

CHAPTER 169.

STATE ATHLETIC COMMISSION.

169.01 Athletic commission; powers and duties.

169.01 Athletic commission; powers and duties. (1) **COMMISSIONERS, APPOINTMENT, TERMS, QUORUM.** There is hereby created a board, which shall be known as the "State Athletic Commission of Wisconsin." After the passage and publication of this amendment (1937) the commission shall be composed of five members to be appointed by the governor and within thirty days after such publication the governor shall make appointments to fill the new positions and any vacancies created, before or after such publication, by expiration of terms or otherwise created; in making such appointments he shall fix the terms so that, when considered with any prior appointee whose term has not expired, there will be one vacancy in each year thereafter created by expiration of term. Thereafter each member shall be appointed for a term of five years. Three members of the commission, with the secretary, shall constitute a quorum for the exercise of the powers or authority conferred upon it, and in case of a vacancy, the remaining members of the commission, unless such vacancy is filled.

(2) **OFFICE; MEETINGS; CHAIRMAN; RULES.** The commission shall maintain a general office for the transaction of its business at such place as the commission may designate. The commission may hold meetings at any place other than the place in which the general office is located, when the convenience of the parties so requires. The members of the commission shall elect one of their number chairman of the commission, shall adopt a seal for the commission and make such rules and regulations for the administration of their office, not inconsistent herewith, as they may deem expedient, and may from time to time amend or abrogate the same.

(3) **SECRETARY, DUTIES, SUBPŒNA WITNESSES.** The commission shall appoint, and may remove, a secretary to the commission, whose duty it shall be to keep a full and true record of all the proceedings, of the commission, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission, and to perform such other duties as the commission may prescribe; and he may, under the direction of the commission, issue subpœnas for the attendance of witnesses before the commission with the same effect as if they were issued in an action in the circuit court, and may, under the direction of the commission, administer oaths, in all matters appertaining to the duty of his office or connected with the administration of the affairs of the commission. Disobedience of such subpœnas and false swearing before such secretary, shall be attended by the same consequences, and be subject to the same penalties, as if such disobedience or false swearing occurred in an action in the circuit court.

(4) **SECRETARY, TERM, BOND, SALARY.** The secretary shall hold office during the pleasure of the commission and shall give a bond to the state of Wisconsin in the sum of two thousand dollars, with good and sufficient sureties to be approved by the commission, for the faithful performance of his duties as such secretary. Such secretary shall receive such salary as the commission shall fix, not exceeding two thousand dollars per annum.

(5) **BOXING LICENSES, PERMITS, CITY ORDINANCE.** The commission shall have, and is hereby vested with the sole direction, management and control of, and jurisdiction over, all boxing and sparring matches and exhibitions to be conducted, held or given within the state by any club, corporation or association; and no boxing or sparring matches or exhibitions shall be conducted, held or given within the state except pursuant to authority therefor granted by the commission and in accordance with the provisions of this act and the rules and regulations of the commission. The commission may, at its discretion, issue, and for cause revoke a license to conduct, hold or give boxing and sparring matches and exhibitions to any incorporated club or association formed as hereinafter provided. The commission shall have full power and authority to limit the number of sparring or boxing exhibitions to be held or given by any club, organization or corporation in any city in this state, wherein such boxing contests are conducted in the manner herein provided. No boxing or sparring exhibition shall be conducted by any club, organization or corporation having a license to conduct sparring or boxing exhibitions in this state except by a sanction or permit from the state athletic commission. Every license shall be subject to such rules and regulations, and amendments thereof, as the commission may prescribe. From and after January 1, 1916, no license shall be issued by the commission to any club, corporation or association to conduct boxing or sparring exhibitions as herein provided for in any city

of the second, third or fourth class unless such city shall have consented by ordinance or resolution by its common council to the conducting of boxing or sparring exhibitions in such city.

(6) **REPORT TO LEGISLATURE.** The commission shall make to the legislature a full report of its proceedings for the two years ending with the thirtieth day of June of each even-numbered year, before the beginning of the regular session of the legislature; said report to the legislature shall be completed and shall contain a statement of clubs, organizations or corporations, the number of licenses revoked, the gross receipts from each club, organization or corporation, and such other information and comments in relation to the work of the commission as the public interest may require.

