

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 506

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE STATE ATHLETIC COMMISSION; AMENDING SECTION 54-402,
2 IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS;
3 AMENDING SECTION 54-406, IDAHO CODE, TO PROVIDE THE COMMISSION
4 AUTHORITY TO ESTABLISH CERTAIN FEES, TO PROVIDE ADDITIONAL NATIONALLY
5 RECOGNIZED SANCTIONING ASSOCIATIONS, TO PROVIDE REQUIREMENTS FOR
6 CERTAIN PROMOTERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
7 54-408, IDAHO CODE, TO REVISE PROVISIONS RELATING TO BOND OR OTHER
8 SECURITY FILED BY PROMOTERS; AMENDING SECTION 54-410, IDAHO CODE, TO
9 REQUIRE A PAYMENT OF FEES FOR THE ISSUANCE OF A LICENSE OR SANCTIONING
10 PERMIT; AMENDING SECTION 54-411, IDAHO CODE, TO REVISE PROVISIONS
11 RELATING TO A STATEMENT AND REPORT OF AN EVENT AND THE PAYMENT OF A TAX TO
12 THE COMMISSION; AMENDING SECTION 54-413, IDAHO CODE, TO MAKE TECHNICAL
13 CORRECTIONS; AMENDING SECTION 54-419, IDAHO CODE, TO REVISE PROVISIONS
14 RELATING TO AN INACCURATE STATEMENT AND REPORT OF AN EVENT AND TO MAKE
15 TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-420, IDAHO CODE, TO
16 REVISE PROVISIONS RELATING TO PROHIBITIONS AND PENALTIES.
17

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Section 54-402, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 54-402. DEFINITIONS. (1) The terms used in this chapter have the
22 following meanings:

23 (a) "Amateur combatant" means an individual who has never been a
24 professional combatant, as defined in this chapter, as well as an
25 individual who has never received nor competed for any purse or other
26 article of value, either for participating in or being associated in any
27 way with any contest or exhibition of unarmed combat or for the expenses
28 of training therefor, other than a noncash prize which does not exceed
29 fifty dollars (\$50.00) in value.

30 (b) "Applicant" means any individual, club, association, corporation,
31 partnership, trust or other business entity which submits an
32 application to the commission for a license or permit pursuant to this
33 chapter.

34 (c) "Booking agent" means persons who act as bookers, agents,
35 agencies and representatives who secure engagements and contracts for
36 combatants.

37 (d) "Boxing" means the pugilistic act of attack and defense with the
38 fists, practiced as a sport. The term includes all variations of the
39 sport permitting or using other parts of the human body to deliver blows
40 upon an opponent including, but not limited to, the foot, knee, leg,
41 elbow or head. "Boxing" includes, but is not limited to, kickboxing and
42 martial arts but does not include professional wrestling.

