including cable television, pay-
15 per-view television, and closed-circuit television, and motion
16 picture rights. "Purse" shall also include gate receipts and any
17 other prizes;

18 ~~37.~~ 38. "Ring official" means any individual who performs an
19 official function during the progress of a combative sports event or
20 amateur mixed martial arts event including but not limited to
21 timekeepers, judges, referees, and attending physicians;

22 ~~38.~~ 39. "Sanctioning permit" means a permit issued by the
23 Commission to promoters who make application for official approval
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1 of professional combative sports events and amateur mixed martial
2 arts events;

3 ~~39.~~ 40. "Sparring" means to engage in a form of combative sport
4 with jabbing or feinting movements, and the exchange of few heavy
5 blows, such as occurs in a practice or exhibition boxing match;

6 ~~40.~~ 41. "Telecast promoter" means any promoter who shows or
7 causes to be shown in this state a closed-circuit telecast of any
8 professional combative sports event conducted in this state.

9 "Telecast promoter" shall not include a cable system operator;

10 ~~41.~~ 42. "Trainer" means an individual who assists, coaches, or
11 instructs any professional combative sports practitioner or amateur
12 mixed martial artist with respect to physical conditioning,
13 strategy, techniques, or preparation for competition, professional
14 combative sports contests, or professional exhibitions; and

15 ~~42.~~ 43. "Vendor" means any individual, firm, organization,
16 club, or corporation that participates in the conduct of a
17 professional combative sports event or amateur mixed martial arts
18 event conducted in this state by offering for sale food or
19 merchandise, including, but not limited to, wearing apparel,
20 alcoholic and nonalcoholic beverages, souvenirs, and programs.

21 B. The Commission may define any term which is not defined in
22 the Oklahoma State Athletic Commission Act.

23 SECTION 2. AMENDATORY 3A O.S. 2021, Section 604.3, is
24 amended to read as follows:

1 Section 604.3 A. The Oklahoma State Athletic Commission, its
2 administrator or any other employee authorized by the Commission may
3 order the promoter to withhold any part of a purse or other money
4 belonging or payable to any combative sports practitioner or second
5 if, in the judgment of the Commission, administrator or employee:

6 1. The practitioner is not competing honestly or to the best of
7 the practitioner's skill and ability, or the practitioner otherwise
8 violates any rules or regulations adopted by the Commission or any
9 provisions of the Oklahoma Athletic Commission Act; and

10 2. The second violates any rules or regulations adopted by the
11 Commission or any provisions of the Oklahoma Athletic Commission
12 Act.

13 B. Money ordered withheld pursuant to this section shall be
14 deposited in the Oklahoma State Athletic Commission Revolving Fund
15 Security Account. The Commission shall hold a hearing at its next
16 regularly scheduled meeting to dispose of the matter. If it is
17 determined that the practitioner or second is entitled to his or her
18 share of the purse or other money, the funds shall be moved to the
19 Oklahoma State Athletic Commission Revolving Fund and disbursed to
20 the practitioner or second. If it is determined that the
21 practitioner or second is not entitled to his or her share of the
22 purse or other money, the funds shall be moved to the Oklahoma State
23 Athletic Commission Revolving Fund and ~~disbursed to the promoter.~~

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1 SECTION 3. AMENDATORY 3A O.S. 2021, Section 605, is
2 amended to read as follows:

3 Section 605. A. The Oklahoma State Athletic Commission may
4 employ an administrator to oversee the organization and activities
5 of the Commission and to ensure compliance with rules promulgated by
6 the Commission. The administrator shall perform such other duties
7 as the Commission may prescribe. The salary of the administrator
8 shall be set by the Commission. The position of administrator shall
9 be an unclassified position.

10 B. The Commission may employ an assistant to keep records of
11 all proceedings relating to professional combative sports, amateur
12 kickboxing, and amateur mixed martial arts and to preserve all
13 books, documents, and papers belonging to the Commission. The
14 assistant shall perform such other duties as the Commission may
15 prescribe. The salary of the assistant shall be set by the
16 Commission. The position of the assistant shall be an unclassified
17 position. The Commission may employ such other personnel as
18 necessary, subject to statutory full-time-equivalent (FTE) limits
19 applicable to the State Department of Health.

20 C. The State Department of Health shall provide administrative
21 support for the Commission, including, but not limited to, office
22 space, equipment, and furnishings, payroll and employee benefit
23 administration and processing, and travel and expense reimbursement,
24 and shall manage the Commission's funds at the direction of the

1 Commission. The State Department of Health shall be entitled to
2 reimbursement for the actual cost of providing said administrative
3 support to the Commission from the Oklahoma State Athletic
4 Commission Revolving Fund; provided that said reimbursement shall
5 not exceed in any year ~~ten~~ five percent ~~(10%)~~ (5%) of the total
6 revenue deposited in the fund in the preceding fiscal year received
7 from fees, administrative fines, reimbursements, bond proceeds and
8 sale of materials, but not including cash bonds held in trust by the
9 Commission. Upon a written directive of expenditure from Commission
10 funds signed by a majority of the Commission members or the
11 Commission administrator, the State Department of Health shall
12 process and make payment for said expenditure from Commission funds
13 within fifteen (15) business days of receipt of the written
14 directive from the Oklahoma State Department of Health Athletic
15 Commission. All other ~~Commission-directed~~ Commission-incurred
16 expenditures shall be processed according to State Department of
17 Health policy.

