

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 684

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE STATE ATHLETIC COMMISSION; AMENDING SECTION 54-402, IDAHO
2 CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
3 SECTION 54-406, IDAHO CODE, TO PROVIDE THE COMMISSION AUTHORITY TO
4 ESTABLISH CERTAIN FEES, TO PROVIDE ADDITIONAL NATIONALLY RECOGNIZED
5 SANCTIONING ASSOCIATIONS, TO PROVIDE REQUIREMENTS FOR CERTAIN PRO-
6 MOTERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-408,
7 IDAHO CODE, TO REVISE PROVISIONS RELATING TO BOND OR OTHER SECURITY
8 FILED BY PROMOTERS; AMENDING SECTION 54-410, IDAHO CODE, TO REQUIRE A
9 PAYMENT OF FEES FOR THE ISSUANCE OF A LICENSE OR SANCTIONING PERMIT;
10 AMENDING SECTION 54-411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A
11 STATEMENT AND REPORT OF AN EVENT AND TO PROVIDE REQUIREMENTS RELATING TO
12 THE PAYMENT OF A CERTAIN TAX TO THE COMMISSION; AMENDING SECTION 54-413,
13 IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS;
14 AMENDING SECTION 54-419, IDAHO CODE, TO REVISE PROVISIONS RELATING
15 TO A CERTAIN STATEMENT AND REPORT OF AN EVENT; AND AMENDING SECTION
16 54-420, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROHIBITIONS AND
17 PENALTIES.
18

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

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

22 54-402. DEFINITIONS. (1) The terms used in this chapter have the fol-
23 lowing meanings:

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

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

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

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, el-
41 bow 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 exhi-
6 bitions which is not intended to be available for viewing without the
7 payment of a fee, collected or based upon each telecast viewed, or for
8 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 insti-
17 tutions known as ~~junior colleges~~, community colleges and profes-
18 sional-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 boxing match in which the participants strive
24 earnestly 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~~ boxing
30 match where ~~combatants~~ boxers 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 partic-~~
40 ~~ipation the person to conduct, participate in such events or otherwise~~
41 be associated with sanctioned contests or exhibitions.
- 42 (s) "Licensee" means a person who has been issued a license by the com-
43 mission.
- 44 (t) "Manager" means a person who controls or administers the affairs of
45 any professional combatant. The term "manager" includes a person act-
46 ing as a booking agent or a person acting as the representative of a man-
47 ager.
- 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 combat-
2 ants ~~regulated by the commission~~ to participate in contests or exhibi-
3 tions ~~regulated by the commission~~ or a person who arranges contests or
4 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 com-
9 pany, club, association, corporation, organization, secondary school,
10 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 exhibi-
16 tion for money, prizes or purses, or who teaches, instructs or assists
17 in the practice of unarmed combat or sparring as a means of obtaining pe-
18 cuniary gain.

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

22 (bb) "Professional wrestling" means an activity in which combatants
23 struggle hand-to-hand primarily for the purpose of providing enter-
24 tainment to spectators and which does not comprise a bona fide athletic
25 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 or
34 thing of value for which a person participates in a contest or exhibi-
35 tion.

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 ~~to a~~
41 ~~promoter which~~ or a permit issued by an approved amateur athletic sanc-
42 tioning organization, that authorizes the holding of a promoter to pro-
43 mote a single program of contests and exhibitions at a specific venue.

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

47 (ii) "Sparring" means to engage in a form of unarmed combat, such as oc-
48 curs in a practice or exhibition match.

49 (jj) "Trainer" means an individual who assists, coaches or instructs
50 any unarmed combatant with respect to physical conditioning, strategy,

1 techniques or preparation for competition in contests or exhibitions
 2 ~~which are not exempt from regulation pursuant to section 54-406(3),~~
 3 ~~Idaho Code.~~

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

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

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

11 54-406. DUTIES OF COMMISSION -- SANCTIONING PERMITS -- LICENSING --
 12 EXEMPTIONS -- MEDICAL CERTIFICATION. (1) The commission shall have power,
 13 and it shall be its duty, to direct, supervise and control all amateur and
 14 professional contests and exhibitions within the state and no such contest
 15 or exhibition shall be held or given within this state except in accordance
 16 with the provisions of this chapter. The commission has authority to adopt
 17 rules to implement the provisions of this chapter and to implement each of
 18 the duties and responsibilities conferred upon the commission including,
 19 but not limited to:

20 (a) Development of an ethical code of conduct for commissioners, com-
 21 mission staff and commission officials;

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

26 (c) Requirements regarding a participant's apparel, bandages, hand-
 27 wraps, gloves, mouthpiece and appearance during a match;

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

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

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

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

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

34 (i) Setting fee and reimbursement schedules for referees and other of-
 35 ficials appointed by the commission or the representative of the com-
 36 mission; ~~and~~

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

1 sanctioning organization, and the health and safety standards of the
 2 international amateur kickboxing sport association as the minimum
 3 health and safety standards for an amateur kickboxing sanctioning
 4 organization; and

5 (k) Establish fees to be paid by an amateur athletic sanctioning organ-
 6 ization that is approved pursuant to subsection (3) (b) (ii) of this sec-
 7 tion, which fees shall include:

8 (i) Initial and annual application processing fees of not less
 9 than two hundred fifty dollars (\$250) and not more than one thou-
 10 sand dollars (\$1,000); and

11 (ii) Initial and annual approval fees of not less than two hun-
 12 dred fifty dollars (\$250) and not more than one thousand dollars
 13 (\$1,000).

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

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

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

28 (b) Are entirely contests or exhibitions, in which all combatants are
 29 amateurs and which have been sanctioned as amateur athletic contests or
 30 exhibitions by any of the following associations:

31 (i) United States amateur boxing, inc., also known as USA boxing,
 32 inc. ~~+~~

33 ~~(ii) the amateur athletic union of the United States, inc., also~~
 34 ~~known as the national amateur athletic union, the amateur athletic~~
 35 ~~union and the AAU or any similar nationally recognized entity ap-~~
 36 ~~proved by the commission; or~~

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

48 (c) Are contests or exhibitions held under the auspices or sanction of
 49 an established nonprofit secondary school activities organization or
 50 of its public or nonprofit accredited secondary school members, or held

1 under the auspices or sanction of an established college or university
 2 activities organization or its public or not-for-profit accredited
 3 college or university members; or

4 (d) Are contests or exhibitions conducted by any military installation
 5 or branch of the United States armed forces, or the state national
 6 guard, where the participants are employed by the military instal-
 7 lation, are members of the branch of the armed forces, or the state
 8 national guard unit conducting the contest or exhibition.

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

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

28 54-408. PROMOTERS -- BOND OR OTHER SECURITY -- MEDICAL INSURANCE. (1)
 29 Before any sanctioning permit is issued to any promoter to conduct or hold a
 30 contest or exhibition ~~which is not exempt from regulation pursuant to sec-~~
 31 ~~tion 54-406(3), Idaho Code and before an approved amateur athletic sanction-~~
 32 ~~ing organization sanctions an exempt amateur event, the applicant promoter~~
 33 shall file with the commission a bond or other form of financial security
 34 payable to the state of Idaho in an amount determined by the commission, exe-
 35 cuted by the ~~applicant promoter~~ and a surety company or companies authorized
 36 to do business in this state, and conditioned upon the faithful performance
 37 by the promoter, which shall include, but not be limited to, the cancellation
 38 of a sanctioned contest or exhibition without good cause as determined by the
 39 commission ~~once the event has been approved by the commission.~~

40 (2) The bond or other form of financial security required under this
 41 section shall guarantee the payment of all taxes, fees, fines and other mon-
 42 eys due and payable pursuant to the provisions of this chapter and the rules
 43 of the commission or regulations of an approved amateur athletic sanction-
 44 ing organization, as applicable, including, but not limited to, the payment
 45 of purses to the participants, other than the promoter, any contributions
 46 for required insurance, pensions, disability and medical examinations, the
 47 repayment to ticketholders of purchased tickets, and if applicable, the pay-
 48 ment of fees to ring officials and physicians and, in the event of the can-

1 cellation of a sanctioned contest or exhibition ~~approved by the commission~~
 2 without good cause, an amount determined by the commission.

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

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

16 (5) Promoters must obtain health insurance to cover any injuries in-
 17 curred by participants, other than the promoter, at the time of the event.