- 1 (e) "Broadcast" means any audio or visual transmission sent by any
2 means of signal within, into or from this state, whether live or taped or
3 time delayed, and includes any replays thereof.
- 4 (f) "Bureau" means the Idaho bureau of occupational licenses.
- 5 (g) "Closed-circuit telecast" means any telecast of contests or
6 exhibitions which is not intended to be available for viewing without
7 the payment of a fee, collected or based upon each telecast viewed, or
8 for the privilege of viewing the telecast.
- 9 (h) "Club" means an incorporated or unincorporated association or body
10 of individuals voluntarily united and acting together for some common
11 or special purpose.
- 12 (i) "College" and "university" means:
13 (i) An educational institution of higher learning that typically
14 grants associate's, bachelor's, master's or doctorate degrees;
15 (ii) A division or school of a university; and
16 (iii) As used in this chapter, also includes educational
17 institutions known as ~~junior colleges~~, community colleges
18 and professional-technical schools.
- 19 (j) "Combatant" means an individual who takes part as a competitor in a
20 contest or exhibition.
- 21 (k) "Commission" means the state athletic commission.
- 22 (l) "Commissioner" means the state athletic commissioner.
- 23 (m) "Contest" means a match in which the participants strive earnestly
24 in good faith to win.
- 25 (n) "Corner person" means, but shall not be limited to, a trainer, a
26 second or any other individual who attends the combatant during a match.
- 27 (o) "Exhibition" means an engagement in which the participants show
28 or display their skill without necessarily striving to win, such as
29 a wrestling match between professional wrestlers or a contest where
30 combatants are sparring.
- 31 (p) "Judge" means an individual other than a referee who shall have a
32 vote in determining the winner of any contest.
- 33 (q) "Kickboxing" means any form of competitive pugilistic contest or
34 exhibition in which blows are delivered with the hand and any part of the
35 foot.
- 36 (r) "License" means a certificate issued to a person by the commission
37 ~~to participants of sanctioned professional contests and exhibitions or~~
38 ~~amateur contests and exhibitions which are not exempt from regulation~~
39 ~~under section 54-406(3), Idaho Code, which that is required for~~
40 ~~participation~~ the person to conduct, participate in such events or
41 otherwise be associated with sanctioned contests or exhibitions.
- 42 (s) "Licensee" means a person who has been issued a license by the
43 commission.
- 44 (t) "Manager" means a person who controls or administers the affairs
45 of any professional combatant. The term "manager" includes a person
46 acting as a booking agent or a person acting as the representative of a
47 manager.
- 48 (u) "Martial arts" means any form of karate, kung fu, tae kwon do, sumo,
49 judo or any other system or form of combat or self-defense art.

1 (v) "Matchmaker" means a person who brings together or induces
2 combatants ~~regulated by the commission~~ to participate in contests
3 or exhibitions ~~regulated by the commission~~ or a person who arranges
4 contests or exhibitions ~~regulated by the commission~~.

5 (w) "Participant" means any person who is required by this chapter to
6 be licensed by the commission in connection with taking part in or being
7 associated with a contest or exhibition ~~regulated by the commission~~.

8 (x) "Person" means any individual, partnership, limited liability
9 company, club, association, corporation, organization, secondary
10 school, college, university, trust or other legal entity.

11 (y) "Physician" means an individual licensed under the laws of this
12 state to engage in the general practice of medicine or osteopathic
13 medicine.

14 (z) "Professional combatant" means an individual eighteen (18) years
15 of age or older who participates as a competitor in a contest or
16 exhibition for money, prizes or purses, or who teaches, instructs or
17 assists in the practice of unarmed combat or sparring as a means of
18 obtaining pecuniary gain.

19 (aa) "Professional contest and professional exhibition" means
20 any contest or exhibition conducted within this state involving
21 professional combatants.

22 (bb) "Professional wrestling" means an activity in which combatants
23 struggle hand-to-hand primarily for the purpose of providing
24 entertainment to spectators and which does not comprise a bona fide
25 athletic contest or competition.

26 (cc) "Promoter" means any person including an owner, officer, partner,
27 member, director, employee or shareholder thereof, who produces,
28 arranges, ~~or~~ stages or otherwise promotes any contest or exhibition
29 ~~that is not exempt from regulation pursuant to section 54-406(3), Idaho~~
30 ~~Code~~.

31 (dd) "Pugilistic" means an act related to the skill or practice of
32 fighting with the fists.

33 (ee) "Purse" means the financial guarantee or any other remuneration
34 or thing of value for which a person participates in a contest or
35 exhibition.

36 (ff) "Ring official" means any individual who performs an official
37 function during the progress of a regulated contest or exhibition
38 including, but not limited to, timekeepers, judges, referees and
39 attending physicians.

40 (gg) "Sanctioning permit" means a license issued by the commission,
41 ~~to a promoter which~~ or a permit issued by an approved amateur athletic
42 sanctioning organization, that authorizes the holding of a promoter
43 to promote a single program of contests and exhibitions at a specific
44 venue.

45 (hh) "Secondary school" means a school which, for operational purposes,
46 is organized and administered on the basis of grades seven (7) through
47 twelve (12), inclusive, or any combination thereof.

48 (ii) "Sparring" means to engage in a form of unarmed combat, such as
49 occurs in a practice or exhibition match.

