

ASSEMBLY, No. 2213

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblymen DiGAETANO and IMPREVEDUTO

1 AN ACT concerning professional wrestling, amending and
2 supplementing P.L.1985, c.83 and amending P.L.1988, c.20.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1985, c.83 (C.5:2A-1) is amended to read as
8 follows:

9 1. As used in this act:

10 a. "Attending physician" means a physician assigned to attend a
11 boxing exhibition or performance pursuant to this act.

12 b. "Board" means the State Athletic Control Board established
13 pursuant to section 3 of this act.

14 c. "Commissioner" means the commissioner appointed pursuant to
15 section 5 of this act.

16 d. "Contest" means an engagement in which the participants strive
17 in good faith to win.

18 e. "Council" means the State Athletic Control Board Medical
19 Advisory Council established pursuant to section 8 of this act.

20 f. "Event" means any occurrence in which a boxer, wrestler, kick
21 boxer or combative sports practitioner displays or exhibits his skills,
22 performs or fights, but does not include professional wrestling except
23 as provided in section 6 of P.L. , c. , (C.)(now pending
24 before the Legislature as this bill).

25 g. "Exhibition" means an engagement in which the participants
26 show or display their skills without necessarily striving to win, but
27 does not included professional wrestling except as provided in section
28 6 of P.L. , c. , (C.)(now pending before the Legislature as this
29 bill).

30 h. "Kick boxing or Thai boxing" means any professional sport
31 where the use of hands or feet or other striking techniques are utilized
32 to disable or cause injury to an opponent in a contest, exhibition, or
33 performance.

34 i. "Combative sport" means any professional sport where

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 participants intend to and actually inflict kicks, punches, blows, and
2 other techniques to injure or disable an opponent in a contest,
3 exhibition, or performance.

4 j. "Martial arts" means any discipline where the participants utilize
5 kicks, punches, blows, and other techniques where the intent is not to
6 injure or disable an opponent in a contest, exhibition, or performance.

7 k. "Physician" means an individual licensed to practice medicine
8 and surgery in this State.

9 l. "Promoter" means any person, club, corporation or association,
10 and in the case of a corporate promoter includes any officer, director,
11 employee or stockholder thereof, who produces, arranges or stages
12 any professional boxing, wrestling, kick boxing, or combative sports
13 exhibition, event, performance or contest.

14 m. "Professional wrestling" means an activity in which participants
15 struggle hand-in-hand primarily for the purpose of providing
16 entertainment to spectators rather than conducting a bona fide athletic
17 contest.

18 n. "Wrestling" means a bona fide athletic contest in which
19 participants struggle hand-in-hand with the object of winning by
20 throwing an opponent or scoring points and in which any purpose of
21 providing entertainment is secondary.

22 (cf: P.L.1985, c.83, s.1)

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24 2. Section 2 of P.L1985, c.83 (C.5:2A:2) is amended to read as
25 follows:

26 2. The Legislature finds and declares to be the public policy of this
27 State that it is in the best interest of the public and of boxing,
28 wrestling, kick boxing and combative sports that boxing, wrestling,
29 kick boxing and combative sports exhibitions, events, performances
30 and contests should be subject to an effective and efficient system of
31 strict control and regulation in order to:

32 a. Protect the safety and well-being of participants in boxing,
33 wrestling, kick boxing and combative sports exhibitions, events,
34 performances and contests; and

35 b. Promote the public confidence and trust in the regulatory
36 process and the conduct of boxing, wrestling, kick boxing and
37 combative sports exhibitions, events, performances and contests.

38 To further such public confidence and trust, the regulatory
39 provisions of this act are designed to extend strict State regulation to
40 all persons, practices and associations related to the operation of any
41 boxing, wrestling, kick boxing or combative sports exhibition, event,
42 performance or contest held in this State.

43 The Legislature further finds and declares that, because its principal
44 purpose is to entertain without injuring or disabling one of the
45 participants, professional wrestling should be excluded from this

1 system of regulation and control.

2 (cf: P.L.1985, c.83, s.2)

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4 3. Section 4 of P.L.1985, c.83 (C.5:2A-4) is amended to read as
5 follows:

6 4. The State Athletic Control Board shall have and exercise sole
7 discretion, management, control and supervision over all public
8 boxing, wrestling, kick boxing and combative sports exhibitions,
9 events, performances and contests. Except for the purpose of
10 collecting the tax on the sale of tickets pursuant to section 7 of
11 P.L. , c. , (C.)(now pending before the Legislature as this
12 bill), the board shall not regulate or control professional wrestling or
13 participants in professional wrestling. The board shall promulgate
14 such rules and regulations as may be necessary and appropriate to
15 carry out the purposes of this act and for the proper discharge of its
16 responsibilities hereunder and may prescribe and enforce penalties for
17 the violation thereof.

18 (cf: P.L.1985, c.83, s.4)

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20 4. Section 14 of P.L.1985, c. 83 (C.5:2A-14) is amended to read
21 as follows:

22 14. a. No promoter shall hold or conduct any public boxing,
23 wrestling, kick boxing or combative sports exhibition, event,
24 performance or contest in the State of New Jersey without first having
25 obtained a license from the board.