(7) **APPLICATION FOR LICENSE, FEE, BOND.** No boxing or sparring exhibition shall be conducted by any club or organization except by license issued to such club or organization by the state athletic commission of the state of Wisconsin; and no club or organization shall be entitled to receive a state license unless it has been incorporated under the laws of Wisconsin, and provided, further, that the membership of such club shall be limited to persons who have been continuous residents in the state at least one year. The application for a license, as herein provided for, shall be in writing, and shall be addressed to the commission, and shall be verified by some officer of the club, organization or corporation on whose behalf the application may be made. Such application shall be accompanied by an annual fee, which shall be twenty-five dollars in cities of not more than fifty thousand inhabitants; fifty dollars in cities of not more than seventy-five thousand inhabitants; and three hundred dollars in all cities of the state having a population of over one hundred fifty thousand inhabitants when any admission charge is in excess of one dollar, and fifty dollars when the admission charge is one dollar or less. Such application must show that the club or organization has entered into a valid agreement for the use of the building, amphitheater or stadium for athletic purposes, wherein such contests are to be held. Before any such permit or license is granted to any club, organization or corporation, which shall have filed its application as herein provided, such applicant must file a bond of one thousand dollars of good and sufficient surety with the state treasurer, conditioned for the payment of the taxes herein imposed.

(8) **CLUB REPORTS; TAX ON RECEIPTS.** Every club, corporation or association which may hold or exercise any of the privileges conferred by this section shall, within twenty-four hours after the determination of every contest, furnish to the said commission a written report, duly verified by one of its officers, showing the number of tickets sold for such contest, and the amount of gross proceeds thereof, and such other matters as the commission may prescribe; and shall also within said time, pay to the said commission a tax of five per cent of its total gross receipts from the sale of tickets of admission to such boxing or sparring match or exhibition.

(9) **AMATEUR MATCHES REGULATED; FEE.** Any club or organization may hold or conduct strictly amateur boxing and sparring matches and exhibitions on the payment of the annual license fee of ten dollars in all cities, villages and towns of the state upon the compliance and in accordance with all the provisions of this section with respect to obtaining a license and sanction from the state athletic commission and subject to all the rules and regulations of such commission. Amateur contests and exhibitions within the meaning of this subsection are defined to mean and include only contests or exhibitions in which the participants are bona fide amateurs and receive no money, compensation or reward for their participation in any such contest or exhibition, except that watches, medals, articles of jewelry, silverware, trophies or ornaments suitably inscribed to show that it is given for participation in an amateur boxing contest or exhibition, may be given, but the value of such article given to any contestant must not exceed the sum of thirty-five dollars. No other prize or reward shall be given or awarded or accepted by any boxer unless authorized in writing by the commission. No amateur bout or match in any such exhibition or contest shall exceed three three-minute rounds with one minute intermission between each round or five two-minute rounds with one minute intermission between each round subject to the approval of the commission. The commission shall require membership in a recognized amateur athletic association as evidence of the amateur standing of any contestant, or club, and in case of dispute, may determine upon any competent evidence the amateur status of any contestant or club. No fee shall be required from the regular men's club, community center, social center, conducting amateur bouts, under a competent director, which is affiliated with a religious group, or school board, where no admission charge is made, except that they shall be required to pay the necessary expenses of the commission for making examinations of participants but said bouts shall be under the supervision of the commission as all other bouts.

(10) **INSPECTORS.** The commission shall appoint official representatives designated as "inspectors," each of whom shall receive from the commission a card, authorizing him to

act as such inspector wherever the commission may designate him to act. The commission may, and at least one inspector shall be present at all exhibitions and matches and see that the rules are strictly observed, and an inspector shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the official box-office statement received by him from the officers of the club.

(11) SUNDAY MATCHES FORBIDDEN. No boxing or sparring match or exhibition shall be held on Sunday.

(12) LIQUOR BANNED. No intoxicating liquor shall be given away, sold or offered for sale in any building or part thereof, in which boxing or sparring exhibitions are being conducted.

(13) CONDUCT OF MATCHES REGULATED. No boxing or sparring exhibition shall be of more than 10 rounds duration, except that where a championship is to be determined, in which case the exhibition shall not be of more than 15 rounds duration, and no one round of such exhibition shall be permitted to extend for a longer period than 3 minutes.