1 (jj) "Trainer" means an individual who assists, coaches or instructs
 2 any unarmed combatant with respect to physical conditioning, strategy,
 3 techniques or preparation for competition in contests or exhibitions
 4 ~~which are not exempt from regulation pursuant to section 54-406(3),~~
 5 ~~Idaho Code.~~

6 (kk) "Unarmed combat" means a fight or contest between individuals or
 7 groups without the use of weapons other than the natural appurtenances
 8 of the human body.

9 (2) To the extent the commission deems pertinent, any specialized term
 10 not otherwise defined in this chapter may be defined by rule.

11 SECTION 2. That Section 54-406, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 54-406. DUTIES OF COMMISSION -- SANCTIONING PERMITS -- LICENSING --
 14 EXEMPTIONS -- MEDICAL CERTIFICATION. (1) The commission shall have power,
 15 and it shall be its duty, to direct, supervise and control all amateur and
 16 professional contests and exhibitions within the state and no such contest
 17 or exhibition shall be held or given within this state except in accordance
 18 with the provisions of this chapter. The commission has authority to adopt
 19 rules to implement the provisions of this chapter and to implement each of
 20 the duties and responsibilities conferred upon the commission including,
 21 but not limited to:

22 (a) Development of an ethical code of conduct for commissioners,
 23 commission staff and commission officials;

24 (b) Facility and safety requirements relating to the ring, floor
 25 plan and apron seating, emergency medical equipment and services, and
 26 other equipment and services necessary for the conduct of a program of
 27 matches;

28 (c) Requirements regarding a participant's apparel, bandages,
 29 handwraps, gloves, mouthpiece and appearance during a match;

30 (d) Requirements relating to a manager's participation, presence and
 31 conduct during a match;

32 (e) Duties and responsibilities of all licensees under this chapter;

33 (f) Procedures for hearings and resolution of disputes;

34 (g) Qualifications for appointment of referees and judges;

35 (h) Designation and duties of a knockdown timekeeper;

36 (i) Setting fee and reimbursement schedules for referees and other
 37 officials appointed by the commission or the representative of the
 38 commission; ~~and~~

39 (j) Establishment of criteria for approval, disapproval, suspension
 40 of approval and revocation of approval of amateur sanctioning
 41 organizations for amateur contests and exhibitions held in this
 42 state including, but not limited to, the health and safety standards the
 43 organizations use before, during and after the matches to ensure the
 44 health, safety and well-being of the amateur combatants participating
 45 in the matches, including the qualifications and numbers of health
 46 care personnel required to be present, the qualifications required
 47 for referees, and other requirements relating to the health, safety
 48 and well-being of the amateur combatants participating in the matches.
 49 The commission may adopt by rule, or incorporate by reference into

1 rule, the health and safety standards of United States amateur boxing,
 2 inc., as the minimum health and safety standards for an amateur boxing
 3 sanctioning organization, and the health and safety standards of the
 4 international amateur kickboxing sport association as the minimum
 5 health and safety standards for an amateur kickboxing sanctioning
 6 organization; and

7 (k) Establish fees to be paid by an amateur athletic sanctioning
 8 organization that is approved pursuant to subsection (3) (b) (ii) of this
 9 section, which fees shall include:

10 (i) Initial and annual application processing fees of not
 11 less than two hundred fifty dollars (\$250) and not more than one
 12 thousand dollars (\$1,000); and

13 (ii) Initial and annual approval fees of not less than two hundred
 14 fifty dollars (\$250) and not more than one thousand dollars
 15 (\$1,000).

16 (2) The commission may, in its discretion, issue or refuse to issue
 17 and for cause immediately revoke any sanctioning permits to conduct, hold
 18 ~~or give amateur and professional contests or exhibitions~~ whether or not
 19 an admission fee is charged by any person, organization, association or
 20 fraternal society. The commission may also, in its discretion, issue or
 21 refuse to issue and for cause immediately revoke, ~~or~~ suspend or otherwise
 22 ~~sanction~~ discipline licenses for participants of sanctioned contests and
 23 exhibitions.

