

By: Lucio

S.B. No. 909

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of combative sports; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2052, Occupations Code, is amended to read as follows:

CHAPTER 2052. COMBATIVE SPORTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2052.001. LEGISLATIVE DECLARATION. This chapter shall be liberally construed and applied to promote its underlying purposes.

Sec. 2052.002. DEFINITIONS. In this chapter:

(1) "Boxing" includes kickboxing, in which a person delivers blows with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.

(2) "Boxing promoter" means a person who arranges, advertises, or conducts a boxing event.

(3) [~~"Championship tournament" means a state, regional, national, or international elimination tournament in which the winners of elimination tournaments compete for a championship in each weight category.~~

[~~(4) "Commissioner" means the commissioner of licensing and regulation or the commissioner's designated~~

1 ~~representative.~~

2 ~~[(5)]~~ "Department" means the Texas Department of
3 Licensing and Regulation.

4 (4) ~~[(6)]~~ "Elimination tournament" means a boxing
5 contest in which elimination tournament contestants compete in a
6 series of matches until not more than one contestant remains in any
7 weight category. The term does not include a boxing event described
8 by Section 2052.108.

9 (5) "Executive director" means the executive director
10 of the department or the executive director's designated
11 representative.

12 (6) ~~[(7)]~~ ~~"Elimination tournament boxing promoter"~~
13 ~~means a person who arranges, advertises, or conducts an elimination~~
14 ~~tournament.~~

15 ~~[(8)]~~ ~~"Elimination tournament contestant" means a~~
16 ~~person who competes in an elimination tournament.~~

17 ~~[(9)]~~ "Exhibition" means a boxing or wrestling skills
18 demonstration.

19 (7) ~~[(10)]~~ "Event" means a contest, match, or
20 exhibition.

21 (8) ~~[(11)]~~ "Judge" means a person who is:

22 (A) located at ringside during a boxing match;
23 and

24 (B) responsible for scoring the performances of
25 the participants in the match.

26 (9) ~~[(12)]~~ ~~"Local tournament" means an elimination~~
27 ~~tournament in which only a resident of this state may compete.~~

1 ~~[(13)]~~ "Professional boxer" means a person who
2 competes in a boxing event in this state conducted for a purse or
3 compensation.

4 (10) ~~[(14)]~~ "Referee" means a person who:

5 (A) is present in the ring during a boxing event;
6 and

7 (B) exercises general supervision of the event.

8 (11) "Ringside physician" means an individual
9 licensed to practice medicine in this state who is registered with
10 the department.

11 (12) ~~[(15) "Regional tournament" means an elimination~~
12 ~~tournament in which a contestant from outside of the immediate area~~
13 ~~in which the tournament is conducted may compete against local~~
14 ~~contestants.~~

15 ~~[(16)]~~ "Wrestling promoter" means a person who
16 arranges, advertises, or conducts a wrestling event.

17 SUBCHAPTER B. POWERS AND DUTIES OF DEPARTMENT AND

18 EXECUTIVE DIRECTOR ~~[COMMISSIONER]~~

19 Sec. 2052.051. ADMINISTRATION OF CHAPTER. The department
20 shall administer this chapter.

21 Sec. 2052.052. RULES. (a) The executive director
22 ~~[commissioner]~~ shall adopt reasonable and necessary rules to
23 administer this chapter.

24 (b) The executive director ~~[commissioner]~~ may adopt rules:

25 (1) governing professional kickboxing contests and
26 exhibitions; ~~[and]~~

27 (2) establishing reasonable qualifications for an

1 applicant seeking a license from the department under this
2 chapter;

3 (3) recognizing sanctions, medical suspensions, or
4 disqualifications of licensees by combative sports authorities in
5 any state, territory, or possession of the United States of
6 America, provided that if licensure is denied based on such
7 actions, an applicant has a right to a hearing as prescribed by
8 rule;

9 (4) establishing practice requirements or specialty
10 certifications that a person licensed to practice medicine in this
11 state must meet to register as a ringside physician;