(a) There shall be one minute intermission between each round.

(b) No contestants shall in any such boxing or sparring exhibition wear, or be permitted to wear, gloves weighing less than five ounces for contestants under one hundred and forty pounds, and six ounces for contestants over one hundred and forty pounds.

(c) No contestant under the age of eighteen years shall be permitted to participate in any such professional boxing or sparring contest; amateur contestants will be permitted to participate in amateur boxing or sparring contests between the ages of sixteen and eighteen years with the consent of their parents or guardians.

(d) No betting or wagering at any boxing or sparring contests shall be permitted by any club or organization before, after, or during any such contest, in the building where such contest is held.

(e) Contestants shall break clean, and must not hold and hit. Butting with head or shoulder, wrestling or illegal use of elbows shall not be allowed. There shall be no unsportsmanlike conduct on the part of the contestants. This shall include the use of abusive or insulting language.

(f) The commission may in its discretion allow or provide for decisions upon contests or exhibitions held under this chapter to be made by the referee or by the referee and two judges appointed by the commission for that purpose under such regulations as the commission may prescribe.

(g) The commission may permit a total of forty rounds of professional boxing or sparring at any one time when requested by any licensed club, corporation or organization.

(14) ADMISSION OF MINORS. No person under the age of eighteen years shall be admitted to a boxing or sparring exhibition, unless accompanied by his parent.

(15) PHYSICIAN TO EXAMINE CONTESTANTS. Each contestant must be examined prior to entering the ring by a physician who has been licensed to practice in Wisconsin for not less than five years; such physician to be appointed by the commission. The physician shall certify in writing, over his signature, as to the contestant's physical condition to engage in such contest.

(15a) LICENSES TO MATCHMAKERS, REFEREES, BOXERS, ETC. The commission is authorized to grant licenses upon application and the payment of the fees herein prescribed to matchmakers, managers, referees, examining physicians, boxers and seconds and trainers. The fees to be paid per annum shall be as follows: Matchmakers in cities with a population of over one hundred fifty thousand, twenty-five dollars; matchmakers in other cities and in villages and towns, ten dollars; managers, ten dollars; referees, fifteen dollars; examining physicians, ten dollars; boxers, five dollars; seconds and trainers, five dollars. The commission may revoke any such license upon such cause as it shall deem sufficient.

(15b) REFEREE TO STOP CONTEST. The referee must stop the contest or match when either of the contestants shows a marked superiority or is apparently outclassed.

(16) SHAM MATCHES, LICENSE REVOKED. Any club, corporation or organization which shall conduct, hold or give or participate in any sham or fake boxing or sparring match, shall thereby forfeit its license in accordance with the provisions of this section which shall thereupon be by the commission canceled and declared void; and it shall not thereafter be entitled to receive another such, or any license pursuant to the provisions of this section; nor shall any such license be issued to any club or organization, which has among its members any member who belonged to a club or organization which had its license revoked.

(17) SHAM MATCHES; CONTESTANTS PENALIZED; FORFEITURES; HEARING. Any contestant who shall participate in any sham or fake boxing or sparring match or violate any rule or regulation of the commission shall be penalized in the following manner: For the first offense he shall be restrained by order of the commission for a period of not less than two months nor more than one year in the discretion of the commission, such period to begin immediately after the occurrence of such offense, from participation in boxing or be held or given by any club or organization, duly licensed to give or hold such boxing or

sparring match or exhibition; for a second offense, he shall be totally disqualified from further admission or participation in any boxing contest, held or given by any club, corporation or association duly licensed for such purpose in this state, and in addition thereto, for each such offense, shall forfeit such amount, out of the share or purse agreed to be paid to such contestant for such boxing or sparring match or exhibition as this commission shall determine, such forfeit to be paid into the general fund of the state of Wisconsin. The commission, upon determining the amount of such forfeit, may pay the same out of any guarantee deposited with it for delivery to such contestant or may order the same paid to the commission by the club, corporation or association employing such contestant out of the purse or share agreed by it to be paid such contestant. The commission shall not determine or order any such forfeit except after due hearing thereon held upon reasonable notice duly served upon such contestant or his manager and upon the club, corporation or association by whom he is employed; provided, however, that any member of the commission, the secretary or any inspector of the commission may order and require the club, corporation or association to hold the share or purse of such contestant in its possession pending the hearing and determination of the commission. For its failure to obey any order of the commission or the secretary or any inspector of the commission given under this paragraph the license of the club, corporation or association may, in the discretion of the commission, be suspended, canceled or revoked.