24 (3) Specifically exempt from the provisions of this chapter are all
 25 contests or exhibitions that:

26 (a) Are contests or exhibitions conducted by any secondary school,
 27 college or university, whether public or private, where all the
 28 participating contestants are bona fide students enrolled in any
 29 secondary school, college or university, within or without this state;
 30 ~~or~~

31 (b) Are entirely contests or exhibitions, ~~7~~ in which all combatants are
 32 amateurs and which have been sanctioned as amateur athletic contests or
 33 exhibitions by any of the following associations:

34 (i) United States amateur boxing, inc., also known as USA boxing,
 35 inc. ~~7~~

36 ~~(ii) the amateur athletic union of the United States, inc., also~~
 37 ~~known as the national amateur athletic union, the amateur athletic~~
 38 ~~union and the AAU or any similar nationally recognized entity~~
 39 ~~approved by the commission; or~~

40 (iii) Any other entity that the commission approves ~~as an~~
 41 ~~officially recognized amateur boxing or other~~ to be an amateur
 42 athletic sanctioning ~~authority~~ organization, which approval
 43 shall be subject to annual review for purposes of renewal.
 44 Notwithstanding any other provision of this chapter, the promoter
 45 of any contest or exhibition sanctioned by an organization
 46 approved pursuant to this subparagraph shall comply with sections
 47 54-408, 54-411, 54-413, 54-417, 54-419, 54-421 and 54-422, Idaho
 48 Code, and the promoter and each participant in such contest or
 49 exhibition are subject to sections 54-416, 54-418 and 54-420,
 50 Idaho Code, unless specifically exempted by commission rule; ~~or~~

1 (c) Are contests or exhibitions held under the auspices or sanction of
 2 an established nonprofit secondary school activities organization or
 3 of its public or nonprofit accredited secondary school members, or held
 4 under the auspices or sanction of an established college or university
 5 activities organization or its public or not-for-profit accredited
 6 college or university members; or

7 (d) Are contests or exhibitions conducted by any military installation
 8 or branch of the United States armed forces, or the state national
 9 guard, where the participants are employed by the military
 10 installation, are members of the branch of the armed forces, or the
 11 state national guard unit conducting the contest or exhibition.

12 (4) Provided further that every combatant in any contest or exhibition
 13 exempt under the provisions of this chapter, prior to engaging in and
 14 conducting such contest or exhibition, shall be examined by a licensed
 15 physician at least once in each calendar year, or where such contest is
 16 conducted by a secondary school, college or university or organization
 17 as further described in this section, once in each academic year in which
 18 instance the physician shall also designate the maximum and minimum
 19 weights at which the combatant shall be medically certified to participate.
 20 Provided further that no combatant shall be permitted to participate in any
 21 such contest or exhibition in any weight classification other than that
 22 or those for which he is certificated. Provided further that the exempted
 23 organizations shall be governed by the provisions of section 54-414,
 24 Idaho Code, as that section applies to contests or exhibitions conducted
 25 by persons exempted in this section from the general provisions of this
 26 chapter. No contest or exhibition shall be conducted within this state
 27 except pursuant to a license issued in accordance with the provisions of this
 28 chapter and the rules of the commission except as hereinabove provided.

29 SECTION 3. That Section 54-408, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 54-408. PROMOTERS -- BOND OR OTHER SECURITY -- MEDICAL INSURANCE. (1)
 32 Before any sanctioning permit is issued to any promoter to conduct or hold
 33 a contest or exhibition ~~which is not exempt from regulation pursuant to~~
 34 ~~section 54-406(3), Idaho Code~~ and before an approved amateur athletic
 35 sanctioning organization sanctions an exempt amateur event, the applicant
 36 promoter shall file with the commission a bond or other form of financial
 37 security payable to the state of Idaho in an amount determined by the
 38 commission, executed by the ~~applicant~~ promoter and a surety company or
 39 companies authorized to do business in this state, and conditioned upon
 40 the faithful performance by the promoter, which shall include, but not be
 41 limited to, the cancellation of a sanctioned contest or exhibition without
 42 good cause as determined by the commission ~~once the event has been approved~~
 43 ~~by the commission.~~