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

20 54-410. ISSUANCE OF A LICENSE OR SANCTIONING PERMIT. Upon the approval
 21 by the commission of any application for a license or sanctioning permit, ~~as~~
 22 ~~hereinabove provided, and~~ the payment of such fees as determined by the com-
 23 mission and the filing of the bond or other form of financial security as the
 24 commission may require, the commission shall forthwith issue such license or
 25 sanctioning permit.

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

28 54-411. STATEMENT AND REPORT OF EVENT -- TAX ON GROSS RECEIPTS. (1) Any
 29 promoter as herein provided shall, within at least seven (7) days prior to
 30 the holding of any contest or exhibition, file with the commission a state-
 31 ment setting forth the name of each ~~professional~~ combatant, his manager or
 32 managers, the total number of tickets available for the contest or exhibi-
 33 tion and such other information as the commission may require. The promoter
 34 shall simultaneously pay to the commission an initial event tax of four hun-
 35 dred dollars (\$400). Within seventy-two (72) hours after the termination of
 36 any contest or exhibition the promoter shall file with the commission repre-
 37 sentative a gross receipts report, duly verified as the commission may re-
 38 quire showing the number of tickets sold for such contest or exhibition, the
 39 price charged for such tickets and the gross receipts thereof without any de-
 40 duction whatsoever, and such other and further information as the commission
 41 may require. If the initial event tax previously paid is less than five per-
 42 cent (5%) of the gross receipts for the event, then t~~t~~The promoter shall pay
 43 to the commission at the time of filing the above report a ~~an~~ additional event
 44 tax equal to five percent (5%) of the gross receipts, minus the initial event
 45 tax previously paid, for deposit by the commission.

46 (2) The number of complimentary tickets shall be limited to two percent
 47 (2%) of the total tickets sold per event location. All complimentary tickets

1 exceeding this set amount shall be subject to taxation. The promoter shall
2 limit the number of persons admitted to the event to the number of available
3 tickets that are actually sold, given away or otherwise issued for the event.

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

5 (a) The name of the promoter;

6 (b) The contest or exhibition sanctioning permit number;

7 (c) The promoter's business address and any license or sanctioning per-
8 mit number required of such promoter by law;

9 (d) Gross receipts as specified by this section, during the period
10 specified by this section; and

11 (e) Such further information as the commission may require to enable it
12 to compute correctly and collect the assessment levied pursuant to this
13 section.

14 (4) In addition to the information required on gross receipts reports,
15 the commission may request, and the promoter shall furnish, any information
16 deemed necessary for a correct computation of the assessment levied pursuant
17 to this section.

18 (5) All levies pursuant to this section shall be collected by the com-
19 mission and shall be deposited in the state treasury to the credit of the oc-
20 cupational licenses fund.

21 (6) The moneys collected from the assessment levied pursuant to the
22 provisions of this section shall be in addition to all other revenues and
23 funds received by the commission.

24 (7) The promoter shall compute and pay to the commission the required
25 assessment due. If the payment of the assessment is not postmarked or deliv-
26 ered to the commission as specified in subsection (1) of this section, the
27 assessment shall be delinquent from such date. In addition, if the promoter
28 has not paid the initial event tax as provided in subsection (1) of this sec-
29 tion, the promoter shall not hold the event.

30 (8) Of the moneys collected by the commission pursuant to the tax au-
31 thorized in subsection (1) of this section, up to five percent (5%) of said
32 tax may be used by the commission for the promotion and support of amateur
33 contests and exhibitions in this state. All parties interested in receiving
34 a distribution must submit an application to the commission which shall in-
35 clude the name of the person or entity applying and a detailed description of
36 what the applicant intends to do with the distribution if granted. The com-
37 mission shall consider all applications and assign distributions, if any,
38 at the end of each fiscal year to those applicants the commission deems most
39 qualified. The commission may make such distributions only if the commis-
40 sion has a positive balance within the occupational licenses fund and suffi-
41 cient revenue to cover its projected expenses for the upcoming year.