(18) **REPORTS; EXAMINATION OF BOOKS AND OFFICERS; FORFEITURES ON TAX DEFAULT.** Whenever any club, corporation or association shall fail to make a report of any contest at the time prescribed by this section, or whenever such report is unsatisfactory to the commission, the secretary may examine or cause to be examined, the books and records of such club, corporation or association, and subpoena and examine under oath its officers and other person or persons for witnesses for the purpose of determining the total amount of its gross receipts for any contest and the amount of taxes due pursuant to the provisions of this section, which tax he may, upon and as a result of such examination, fix and determine. In case of a default in the payment of any taxes so adjudged to be due, together with the expenses incurred in making such examination, for a period of twenty days after notice to such delinquent club, corporation or association of the amount, such delinquent club, corporation or association shall ipso facto forfeit its license and shall be thereby disqualified from receiving any new license, or any renewal of its license; and it shall in addition forfeit to the people of the state of Wisconsin the sum of one thousand dollars, which may be recovered by the attorney-general in the name of the people of the state of Wisconsin, in the same manner as other penalties are by law recovered.

(19) **VIOLATION, WHEN A MISDEMEANOR.** Any person who violates any of the provisions of this section, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor.

(20) **ORGANIZATIONS EXEMPTED.** (a) Nothing in this section shall be construed to apply to amateur boxing or sparring matches or exhibitions conducted by or held under the auspices of any university, college, state teachers college, high school, public school, parochial school or of any church or religious corporation of the state in intramural, interscholastic or intercollegiate or other competition if the participants therein are bona fide members of such church or religious corporation or students of their respective schools. All such boxing or sparring matches or exhibitions so conducted shall be by and with the consent of, and under the supervision of the governing body of such university, college, state teachers college, high school, public school, parochial school or church or religious corporation.

(b) Nothing in this section shall be construed to apply to any matches or exhibitions conducted by the American Legion, the Young Men's Christian Association, United Spanish War Veterans, Veterans of Foreign Wars or the Disabled American Veterans of the World War, for which no admission fee is charged. In the enforcement of this section any voluntary or solicited contribution shall be considered an admission fee. No such boxing or sparring matches or exhibitions shall be conducted as a part of any program where an admission fee is charged.

(bn) Nothing in this section shall be construed to apply to amateur boxing or sparring matches or exhibitions conducted by or held under the auspices of any public recreation department supported by town, village, city, county, state or federal funds, in any intra-departmental or interdepartmental matches or exhibitions, provided: (1) that such matches or exhibitions are between bona fide members of boxing classes conducted by such public recreation departments, (2) that such public recreation departments are members of a recognized state association of public recreation departments, (3) that each such amateur boxing or sparring match or exhibition conducted by or held under the auspices of any such public recreation department is sanctioned by the state athletic commission. The application for the sanction of each such exhibition shall be made in

writing to the state athletic commission at least 2 weeks prior to the day of the exhibition, and a fee of \$5 shall accompany the application, said fee to cover the cost of sanction and expenses of an inspector, whose duty it shall be to enforce all rules and regulations and to see that a competent referee, timer, doctor and judges are employed. Sanction for such matches or exhibitions may be denied by the state athletic commission with due cause and upon competent evidence.

(c) Any person who violates any of the provisions of this subsection shall be guilty of a misdemeanor. [1931 c. 157, 182; 1933 c. 140 s. 4; 1935 c. 93, 343, 512; 1937 c. 87, 133; 1941 c. 30, 62]

Note: State athletic commission when performing governmental function is not liable for torts of its officers or members of commission. Contestant in boxing contest cannot recover damages for injuries under terms of contract submitted unless club violates rules of commission governing place, equipment, etc. 24 Atty. Gen. 685.

Payment for advertisements on program

is not voluntary or solicited contribution paid towards matches or exhibitions conducted under (20) (b). 26 Atty. Gen. 49. Inspectors of state athletic commission appointed pursuant to (10) to supervise boxing matches may not be paid for services by boxing club which promotes boxing match. 27 Atty. Gen. 377.