18 D. Employees of the Commission shall be considered unclassified
19 employees of the State Department of Health only for the purpose of
20 administrative support provided by the State Department of Health as
21 prescribed in subsection C of this section. Persons employed by the
22 Commission shall serve at the direction and pleasure of the
23 Commission and shall answer directly to the Commission administrator
24 and the Commission.

1 E. The administrator, the assistant, and any other employees of
2 the Commission or any persons related to said employees within the
3 third degree by either consanguinity or affinity shall be prohibited
4 from promoting, sponsoring, or having any pecuniary interest in any
5 professional combative sports event, amateur kickboxing event, or
6 amateur mixed martial arts event regulated by the Commission with
7 the exception of medical personnel.

8 SECTION 4. AMENDATORY 3A O.S. 2021, Section 617, is
9 amended to read as follows:

10 Section 617. A. Except as otherwise provided in the Oklahoma
11 State Athletic Commission Act, in addition to the payment of any
12 other fees and monies due pursuant to the Oklahoma State Athletic
13 Commission Act and the rules promulgated by the Oklahoma State
14 Athletic Commission, an assessment equal to five percent (5%) of the
15 total gross receipts of any professional combative sports event,
16 amateur mixed martial arts event or amateur kickboxing event
17 conducted in this state, exclusive of any federal tax or tax imposed
18 by any political subdivision of this state, shall be hereby levied
19 and shall be remitted by every promoter and vendor to the Oklahoma
20 State Athletic Commission.

21 B. The assessment established in subsection A of this section
22 shall not exceed Thirty-five Thousand Dollars (\$35,000.00).

23 C. Promoters of professional boxing events, professional mixed
24 martial arts events, amateur mixed martial arts events and amateur

1 kickboxing events shall pay the greater of the five-percent
2 assessment levied pursuant to subsection A of this section or Four
3 Hundred Fifty Dollars (\$450.00) to the Commission.

4 D. Promoters of professional wrestling events shall pay the
5 greater of the five-percent assessment levied pursuant to subsection
6 A of this section or Eighty Dollars (\$80.00) to the Commission.

7 E. For the purpose of this section, total gross receipts of
8 every promoter shall include:

9 1. The face value of all tickets sold; and

10 2. Proceeds from a vendor, or the promoter's gross price
11 charged for the sale of food, alcoholic and nonalcoholic beverages,
12 or merchandise, including, but not limited to, wearing apparel,
13 souvenirs and programs.

14 F. For professional combative sports events, amateur mixed
15 martial arts events ~~or~~, and amateur kickboxing events at which
16 admission tickets are not sold by the promoter, the promoter shall
17 remit an assessment equal to five percent (5%) of the revenues
18 received by the promoter for the event, historically known as a site
19 fee.

20 G. For the purpose of this section, total gross receipts of
21 every vendor shall include the gross price charged for the sale of
22 food, alcoholic and nonalcoholic beverages, and merchandise
23 including, but not limited to, wearing apparel, souvenirs, and
24 programs, excluding that portion paid to any promoter.

1 H. Payment of the assessment on gross receipts, unless
2 otherwise specified, shall be due within five (5) business days
3 after the holding of the professional combative sports event,
4 amateur mixed martial arts event or amateur kickboxing event and
5 shall be accompanied by a report in such form as shall be prescribed
6 by the Oklahoma State Athletic Commission.

7 I. A promoter shall not issue complimentary tickets for more
8 than ten percent (10%) of the seats for any event. The promoter
9 shall be responsible to pay the five-percent assessment levied
10 pursuant to subsection A of this section on total receipts as
11 prescribed in this section for any complimentary tickets in excess
12 of ten percent (10%). All complimentary tickets must clearly
13 indicate on the ticket that it is a complimentary ticket and state
14 the value of the complimentary ticket. The face value of a
15 complimentary ticket shall be equal to like tickets sold in that
16 particular section of the venue. The complimentary tickets that are
17 exempt from the five-percent assessment levied pursuant to
18 subsection A of this section shall be those tickets with the lowest
19 face value.

20 J. Complimentary tickets shall not be given to a sponsor,
21 elected official, person or any entity that gives the promoter of
22 any event anything of value, including but not limited to money, in-
23 kind goods or services, or advertising.

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1 K. The first payment of the assessment on gross income received
2 from the sale of motion picture rights shall be due at the end of
3 the month after the date of the sale of the motion picture rights,
4 and further payments shall be due every thirty (30) days thereafter,
5 during the presentation of the picture, and shall be accompanied by
6 a gross receipts report in such form as shall be prescribed by the
7 Oklahoma State Athletic Commission.