12 (5) requiring contestants to present to the executive
13 director at the time of weigh-in an original copy of recent blood
14 test results that demonstrate whether the contestant is free from
15 hepatitis B virus, hepatitis C virus, human immunodeficiency virus,
16 and any other communicable disease designated by rule adopted by
17 the executive director and providing that a contestant's failure to
18 provide the required blood test results will disqualify the
19 contestant;

20 (6) providing that to participate in any event
21 contestants must be free of hepatitis B virus, hepatitis C virus,
22 human immunodeficiency virus, and any other communicable disease
23 designated by rule;

24 (7) requiring that contestants undergo a physical
25 examination, including an ophthalmological examination, at or near
26 the time of weigh-in and providing for disqualification of a
27 contestant who is deemed by an examining physician to be unfit; and

1 (8) establishing additional promoter
2 responsibilities.

3 Sec. 2052.053. INVESTIGATIVE AUTHORITY. (a) The
4 executive director [~~commissioner~~] shall investigate allegations of
5 activity that may violate this chapter.

6 (b) The executive director [~~commissioner~~] may enter, at a
7 reasonable time, a place of business or an establishment in which
8 activity alleged to violate this chapter may occur. The executive
9 director [~~commissioner~~] is not required to give advance notice
10 before entering.

11 Sec. 2052.054. CONTINUING EDUCATION. (a) The executive
12 director [~~commissioner~~] may recognize, prepare, or administer
13 continuing education programs for persons licensed under this
14 chapter.

15 (b) Participation in a continuing education program under
16 Subsection (a) is voluntary.

17 Sec. 2052.055. MEDICAL ADVISORY COMMITTEE. (a) The
18 executive director may appoint a medical advisory committee to
19 advise the department concerning health issues for boxing event
20 contestants.

21 (b) Before the first appointment of committee members, the
22 executive director shall adopt rules establishing:

- 23 (1) the number of appointed members;
24 (2) qualifications for appointment; and
25 (3) the purpose and tasks of the committee.

26 SUBCHAPTER C. LICENSING, REGISTRATION, AND PERMITS

27 Sec. 2052.101. BOXING PROMOTER LICENSE. A person may not

1 act as a boxing promoter [~~or an elimination tournament boxing~~
2 ~~promoter~~] unless the person holds a license issued under this
3 chapter.

4 Sec. 2052.102. BOXING PROMOTER LICENSE APPLICATION
5 REQUIREMENTS. (a) An applicant for a boxing promoter's license
6 under this chapter must apply on a form furnished by the executive
7 director [~~commissioner~~].

8 (b) An application must be accompanied by:

9 (1) a license fee in an amount set by the department
10 [~~commission~~]; and

11 (2) a surety bond:

12 (A) subject to approval by the executive director
13 [~~commissioner~~]; and

14 (B) conditioned on the applicant's payment of the
15 tax imposed under Section 2052.151.

16 (c) The executive director [~~commissioner~~] shall establish
17 the amount of the surety bond required under Subsection (b). The
18 bond amount may not be less than \$300.

19 Sec. 2052.103. [~~ELIMINATION TOURNAMENT BOXING PROMOTER~~
20 ~~LICENSE APPLICATION REQUIREMENTS.~~ (a) An applicant for an
21 ~~elimination tournament boxing promoter's license under this~~
22 ~~chapter must apply on a form furnished by the commissioner.~~

23 [~~(b) An application must be accompanied by an application~~
24 ~~fee of not more than \$1,000 and, if the applicant charges a fee for~~
25 ~~admission to the elimination tournament or awards a trophy, prize,~~
26 ~~including a prize of money, or other item of value of more than \$50~~
27 ~~to a contestant winning the elimination tournament.~~

1 ~~[(1) a \$50,000 surety bond subject to approval by the~~
2 ~~commissioner and conditioned on the applicant's payment of:~~

3 ~~[(A) the tax imposed under Section 2052.151; and~~

4 ~~[(B) a claim against the applicant as described~~
5 ~~by Section 2052.109(a)(3); and~~