44 (2) The bond or other form of financial security required under this
 45 section shall guarantee the payment of all taxes, fees, fines and other
 46 moneys due and payable pursuant to the provisions of this chapter and the
 47 rules of the commission or regulations of an approved amateur athletic
 48 sanctioning organization, as applicable, including, but not limited to,
 49 the payment of purses to the participants, other than the promoter, any

1 contributions for required insurance, pensions, disability and medical
 2 examinations, the repayment to ticketholders of purchased tickets, and if
 3 applicable, the payment of fees to ring officials and physicians and, in the
 4 event of the cancellation of a sanctioned contest or exhibition ~~approved by~~
 5 ~~the commission~~ without good cause, an amount determined by the commission.

6 (3) ~~After issuance of a sanctioning permit to a promoter, t~~The
 7 commission may modify the amount of bond or other form of financial security
 8 if the commission determines that modification is required to ensure
 9 adequate and sufficient coverage for payment of taxes, fees, fines, purses
 10 and other moneys due and payable pursuant to the provisions of this section.
 11 Failure of any promoter to secure a modified bond or other form of financial
 12 security required pursuant to this subsection within such period of time
 13 as the commission may prescribe, shall be grounds for ~~revocation of the~~
 14 commission to revoke any sanctioning permit of such promoter and cancel any
 15 contest or exhibition.

16 (4) All proceeds collected pursuant to the provisions of this section
 17 shall be deposited in the state treasury to the credit of the occupational
 18 licenses fund.

19 (5) Promoters must obtain health insurance to cover any injuries
 20 incurred by participants, other than the promoter, at the time of the event.

21 SECTION 4. That Section 54-410, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 54-410. ISSUANCE OF A LICENSE OR SANCTIONING PERMIT. Upon the approval
 24 by the commission of any application for a license or sanctioning permit,
 25 ~~as hereinabove provided, and the~~ payment of such fees as determined by the
 26 commission and the filing of the bond or other form of financial security,
 27 the commission shall forthwith issue such license or sanctioning permit.

28 SECTION 5. That Section 54-411, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 54-411. STATEMENT AND REPORT OF EVENT -- ~~TAX ON GROSS RECEIPTS.~~ (1) Any
 31 promoter as herein provided shall, ~~within seven (7) days prior to the holding~~
 32 ~~of any contest or exhibition,~~ file with the commission a statement setting
 33 forth the name of each ~~professional~~ combatant, his manager or managers, the
 34 total number of seats and tickets available for the contest or exhibition and
 35 such other information as the commission may require. Within seventy two
 36 ~~(72) hours after the termination of any contest or exhibition the promoter~~
 37 ~~shall file with the commission representative a gross receipts report, duly~~
 38 ~~verified as the commission may require showing the number of tickets sold for~~
 39 ~~such contest or exhibition, the price charged for such tickets and the gross~~
 40 ~~receipts thereof, and such other and further information as the commission~~
 41 ~~may require. The promoter shall pay to the commission at the time of filing~~
 42 ~~the above report a tax equal to five percent (5%) of the gross receipts for~~
 43 ~~deposit by the commission. Unless otherwise provided by commission rule, the~~
 44 promoter shall file such statement at least seven (7) business days before
 45 the holding of any contest or exhibition. The promoter shall simultaneously
 46 pay a tax to the commission as follows:

1 (a) A tax in the amount of one hundred dollars (\$100) per one hundred
 2 (100) seats available at the event venue as verified by the promoter to
 3 the commission through an occupancy permit or similar documentation
 4 acceptable to the commission.

5 (b) If the promoter cannot verify to the commission's satisfaction the
 6 number of seats available at the venue, then the tax shall be one hundred
 7 dollars (\$100) per one hundred (100) tickets made available for the
 8 event. The promoter shall limit the number of persons admitted to the
 9 event to the number of available tickets that are actually sold, given
 10 away or otherwise issued for the event.

