

CHAPTER 169.

STATE ATHLETIC COMMISSION.

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169.01 Commissioners, appointment, terms, quorum. The "State Athletic Commission of Wisconsin" is hereby created. The commission shall be composed of 5 members appointed by the governor for terms of 5 years. Three members of the commission, and the secretary, shall constitute a quorum. [1937 c. 87; 1945 c. 401]

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.

169.02 Office; meetings; chairman; seal; rules. The commission shall designate the place where it shall maintain a general office. The commission may hold meetings at any other place when the convenience of the parties so requires. The commission shall elect a member chairman, shall adopt a seal and shall make such rules and regulations for the administration of the office, not inconsistent herewith, as it deems expedient and may from time to time amend or abrogate the same. [1945 c. 401]

169.03 Secretary, duties; subpoena witnesses. The commission shall appoint a secretary, who shall 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 such notices and other papers and perform such other duties as the commission prescribes; and he may, under the direction of the commission, issue subpoenas for the attendance of witnesses before the commission, and may, under its direction, administer oaths and take testimony, in all matters pertaining to his office or connected with the administration of the affairs of the commission. [1945 c. 401]

169.04 Secretary, term, bond. 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 \$2,000, with sureties to be approved by the commission, for the faithful performance of his duties. [1933 c. 140 s. 4; 1945 c. 401]

169.05 Boxing licenses, permits. The commission shall have the sole direction, management and control of, and jurisdiction over, all boxing and sparring exhibitions conducted within the state by any club; and no boxing or sparring exhibitions shall be conducted within the state except pursuant to authority therefor granted by the commission and in accordance with this chapter and the rules and regulations of the commission. The commission may issue, and for cause revoke, a license to conduct boxing and sparring exhibitions to any incorporated club formed as hereinafter provided. The commission may limit the number of sparring or boxing exhibitions given by any club in any city. No boxing or sparring exhibition shall be conducted by any licensed club without a permit from the commission. Every license shall be subject to such rules and regulations as the commission prescribes. [1945 c. 401]

Note: A contest described as "wrestling with gloves" can be considered a form of "boxing" or "prize fighting" depending on whether a prize is or is not offered based upon the outcome. In so far as such a contest constitutes "boxing," it cannot lawfully be held in the state except pursuant to authority granted by the state athletic commission as provided in ch. 169. In event such a contest is held and it further appears that the participants have agreed in advance that it be for the possession of any prize, belt or other evidence of championship, it would also be in violation of §47.11. 36 Atty. Gen. 171.

169.06 Report to legislature. Before each regular session of the legislature the commission shall make to the legislature a full report of its proceedings for the two years ending the 30th day of June preceding. Said report shall state the names of clubs, the

gross receipts from each club, and such other information and comments in relation to the work of the commission as the public interest may require. [1945 c. 401]

169.07 Application for license, fee, bond. No boxing or sparring exhibition shall be conducted by any club except by license issued to it by the commission; and no club shall be licensed unless it is incorporated under the laws of Wisconsin and the membership limited to persons who have been continuous residents in the state at least one year. The application for a license shall be in writing, and shall be addressed to the commission, and shall be verified by some officer of the club. Such application shall be accompanied by an annual fee of \$25 in cities of not more than 50,000 inhabitants; of \$50 in cities of over 50,000 and not more than 150,000 inhabitants; and \$300 in all cities of over 150,000 inhabitants when any admission is over \$1, and \$50 when the admission charge is \$1 or less. The application must show that the club 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 license is granted the applicant must file a bond of \$1,000 of a good and sufficient surety with the state treasurer, conditioned for the payment of the tax herein imposed. [1935 c. 512; 1945 c. 401]

169.08 Club reports; tax on receipts. Every club which exercises any of the privileges conferred by this chapter shall, within 24 hours after the determination of every exhibition, furnish to the said commission a written report, verified by one of its officers, showing the number of tickets sold for such exhibition and the amount of gross proceeds thereof, and such other matters as the commission prescribes; and shall within said time pay to the commission a tax of 5 per cent of its total gross receipts from the sale of tickets of admission to the exhibition. [1945 c. 401]

169.09 Amateur matches regulated; fee. Any club may conduct strictly amateur boxing and sparring exhibitions, on payment of an annual license fee of \$10, throughout the state upon compliance and in accordance with this chapter with respect to obtaining a license and sanction from the commission and subject to all the rules and regulations of the commission. Amateur exhibitions within the meaning of this section include only exhibitions in which the participants are bona fide amateurs and receive no money, compensation or reward for their participation in such exhibition, other than watches, medals, articles of jewelry, silverware, trophies or ornaments suitably inscribed to show that they are given for participation in an amateur boxing exhibition, but the value of any such article given to any contestant must not exceed the sum of \$35. No other prize or reward shall be given or awarded to or accepted by any boxer unless authorized in writing by the commission. No bout or match in any such exhibition shall exceed 3 3-minute rounds with one-minute intermission between each round or 5 2-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 competent evidence the amateur status of any contestant or club. [1935 c. 512; 1945 c. 401]

169.10 Inspectors. The commission shall appoint official "inspectors," each of whom shall receive a card authorizing him to act as inspector wherever the commission designates him to act. The commission may be, and at least one inspector shall be present at all exhibitions and see that the rules are strictly observed. 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 club. [1945 c. 401]

Note: Inspectors of state athletic commission appointed to supervise boxing matches may not be paid for services by boxing club which promotes boxing match. 27 Atty. Gen. 377.