6 ~~[(2) proof of not less than \$10,000 accidental death~~
7 ~~or injury insurance coverage for each contestant participating in~~
8 ~~the elimination tournament.~~

9 ~~[Sec. 2052.104. ELIMINATION TOURNAMENT BOXING PROMOTER~~
10 ~~ANNUAL LICENSE FEE. The annual fee for an elimination tournament~~
11 ~~boxing promoter's license may not exceed \$1,000.~~

12 ~~[Sec. 2052.105.]~~ WRESTLING PROMOTER REGISTRATION. A person
13 may not act as a wrestling promoter unless the person is registered
14 with the secretary of state under this chapter.

15 Sec. 2052.104 ~~[2052.106]~~. WRESTLING PROMOTER APPLICATION
16 REQUIREMENTS. (a) Registration as a wrestling promoter must be
17 made on a form furnished by the secretary of state.

18 (b) A registration must be accompanied by:

19 (1) a registration fee prescribed by the secretary of
20 state in an amount reasonably necessary to cover the costs of
21 administering the wrestling promoters registration program; and

22 (2) a \$5,000 surety bond to be filed with the secretary
23 of state.

24 Sec. 2052.105 ~~[2052.107]~~. OTHER BOXING LICENSES. Unless a
25 person holds a license or registration issued under this chapter,
26 the person may not act as a:

27 (1) professional boxer;

- 1 (2) manager of a professional boxer;
- 2 (3) referee;
- 3 (4) judge;
- 4 (5) second;
- 5 (6) timekeeper; [~~or~~]
- 6 (7) matchmaker; or
- 7 (8) ringside physician.

8 Sec. 2052.106 [~~2052.108~~]. APPLICATION REQUIREMENTS FOR
9 OTHER LICENSES. (a) An application for a license under Section
10 2052.105 [~~2052.107~~] must be made on a form furnished by the
11 executive director [~~commissioner~~].

12 (b) An application must be accompanied by the required
13 license fee.

14 Sec. 2052.107 [~~2052.109~~]. SURETY BOND. (a) A surety bond
15 required under this subchapter must:

16 (1) be issued by a company authorized to conduct
17 business in this state;

18 (2) comply with the applicable requirements of the
19 Insurance Code;

20 (3) be payable to the state for use by the state or a
21 political subdivision that establishes that the boxing or wrestling
22 promoter is liable to it for damages, penalties, taxes, or other
23 expenses resulting from promotional activities conducted in this
24 state; and

25 (4) be open to more than one claim, except that the
26 claims may not exceed the face value of the bond.

27 (b) A person required to file a surety bond under this

1 subchapter shall file a new bond annually.

2 (c) A company that issues a bond shall notify the department
3 in writing of the cancellation of the bond not later than the 30th
4 day before the date on which the bond is canceled.

5 Sec. 2052.108 [~~2052.110~~]. LICENSE AND BONDING EXCEPTIONS.
6 The licensing and bonding requirements of this subchapter do not
7 apply to:

8 (1) a boxing event in which the participants do not
9 receive a money remuneration, purse, or prize for their
10 performances or services if the event is promoted, conducted, or
11 maintained by:

- 12 (A) an educational institution;
- 13 (B) a law enforcement organization;
- 14 (C) a Texas National Guard Unit; or
- 15 (D) an amateur athletic organization recognized
16 by the executive director [~~commissioner~~];

17 (2) an event conducted by a nonprofit amateur athletic
18 association chartered under the law of this state, including a
19 membership club affiliated with the association located within this
20 state and recognized by the executive director [~~commissioner~~];

21 (3) an event conducted by a college, school, or
22 university that is part of the institution's athletic program in
23 which only students of different educational institutions
24 participate; [~~or~~]

25 (4) an event in which only members of a troop, battery,
26 company, or unit of the Texas National Guard or a law enforcement
27 agency participate; or

1 (5) an event conducted by an organization of the
2 Olympic Games, the Paralympic Games, or the Pan-American Games.