11 ~~(2) The number of complimentary tickets shall be limited to two percent~~
 12 ~~(2%) of the total tickets sold per event location. All complimentary tickets~~
 13 ~~exceeding this set amount shall be subject to taxation.~~

14 ~~(3) Gross receipts reports signed under oath shall also include:~~

15 ~~(a) The name of the promoter;~~

16 ~~(b) The contest or exhibition sanctioning permit number;~~

17 ~~(c) The promoter's business address and any license or sanctioning~~
 18 ~~permit number required of such promoter by law;~~

19 ~~(d) Gross receipts as specified by this section, during the period~~
 20 ~~specified by this section; and~~

21 ~~(e) Such further information as the commission may require to enable it~~
 22 ~~to compute correctly and collect the assessment levied pursuant to this~~
 23 ~~section.~~

24 ~~(4) In addition to the information required on gross receipts reports,~~
 25 ~~the commission may request, and the promoter shall furnish, any information~~
 26 ~~deemed necessary for a correct computation of the assessment levied pursuant~~
 27 ~~to this section.~~

28 ~~(5) All levies pursuant to this section shall be collected by the~~
 29 ~~commission and shall be deposited in the state treasury to the credit of the~~
 30 ~~occupational licenses fund.~~

31 ~~(63) The moneys collected from the assessment levied pursuant to the~~
 32 ~~provisions of this section shall be in addition to all other revenues and~~
 33 ~~funds received by the commission.~~

34 ~~(74) The promoter shall compute and pay to the commission the required~~
 35 ~~assessment due. If the payment of the assessment is not ~~postmarked or~~~~
 36 ~~delivered to received by the commission as specified in subsection (1) of~~
 37 ~~this section, the ~~assessment shall be delinquent from such date~~ promoter~~
 38 ~~shall not hold the event.~~

39 ~~(85) Of the moneys collected by the commission pursuant to the tax~~
 40 ~~authorized in subsection (1) of this section, up to five percent (5%) of said~~
 41 ~~tax may be used by the commission for the promotion and support of amateur~~
 42 ~~contests and exhibitions in this state. All parties interested in receiving~~
 43 ~~a distribution must submit an application to the commission which shall~~
 44 ~~include the name of the person or entity applying and a detailed description~~
 45 ~~of what the applicant intends to do with the distribution if granted. The~~
 46 ~~commission shall consider all applications and assign distributions, if~~
 47 ~~any, at the end of each fiscal year to those applicants the commission deems~~
 48 ~~most qualified. The commission may make such distributions only if the~~
 49 ~~commission has a positive balance within the occupational licenses fund and~~
 50 ~~sufficient revenue to cover its projected expenses for the upcoming year.~~

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

9 SECTION 6. That Section 54-413, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 54-413. SIMULTANEOUS OR CLOSED-CIRCUIT TELECASTS -- REPORT -- TAX
 12 ON GROSS RECEIPTS. Every licensee promoter who charges and receives an
 13 admission fee for exhibiting a simultaneous telecast of any live, current
 14 or spontaneous contest or exhibition on a closed-circuit telecast viewed
 15 within this state shall, within seventy-two (72) hours after such event,
 16 furnish to the commission a verified gross receipts report on a form which
 17 is supplied by the commission showing the number of tickets issued or sold,
 18 and the gross receipts therefor without any deductions whatsoever. Such
 19 licensee promoter shall also, at the same time pay to the commission a tax
 20 equal to five percent (5%) of such gross receipts paid for admission to the
 21 showing of the contest or exhibition. In no event, however, shall the tax be
 22 less than twenty-five dollars (\$25.00). The tax shall apply uniformly at the
 23 same rate to all persons subject to the tax.