42 (9) It shall be the duty of every promoter required to make a gross re-
43 ceipts report and pay any assessment pursuant to the provisions of this sec-
44 tion to keep and preserve suitable records and documents which may be neces-
45 sary to determine the amount of assessment due as will substantiate and prove
46 the accuracy of such reports. All such records shall be preserved for a pe-
47 riod of three (3) years, unless the commission, in writing, has authorized
48 their destruction or disposal at an earlier date, and shall be open to exami-
49 nation at any time by the commission or by its authorized agents.

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

3 54-413. SIMULTANEOUS OR CLOSED-CIRCUIT TELECASTS -- REPORT -- TAX
4 ON GROSS RECEIPTS. Every ~~licensee~~ promoter who charges and receives an
5 admission fee for exhibiting a simultaneous telecast of any live, current
6 or spontaneous contest or exhibition on a closed-circuit telecast viewed
7 within this state shall, within seventy-two (72) hours after such event,
8 furnish to the commission a verified gross receipts report on a form which
9 is supplied by the commission showing the number of tickets issued or sold,
10 and the gross receipts therefor without any deductions whatsoever. Such
11 ~~licensee~~ promoter shall also, at the same time pay to the commission a tax
12 equal to five percent (5%) of such gross receipts paid for admission to the
13 showing of the contest or exhibition. In no event, however, shall the tax be
14 less than twenty-five dollars (\$25.00). The tax shall apply uniformly at the
15 same rate to all persons subject to the tax.

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

18 54-419. ~~FAILURE TO MAKE INACCURATE STATEMENT AND REPORTS OF EVENT --~~
19 ADDITIONAL TAX -- NOTICE -- PENALTY FOR DELINQUENCY. Whenever any ~~licensee~~
20 promoter shall fail to make a report of any contest or exhibition within
21 the time prescribed in this chapter or when such report is unsatisfactory
22 to the commission, the commission or its agent shall may examine the books
23 and records of such ~~licensee~~ promoter; and may subpoena and examine under
24 oath any officer of such ~~licensee~~ promoter and such other person or persons
25 as may be necessary to determine the total ~~gross receipts from any contest~~
26 ~~or exhibition and the amount of tax thereon due~~. If, upon the completion of
27 such examination it shall be determined that an additional tax is due, notice
28 thereof shall be served upon the ~~licensee~~, promoter and if such ~~licensee~~
29 promoter shall fail to pay such additional tax within twenty (20) days after
30 service of such notice the delinquent ~~licensee~~ promoter shall forfeit any
31 licenses issued pursuant to this chapter and shall forever be disqualified
32 from receiving any new license and in addition thereto, such ~~licensee~~ pro-
33 moter shall be liable to this state in the penal sum of ten thousand dollars
34 (\$10,000) to be collected by the attorney general by such action as may be
35 necessary and in the manner provided by law. All moneys collected pursuant
36 to the provisions of this section shall be remitted to the occupational
37 licenses fund. Regardless of whether the delinquent promoter timely pays
38 any additional tax, the commission may discipline the promoter for failing
39 to make the statement and report of event within the prescribed time or for
40 negligently or knowingly making an inaccurate statement and report of event.

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

43 54-420. PROHIBITIONS -- PENALTIES -- INJUNCTIONS. (1) Any person con-
44 ducting or participating in contests or exhibitions within this state with-
45 out first having obtained a license or sanctioning permit in the manner pro-
46 vided in this chapter is in violation of the provisions of this chapter, ~~ex-~~

1 ~~cepting such contests excluded from the operation of the provisions of this~~
2 ~~chapter in section 54-406(3), Idaho Code.~~

3 (2) It is unlawful for any promoter or person associated with or em-
4 ployed by any promoter to destroy any ticket or ticket stub, whether sold or
5 unsold, within three (3) months after the date of any contest or exhibition.

6 (3) The striking of any individual who is not a licensed combatant in
7 that particular contest or exhibition shall constitute grounds for suspen-
8 sion, revocation or both of a license issued pursuant to the provisions of
9 this chapter.

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

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

31 (6) Upon the request of the commission or its agent, the county prose-
32 cutor in the county where a violation has occurred or is about to occur may
33 make application to the district court in the county for an order enjoining
34 the acts or practices prohibited by the provisions of this chapter and the
35 rules of the commission, and upon a showing that the person has engaged or is
36 about to engage in any of the prohibited acts or practices, an injunction,
37 restraining order, or other order as may be appropriate shall be granted by
38 the court.