3 Sec. 2052.109 [~~2052.111~~]. DENIAL OF APPLICATION. The
4 executive director [~~commissioner~~] may deny an application for a
5 license if:

6 (1) the applicant does not meet the qualifications for
7 the license; or

8 (2) after conducting an investigation and a hearing,
9 the executive director [~~commissioner~~] determines that the
10 applicant has violated this chapter or a rule adopted under this
11 chapter.

12 Sec. 2052.110 [~~2052.112~~]. RECIPROCITY AGREEMENT. The
13 executive director [~~commissioner~~] may waive a license requirement
14 under this subchapter if the applicant holds a license issued by
15 another state that has a reciprocity agreement with this state.

16 Sec. 2052.111 [~~2052.113~~]. LICENSE AND PERMIT REQUIRED FOR
17 CLOSED CIRCUIT BOXING TELECAST. A person who exhibits in this state
18 a simultaneous telecast of a live, spontaneous, or current boxing
19 event on a closed circuit telecast in which a fee is charged for
20 admission to the telecast must:

21 (1) hold a boxing promoter's license under this
22 chapter; and

23 (2) obtain a permit for the closed circuit telecast.

24 Sec. 2052.112. LICENSE, REGISTRATION, AND PERMIT TERM AND
25 RENEWAL. (a) A license, registration, or permit issued under this
26 chapter is valid for one year after the date of issuance.

27 (b) The holder of a license, registration, or permit may

1 renew it by paying a renewal fee and complying with other renewal
2 requirements prescribed by department rule before the expiration
3 date. The department shall issue a renewal certificate to the
4 holder at the time of renewal.

5 Sec. 2052.113. PROMOTER RESPONSIBILITIES. For each
6 promoted event, a promoter shall:

7 (1) assure that all contestants scheduled to
8 participate are licensed before the event;

9 (2) provide an ambulance, serviced by at least two
10 emergency medical technicians, on the premises at the event
11 location;

12 (3) provide for a physical examination of each
13 contestant that complies with rules adopted under this chapter; and

14 (4) comply with all applicable rules adopted by the
15 executive director or the Texas Commission of Licensing and
16 Regulation.

17 SUBCHAPTER D. GROSS RECEIPTS TAX

18 Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) A tax is
19 imposed on a person who:

20 (1) conducts a boxing event [~~including an elimination~~
21 tournament], in which a fee is charged for admission to the event;

22 (2) exhibits in this state a simultaneous telecast of
23 a live, spontaneous, or current boxing event on a closed circuit
24 telecast, in which a fee is charged for admission to the telecast;
25 or

26 (3) conducts or sponsors an amateur boxing event,
27 other than an event exempt from licensing under Section 2052.108(2)

1 [~~2052.110(2)~~], (3), [~~or~~] (4), or (5), in which a fee is charged for
2 admission to the event.

3 (b) The rate of the tax is three percent of the gross
4 receipts obtained from the event.

5 Sec. 2052.152. TAX REPORT AND PAYMENT. (a) A person on
6 whom a tax is imposed under Section 2052.151, not later than 72
7 hours after the end of the event or telecast for which the tax is
8 due, shall submit to the department a verified report on a form
9 furnished by the department stating:

- 10 (1) the number of tickets sold to the event;
11 (2) the ticket prices charged; [~~and~~]
12 (3) the gross price charged for the sale or lease of
13 broadcasting, television, and motion picture rights without any
14 deductions for commissions, brokerage fees, distribution fees,
15 advertising, or other expenses or charges; and
16 (4) the amount of gross receipts obtained from the
17 event.

18 (b) The person shall attach to the report a cashier's check
19 or money order payable to this state in the amount of the tax
20 imposed on the event covered by the report.

21 (c) The department may audit a report filed under Subsection
22 (b).

23 Sec. 2052.153. CLOSED CIRCUIT TELECAST. A person
24 exhibiting a simultaneous telecast of a live, spontaneous, or
25 current boxing event on a closed circuit telecast in which a fee is
26 charged for admission to the exhibition:

- 27 (1) must:

- 1 (A) be a boxing promoter; and
2 (B) obtain a permit for each telecast exhibited;
3 and

4 (2) shall comply with the tax provisions of Section
5 2052.151.