8 L. Except as otherwise provided in the Oklahoma State Athletic
9 Commission Act, in addition to the payment of any other fees and
10 monies due pursuant to the Oklahoma State Athletic Commission Act
11 and the rules promulgated by the Oklahoma State Athletic Commission,
12 an assessment in an amount of five percent (5%) of the total gross
13 receipts of every telecast promoter shall be levied. Total gross
14 receipts shall include the gross price charged for the sale, lease,
15 or other use of broadcasting, including, but not limited to, radio,
16 television, including cable television, pay-per-view television, and
17 closed-circuit television, or motion picture rights of combative
18 sports or amateur mixed martial arts contests, events, or
19 exhibitions conducted within this state, without any deductions for
20 commissions, brokerage fees, distribution fees, advertising, or
21 other expenses or charges.

22 M. 1. In the case of facilities at or through which the
23 closed-circuit telecast is shown other than a cable system
24 operator's pay-per-view facilities, the telecast promoter shall,

1 within eight (8) days after the telecast, inclusive of mailing time,
2 file with the Commission a written report detailing the name,
3 address, telephone number, contact person's name, and the details of
4 the payment arrangement for the right to receive the telecast for
5 each facility to which the broadcast was transmitted.

6 2. The report shall be accompanied by the assessment payment
7 required under subsection L of this section, excluding any federal,
8 state or local taxes.

9 3. The Commission may require the owner or operator of the
10 facility where the telecast is being shown to file a report
11 containing information regarding the amount paid to the telecast
12 promoter for the right to broadcast the telecast, the quality of the
13 audio and video signal, and any other information the Commission
14 deems appropriate.

15 N. 1. In the case of a cable system operator's pay-per-view
16 facilities at or through which a closed-circuit telecast was shown
17 within the state, the telecast promoter shall, within thirty (30)
18 days following receipt of the notice of the assessment from the
19 Commission, cause to be filed with the Commission the assessment
20 required pursuant to subsection L of this section, excluding any
21 federal, state, or local taxes.

22 2. The cable system operator shall withhold from the proceeds
23 due to the telecast promoter the assessment payment required
24 pursuant to subsection L of this section and remit the assessment to

1 the Commission on behalf of the telecast promoter. The cable system
2 operator shall not be liable for the remittance of the assessment
3 fee required pursuant to subsection L of this section from any
4 proceeds due to the cable system operator from its pay-per-view
5 events.

6 3. The Commission shall require the cable system operator to
7 file reports containing information regarding the number of orders
8 sold and the price charged for orders and any other information the
9 Commission deems appropriate.

10 4. Cable system operators shall not be liable to the Commission
11 for the assessment payment required under subsection L of this
12 section. Nothing in this section shall be deemed to prevent a cable
13 system operator from billing its customer for the assessment
14 payment.

15 5. The Commission shall, upon request, provide the telecast
16 promoter with a report detailing the number of orders and the
17 assessment payment due.

18 0. Any promoter who willfully makes a false and fraudulent
19 report under this section is guilty of perjury and, upon conviction,
20 is subject to punishment as provided by law. This penalty shall be
21 in addition to any other penalties imposed in this section.

22 P. Gross receipts reports signed under oath shall also include:

23 1. The name of the promoter;

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1 2. The professional combative sports event, amateur mixed
2 martial arts event or amateur kickboxing event sanctioning permit
3 number;

4 3. The promoter's business address and any license or permit
5 number required of such promoter by law;

6 4. Gross receipts as specified by this section, during the
7 period specified by this section; and

8 5. Such further information as the Oklahoma State Athletic
9 Commission may require to enable it to compute correctly and collect
10 the assessment levied pursuant to this section.

11 Q. In addition to the information required on reports, the
12 Oklahoma State Athletic Commission may request, and the promoter
13 shall furnish, any information deemed necessary for a correct
14 computation of the assessment levied pursuant to this section.

15 R. All levies pursuant to this section shall be collected by
16 the Commission and shall be placed to the credit of the Oklahoma
17 State Athletic Commission Revolving Fund.

18 S. The monies collected from the assessment levied pursuant to
19 the provisions of this section shall be in addition to all other
20 revenues and funds received by the Oklahoma State Athletic
21 Commission.

22 T. The promoter shall compute and pay to the Oklahoma State
23 Athletic Commission the required assessment due. If the payment of
24 the assessment is not postmarked or delivered to the Oklahoma State

1 Athletic Commission as specified in subsections H through L of this
2 section, whichever is appropriate, the assessment shall be
3 delinquent from such date.

4 U. It shall be the duty of every promoter required to make a
5 gross receipts report and pay any assessment pursuant to the
6 provisions of this section to keep and preserve suitable records and
7 documents which may be necessary to determine the amount of
8 assessment due as will substantiate and prove the accuracy of such
9 reports. All such records shall be preserved for a period of three
10 (3) years, unless the Oklahoma State Athletic Commission, in
11 writing, has authorized their destruction or disposal at an earlier
12 date, and shall be open to examination at any time by the Oklahoma
13 State Athletic Commission or by any of its authorized employees.

14 SECTION 5. This act shall become effective November 1, 2023.

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