169.11 Sunday exhibitions forbidden. No boxing or sparring exhibition shall be held on Sunday. [1945 c. 401]

169.12 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. [1945 c. 401]

169.13 Conduct of exhibitions regulated. (1) No boxing or sparring exhibition shall be for more than 10 rounds except that where a championship is to be determined, the exhibition shall not be for more than 15 rounds, and no round shall last more than 3 minutes.

(2) There shall be one minute intermission between rounds.

(3) Gloves weighing not less than 5 ounces shall be worn by contestants under 140 pounds, and not less than 6 ounces by other contestants.

(4) No person under the age of 18 years shall participate in any professional boxing or sparring exhibition. Amateur contestants between 16 and 18 years of age may par-

ticipate in amateur boxing or sparring exhibitions with the consent of their parents or guardians.

(5) No betting at any boxing or sparring exhibitions shall be permitted before, after, or during any such contest, in the building where the contest is held.

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

(7) The commission may allow or provide for decisions upon exhibitions held under this chapter to be made by the referee or by the referee and 2 judges appointed by the commission under regulations prescribed by the commission.

(8) The commission may permit a total of 40 rounds of professional boxing or sparring at one time when requested by any licensed club. [1931 c. 157; 1935 c. 512; 1941 c. 62; 1945 c. 401]

169.15 Physician to examine contestants. Prior to entering the ring, each contestant must be examined by a physician who has been licensed to practice in Wisconsin not less than 5 years and who is appointed by the commission and certifies in writing, over his signature, as to the contestant's physical and mental fitness to engage in such contest. [1945 c. 401]

169.16 Licenses to matchmakers, referees, boxers, etc. The commission may 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 150,000, \$25; matchmakers in other cities and in villages and towns, \$10; managers, \$10; referees, \$15; examining physicians, \$10; boxers, \$5; seconds and trainers, \$5. The commission may revoke any such license upon such cause as it shall deem sufficient. [1935 c. 512; 1945 c. 401]

169.17 Referee to stop contest. The referee must stop the contest when either of the contestants shows a marked superiority or is apparently outclassed. [1935 c. 512; 1945 c. 401]

169.18 Sham matches, license revoked. Any club which conducts, holds or gives or participates in any sham or fake boxing or sparring match shall thereby forfeit its license which license shall thereupon be revoked by the commission; and it shall not thereafter be entitled to another license; nor shall any license be issued to any club, which has a member who belonged to a club which had its license revoked. [1945 c. 401]

169.19 Sham matches; contestants penalized; forfeitures; hearing. Any contestant who participates in any sham or fake boxing or sparring exhibition or violates any rule or regulation of the commission shall be penalized as follows: For the first offense he shall be restrained by order of the commission for not less than 2 months nor more than one year, such period to begin immediately after the occurrence of the offense, from participation in such exhibition to be held or given by any licensed club; for a second offense, he shall be permanently disqualified from further admission or participation in any such exhibition held or given by any licensed club and in addition thereto, for each such offense, shall forfeit such amount, out of the share or purse agreed to be paid him for such exhibition as the commission determines, such forfeit to be paid into the general fund of the state. 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 employing such contestant out of the purse or share agreed by it to be paid to him. The commission shall not determine such forfeit until after due hearing thereon held upon reasonable notice duly served upon the contestant or his manager and upon the club by whom he is employed; and any member of the commission or the secretary or any inspector of the commission may order the club to hold the share or purse of such contestant in its possession pending the hearing and determination of the commission. For failure to obey any order of the commission or the secretary or any inspector of the commission given under this section, the license of the club may be suspended, canceled or revoked. [1935 c. 512; 1945 c. 401]

169.20 Reports; examination of books and officers; forfeitures on tax default. Whenever any club fails to make a report of any contest at the time prescribed 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 and may subpoena and examine, under oath, its officers and other witnesses to determine the total amount of its gross receipts for any exhibition and the amount of tax due, which tax he may determine upon such examination. In case of a default in the payment of any tax so adjudged to be due (together

with the expenses of the examination) for a period of 20 days after notice to such delinquent club of the amount, such club shall thereby forfeit its license and be disqualified from receiving any license; and it shall in addition forfeit to the state the sum of \$1,000, which may be recovered by the attorney-general in the name of the state. [1945 c. 401]

169.21 Violation when a misdemeanor. A violation of any provision of this chapter, for which a penalty is not herein expressly prescribed, is a misdemeanor. [1945 c. 401]

169.22 Organizations exempted. (1) This chapter does not apply to amateur boxing or sparring exhibitions held under the auspices and upon the premises 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 exhibitions 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.

(2) This chapter does not apply to 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. Any contribution shall be considered an admission fee. No such boxing or sparring exhibitions shall be conducted as a part of any program where an admission fee is charged.

(3) This chapter does not apply to amateur boxing or sparring 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 intradepartmental or interdepartmental exhibitions, provided: (a) that such exhibitions are between bona fide members of boxing classes conducted by such public recreation departments, (b) that such public recreation departments are members of a recognized state association of public recreation departments, (c) and that each such amateur boxing or sparring exhibition is sanctioned by the commission. The application for the sanction of each exhibition shall be made in writing to the commission at least 2 weeks prior to the exhibition. 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 exhibitions may be denied for cause upon competent evidence. [1931 c. 182; 1935 c. 93, 343, 512; 1937 c. 133; 1941 c. 30; 1945 c. 401]

Note: Payment for advertisements on tribution paid towards matches or exhibition program is not voluntary or solicited conditions conducted. 26 Atty. Gen. 49.