

[First Reprint]  
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.

3

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

6

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

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SSG committee amendments adopted November 18, 1996.

1 to disable or cause injury to an opponent in a contest, exhibition, or  
2 performance.

3 i. "Combative sport" means any professional sport where  
4 participants intend to and actually inflict kicks, punches, blows, and  
5 other techniques to injure or disable an opponent in a contest,  
6 exhibition, or performance.

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

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

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

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

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

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

26

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

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

35 a. Protect the safety and well-being of participants in boxing,  
36 wrestling, kick boxing and combative sports exhibitions, events,  
37 performances and contests; and

38 b. Promote the public confidence and trust in the regulatory  
39 process and the conduct of boxing, wrestling, kick boxing and  
40 combative sports exhibitions, events, performances and contests.

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

46 The Legislature further finds and declares that, because its principal

1 purpose is to entertain without injuring or disabling one of the  
2 participants, professional wrestling should be excluded from this  
3 system of regulation and control.

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

5  
6 <sup>1</sup>[3. Section 4 of P.L.1985, c.83 (C.5:2A-4) is amended to read as  
7 follows:

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

20 (cf: P.L.1985, c.83, s.4)]<sup>1</sup>

21  
22 <sup>1</sup>[4.] 3.<sup>1</sup> Section 14 of P.L.1985, c. 83 (C.5:2A-14) is amended to  
23 read as follows:

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

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

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

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

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

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

1       <sup>1</sup>[5.] 4.<sup>1</sup> Section 4 of P.L.1988, c.20 (C.5:2A-6.1) is amended to  
2 read as follows:

3       4. No board member, employee or agent, including the  
4 commissioner, shall hold an office or position in any body,  
5 organization, association or federation which is established for the  
6 purpose of sanctioning boxing, professional wrestling, wrestling, kick  
7 boxing and combative sports exhibitions, events, performances and  
8 contests in this State or other states.  
9 (cf: P.L.1988, c.20, s.4).

10

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

23

24       <sup>1</sup>[7. (New section) Every person who holds a professional  
25 wrestling event shall, within seven days, exclusive of Saturdays,  
26 Sundays and legal holidays, after the conclusion thereof, pay to the  
27 State Athletic Control Board a tax on the total gross receipts from the  
28 sale of tickets and on the face value of all tickets issued as  
29 complimentary tickets as follows: 3% of the first \$25,000 derived  
30 from those tickets; 4% of the next \$50,000 derived from those tickets;  
31 5% of the next \$125,000 derived from those tickets; and 6% of any  
32 amount derived from those tickets exceeding \$200,000, except that in  
33 no event shall any tax assessed under the provisions of this section  
34 exceed \$100,000 for each event.

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

42       Should any person being liable for the tax hereby imposed fail to  
43 pay the same, an action in the name of the board may be maintained in  
44 any court of competent jurisdiction, to be prosecuted by the Attorney  
45 General.]<sup>1</sup>

1       <sup>1</sup>[8.] 6.<sup>1</sup> This act shall take effect immediately.

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6       Elimates the jurisdiction of the State Athletic Control Board over  
7       professional wrestling.