6 ~~[Sec. 2052.154. CERTAIN AMATEUR EVENTS. A person shall~~
7 ~~comply with the tax requirements imposed under Section 2052.151 if~~
8 ~~the person:~~

9 ~~[(1) conducts or sponsors an amateur boxing event,~~
10 ~~except an event conducted under Section 2052.110(2), (3), or (4);~~
11 ~~and~~

12 ~~[(2) charges an event admission fee.]~~

13 SUBCHAPTER E. ~~[REGULATION OF]~~ ELIMINATION TOURNAMENTS

14 Sec. 2052.201. ELIMINATION TOURNAMENTS PROHIBITED ~~[GENERAL~~
15 ~~RULES]~~. ~~[(a)]~~ An elimination tournament may not ~~[only]~~ be held in
16 this state ~~[conducted as a one-night or two-night event]~~.

17 ~~[(b) An elimination tournament match consists of three~~
18 ~~one-minute rounds with an interval of at least one minute between~~
19 ~~rounds.~~

20 ~~[(c) The standing-eight-count and the three-knock-down~~
21 ~~rules apply to an elimination tournament.~~

22 ~~[(d) An elimination tournament contestant must be randomly~~
23 ~~matched with an opponent in the same weight category as the~~
24 ~~contestant during the preliminary round of an elimination~~
25 ~~tournament.~~

26 ~~[Sec. 2052.202. CONTESTANT PARTICIPATION. (a) An~~
27 ~~elimination tournament contestant may not participate in more than:~~

1 ~~[(1) one match during the first night of a two-night~~
2 ~~elimination tournament other than a championship tournament; or~~

3 ~~[(2) two matches during the first night of a two-night~~
4 ~~championship tournament.~~

5 ~~[(b) An elimination tournament contestant may participate~~
6 ~~in any number of matches during the second night of a two-night~~
7 ~~elimination tournament.~~

8 ~~[(c) Except as provided by Subsection (d), an elimination~~
9 ~~tournament boxing promoter may permit an elimination tournament~~
10 ~~contestant who does not win a match during the first night of a~~
11 ~~two-night elimination tournament to participate in the tournament~~
12 ~~during the second night of the tournament.~~

13 ~~[(d) An elimination tournament contestant who is knocked~~
14 ~~out during the tournament may not continue to participate in the~~
15 ~~tournament.~~

16 ~~[Sec. 2052.203. ELIMINATION TOURNAMENT BOXING PROMOTER~~
17 ~~RESPONSIBILITIES. (a) An elimination tournament boxing promoter~~
18 ~~shall require that each elimination tournament contestant:~~

19 ~~[(1) be at least 18 years old and younger than 36 years~~
20 ~~old;~~

21 ~~[(2) submit proof that the contestant has received~~
22 ~~proper training, including a written description of the~~
23 ~~contestant's training program during the 28 days before the~~
24 ~~elimination tournament;~~

25 ~~[(3) have no professional boxing experience;~~

26 ~~[(4) have fewer than six boxing match wins during the~~
27 ~~preceding five years that are recognized by an amateur boxing~~

1 ~~organization that is recognized under department rules for this~~
2 ~~purpose;~~

3 ~~[(5) use 16-ounce gloves; and~~

4 ~~[(6) wear the following protective gear provided by~~
5 ~~the promoter;~~

6 ~~[(A) except as provided by Subsection (b),~~
7 ~~headgear approved by the department;~~

8 ~~[(B) a mouthpiece; and~~

9 ~~[(C) a groin guard or kidney-groin guard approved~~
10 ~~by the department.~~

11 ~~[(b) The elimination tournament boxing promoter of a local,~~
12 ~~regional, or championship elimination tournament is not required to~~
13 ~~require that each elimination tournament contestant wear headgear~~
14 ~~approved by the department if the promoter under department rules~~
15 ~~notifies the commissioner of the decision not to use the approved~~
16 ~~headgear.~~