24 SECTION 7. That Section 54-419, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 54-419. ~~FAILURE TO MAKE INACCURATE STATEMENT AND REPORTS OF EVENT --~~
 27 ~~ADDITIONAL TAX -- NOTICE -- PENALTY FOR DELINQUENCY. Whenever any licensee~~
 28 ~~shall fail to make a report of any contest or exhibition within the time~~
 29 ~~prescribed in this chapter or when such report is unsatisfactory to the~~
 30 ~~commission, It shall be grounds for discipline for a promoter to knowingly~~
 31 ~~make an inaccurate statement or report of event pursuant to section 54-411,~~
 32 ~~Idaho Code. The commission or its agent shall may examine the books and~~
 33 ~~records of such licensee promoter; and may subpoena and examine under oath~~
 34 ~~any officer of such licensee promoter and such other person or persons as~~
 35 ~~may be necessary to determine the total gross receipts from any contest~~
 36 ~~or exhibition and the amount of tax thereon due. If, upon the completion~~
 37 ~~of such examination it shall be determined that an additional tax is due,~~
 38 ~~notice thereof shall be served upon the licensee, promoter and if such~~
 39 ~~licensee promoter shall fail to pay such additional tax within twenty (20)~~
 40 ~~days after service of such notice the delinquent licensee promoter shall~~
 41 ~~forfeit any licenses issued pursuant to this chapter and shall forever be~~
 42 ~~disqualified from receiving any new license and in addition thereto, such~~
 43 ~~licensee promoter shall be liable to this state in the penal sum of ten~~
 44 ~~thousand dollars (\$10,000) to be collected by the attorney general by such~~
 45 ~~action as may be necessary and in the manner provided by law. All moneys~~
 46 ~~collected pursuant to the provisions of this section shall be remitted to the~~
 47 ~~occupational licenses fund.~~

1 SECTION 8. That Section 54-420, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-420. PROHIBITIONS -- PENALTIES -- INJUNCTIONS. (1) Any person
4 conducting or participating in contests or exhibitions within this state
5 without first having obtained a license or sanctioning permit in the manner
6 provided in this chapter is in violation of the provisions of this chapter,
7 ~~excepting such contests excluded from the operation of the provisions of~~
8 ~~this chapter in section 54-406(3), Idaho Code.~~

9 (2) It is unlawful for any promoter or person associated with or
10 employed by any promoter to destroy any ticket or ticket stub, whether
11 sold or unsold, within three (3) months after the date of any contest or
12 exhibition.

13 (3) The striking of any individual who is not a licensed combatant
14 in that particular contest or exhibition shall constitute grounds for
15 suspension, revocation or both of a license issued pursuant to the
16 provisions of this chapter.

17 (4) Any person violating any of the provisions of this chapter or the
18 rules of the commission for which no penalty is otherwise herein provided,
19 upon conviction, shall be guilty of a misdemeanor and shall be punished by
20 the imposition of a fine of not more than one thousand dollars (\$1,000) or
21 by incarceration in the county jail for not more than thirty (30) days or by
22 both such fine and incarceration. The commission shall suspend or revoke the
23 license of any person convicted of violating the provisions of this chapter
24 and the rules of the commission.

25 (5) In addition to other penalties provided by law if, after a hearing
26 in accordance with the provisions of this chapter and the rules of the
27 commission, the commission shall find any person to be in violation of
28 any of the provisions of this chapter, such person may be subject to an
29 administrative penalty equal to the greater of five hundred dollars (\$500)
30 ~~or one percent (1%) of gross receipts~~ received for each violation. Each
31 day a person is in violation of the provisions of this chapter and the rules
32 of the commission may constitute a separate violation. All administrative
33 penalties collected pursuant to the provisions of this subsection shall be
34 deposited in the state treasury to the occupational licenses fund. Upon the
35 request of the commission or its agent, the attorney general may institute
36 action to enforce the administrative penalties imposed pursuant to this
37 subsection in the district court for Ada county.

38 (6) Upon the request of the commission or its agent, the county
39 prosecutor in the county where a violation has occurred or is about to
40 occur may make application to the district court in the county for an order
41 enjoining the acts or practices prohibited by the provisions of this chapter
42 and the rules of the commission, and upon a showing that the person has
43 engaged or is about to engage in any of the prohibited acts or practices, an
44 injunction, restraining order, or other order as may be appropriate shall be
45 granted by the court.