26 b. No person shall participate, either directly or indirectly, in any
27 boxing, wrestling, kick boxing or combative sports exhibition, event,
28 performance or contest, or be a holder thereof, unless the person shall
29 have first obtained a license from the board.

30 The board shall license all promoters; boxers, wrestlers, kick
31 boxers, combative sports contestants or performers, their managers,
32 scorers and trainers; booking agents; ring officials and other persons
33 the board deems necessary.

34 c. All licenses shall be for a period of one year, unless revoked for
35 cause, and shall be subject to the provisions of this act and to the rules
36 and regulations adopted pursuant to this act. Before acting upon any
37 application for a license, the board may examine, under oath,
38 applicants or other witnesses. All applications shall be on a form
39 prescribed by the board. The board shall, by regulation, establish fees
40 for the issuance or renewal of all licenses.

41 d. A license from the board shall not be required of any person in
42 order to conduct or participate in professional wrestling.

43 (cf: P.L.1985, c.83, s.14).

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45 5. Section 4 of P.L.1988, c.20 (C.5:2A-6.1) is amended to read as
46 follows:

1 4. No board member, employee or agent, including the
2 commissioner, shall hold an office or position in any body,
3 organization, association or federation which is established for the
4 purpose of sanctioning boxing, professional wrestling, wrestling, kick
5 boxing and combative sports exhibitions, events, performances and
6 contests in this State or other states.

7 (cf: P.L.1988, c.20, s.4).

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9 6. (New section) No person, club, corporation, or association, and
10 in the case of a corporation no officer, director, employee or
11 stockholder thereof, who produces, arranges or stages any
12 professional wrestling event or exhibition shall hold or conduct such
13 an event or exhibition in a casino hotel which is licensed pursuant to
14 or is an applicant for licensure pursuant to the "Casino Control Act,"
15 P.L.1977, c.110 (C.5:12-1 et seq.) unless the person or entity is
16 licensed as a casino service industry or is an applicant for licensure as
17 a casino service industry pursuant to the "Casino Control Act,"
18 P.L.1977, c.110 (C.5:12-1 et seq.) or is registered as a vendor in
19 accordance with the rules and regulations promulgated by the Casino
20 Control Commission.

21
22 7. (New section) Every person who holds a professional wrestling
23 event shall, within seven days, exclusive of Saturdays, Sundays and
24 legal holidays, after the conclusion thereof, pay to the State Athletic
25 Control Board a tax on the total gross receipts from the sale of tickets
26 and on the face value of all tickets issued as complimentary tickets as
27 follows: 3% of the first \$25,000 derived from those tickets; 4% of the
28 next \$50,000 derived from those tickets; 5% of the next \$125,000
29 derived from those tickets; and 6% of any amount derived from those
30 tickets exceeding \$200,000, except that in no event shall any tax
31 assessed under the provisions of this section exceed \$100,000 for each
32 event.

33 The total amount of gross receipts from any professional wrestling
34 event and the total amount of tax due hereunder shall be provided to
35 the board for review and determination. For this purpose the board
36 may examine, or cause to be examined, the books and records of any
37 person and conduct a hearing or direct that a hearing be conducted
38 pursuant to the "Administrative Procedure Act", P.L.1968, c.410
39 (C.52:14B-1 et seq.).

40 Should any person being liable for the tax hereby imposed fail to
41 pay the same, an action in the name of the board may be maintained in
42 any court of competent jurisdiction, to be prosecuted by the Attorney
43 General.

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45 8. This act shall take effect immediately.

STATEMENT

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This bill removes professional wrestling from the regulation and control of the State Athletic Control Board since the primary purpose of professional wrestling is to provide entertainment rather than a bona fide athletic contest. It distinguishes professional wrestling from wrestling, provides that the board shall not regulate or control professional wrestling or participants in professional wrestling, and stipulates that a board license shall not be required of any person in order to conduct or participate in professional wrestling.

The bill establishes a tax on the total gross receipts from the sale of tickets to a professional wrestling event and on the face value of all tickets issued as complimentary tickets. There shall be paid to the board: 3% of the first \$25,000 derived from those tickets; 4% of the next \$50,000 derived from those tickets; 5% of the next \$125,000 derived from those tickets; and 6% of any amount derived from those tickets exceeding \$200,000. In no event shall any tax assessed under the provisions of this act exceed \$100,000.

As a result of the removal of professional wrestling from the provisions of P.L.1985, c.83 (C.5:2A-1 et seq.), which established the State Athletic Control Board and provided for the regulation of boxing, wrestling and certain other activities, the tax on television rights associated with professional wrestling is eliminated, and this bill does not reestablish such a tax.

A promoter of professional wrestling is required to be licensed as a casino service industry if an event is held in a casino hotel. The bill also prohibits board members and employees from holding an office or position in any organization which sanctions professional wrestling.

Limits the jurisdiction of the State Athletic Control Board over professional wrestling.