17 ~~[Sec. 2052.204. ELIMINATION TOURNAMENT RINGSIDE PHYSICIAN.~~

18 ~~(a) An elimination tournament boxing promoter shall provide a~~
19 ~~ringside physician for each elimination tournament.~~

20 ~~[(b) An elimination tournament ringside physician shall:~~

21 ~~[(1) perform a complete medical examination of each~~
22 ~~elimination tournament contestant at the tournament's location~~
23 ~~before the tournament begins;~~

24 ~~[(2) remain at ringside at all times during a~~
25 ~~scheduled elimination tournament match;~~

26 ~~[(3) offer solutions to boxing-related medical~~
27 ~~problems to the elimination tournament boxing promoter and~~

1 ~~contestants,~~

2 ~~[(4) examine each elimination tournament contestant~~
3 ~~between matches,~~

4 ~~[(5) immediately before the second night of a~~
5 ~~two-night elimination tournament, perform a complete physical~~
6 ~~examination of each elimination tournament contestant who is~~
7 ~~scheduled to participate during the second night, and~~

8 ~~[(6) immediately notify the elimination tournament~~
9 ~~boxing promoter if the physician disqualifies an elimination~~
10 ~~tournament contestant.~~

11 ~~[Sec. 2052.205. NEGATIVE PREGNANCY TEST RESULT. A female~~
12 ~~elimination tournament contestant may not participate in an~~
13 ~~elimination tournament unless the contestant provides the ringside~~
14 ~~physician with proof of a negative pregnancy test result.~~

15 ~~[Sec. 2052.206. WEIGHT CATEGORIES. (a) The weight~~
16 ~~categories for an elimination tournament are:~~

17 ~~[(1) less than 112 pounds,~~

18 ~~[(2) 112 pounds or more and less than 119 pounds,~~

19 ~~[(3) 119 pounds or more and less than 127 pounds,~~

20 ~~[(4) 127 pounds or more and less than 136 pounds,~~

21 ~~[(5) 136 pounds or more and less than 148 pounds,~~

22 ~~[(6) 148 pounds or more and less than 161 pounds,~~

23 ~~[(7) 161 pounds or more and less than 176 pounds,~~

24 ~~[(8) 176 pounds or more and less than 190 pounds, and~~

25 ~~[(9) 190 pounds or more.~~

26 ~~[(b) An elimination tournament contestant may not compete~~
27 ~~in a weight category other than the contestant's weight category as~~

1 ~~listed under Subsection (a) unless the contestant:~~

2 ~~[(1) competes in the next heavier weight category for~~
3 ~~the contestant; and~~

4 ~~[(2) the contestant's weight is within three percent~~
5 ~~of the minimum weight for that next heavier weight category.~~

6 ~~[Sec. 2052.207. RING REQUIREMENTS. (a) An elimination~~
7 ~~tournament match must be conducted in a square ring. Each side of~~
8 ~~the ring must be not less than 16 feet or more than 24 feet in~~
9 ~~length.~~

10 ~~[(b) The floor of the ring must be:~~

11 ~~[(1) three-fourths inch thick; and~~

12 ~~[(2) padded with one-inch thick closed-cell foam~~
13 ~~material.]~~

14 SUBCHAPTER F. OTHER COMBATIVE SPORT REGULATIONS

15 Sec. 2052.251. BOXING GLOVES. A boxing event contestant~~[~~
16 ~~other than an elimination tournament contestant under Subchapter~~
17 ~~E]~~ shall wear eight-ounce boxing gloves~~[~~ unless the executive
18 director ~~[commissioner]~~ by rule requires or permits a contestant to
19 wear heavier gloves.

20 Sec. 2052.252. CERTAIN AMATEUR EVENTS. (a) This section
21 applies to an amateur boxing event, other than an event described by
22 Section 2052.108(2), (3), (4), or (5) ~~[elimination tournament~~
23 ~~subject to Subchapter E]~~, in which a fee is charged for admission to
24 the event.

25 (b) The event may take place only if the executive director
26 ~~[commissioner]~~ approves the event not later than seven days before
27 the date the event begins.

1 (c) Each entry in the event must be filed with the amateur
2 organization not later than the third day before the date the event
3 begins.

4 (d) The amateur organization shall determine the amateur
5 standing of the event contestants.

6 (e) The event is subject to the supervision of the executive
7 director [~~commissioner~~].

8 (f) All profits from the event must be used to develop
9 amateur athletics.

10 (g) Only a referee or judge licensed under this chapter may
11 participate in the event.

12 (h) Each contestant participating in the event must be
13 examined by a licensed physician within a reasonable time before
14 the event begins. A licensed physician must be present at ringside
15 during the entire event.

16 (i) A professional boxer licensed under this chapter may not
17 participate in any capacity in the event.

18 Sec. 2052.253. KICKBOXING. A professional kickboxing event
19 must be fought on the basis of the contestants' best efforts.

20 SUBCHAPTER G. DISCIPLINARY PROCEDURES; CRIMINAL OFFENSE

21 Sec. 2052.301. ADMINISTRATIVE PENALTIES AND SANCTIONS
22 [REVOCAION AND SUSPENSION OF LICENSE OR PERMIT]. On a finding of a
23 violation of one or more provisions of this chapter, a rule adopted
24 under this chapter, or a rule adopted under Chapter 51, the
25 executive director may impose administrative sanctions as provided
26 by Subchapter G, Chapter 51, or the Texas Commission of Licensing
27 and Regulation may impose administrative penalties as provided by

1 Subchapter F, Chapter 51 [~~The commissioner may revoke or suspend~~
2 ~~the license or permit of a license or permit holder under this~~
3 ~~chapter for violating this chapter or a rule adopted under this~~
4 ~~chapter~~].

5 Sec. 2052.302. WITHHOLDING OF PURSE AND FORFEITURE OF
6 PURSE. (a) The executive director [~~commissioner~~] may order a
7 promoter [~~boxer or manager~~] to withhold any [~~forfeit to this state~~
8 ~~a~~] purse or other funds payable to a licensee or registrant if it
9 appears more likely than not that the licensee or registrant has
10 violated [~~in an amount of not more than \$1,000 for violating~~] this
11 chapter or a rule adopted under this chapter.

12 (b) The promoter shall surrender any purse or funds withheld
13 as provided by Subsection (a) to the executive director on demand.
14 Not later than five working days after the event, the department
15 shall notify in writing the promoter and any person from whom a sum
16 was withheld of the date of a hearing to determine whether all or
17 part of the purse or funds withheld should be forfeited. The
18 hearing shall be scheduled for a date not later than 10 days after
19 the date of the notice. Not later than 10 days after the hearing,
20 the executive director shall enter an order with findings of fact
21 and conclusions of law determining whether all or part of the purse
22 or funds should be forfeited. Any funds not forfeited shall be
23 distributed to the persons entitled to the funds.

24 (c) Except as otherwise provided by this subchapter, the
25 proceedings under this section shall be conducted in accordance
26 with the provisions of Chapter 2001, Government Code.

27 (d) Any person aggrieved by an order entered under this

1 section may appeal the order by filing a petition in a district
2 court in Travis County in accordance with the provisions of Chapter
3 2001, Government Code.

4 Sec. 2052.303. CIVIL PENALTY; INJUNCTION. (a) A court may
5 assess a civil penalty against a person who violates this chapter or
6 a rule adopted under this chapter. The amount of the penalty may
7 not exceed \$1,000 for each violation.

8 (b) The attorney general or the department may file a civil
9 suit to:

10 (1) assess and recover a civil penalty under
11 Subsection (a); or

12 (2) enjoin a person who violates or threatens to
13 violate this chapter or a rule adopted under this chapter from
14 continuing the violation or threat.

15 (c) Venue for a suit filed under Subsection (b) is in a
16 district court in Travis County.

17 (d) A civil penalty assessed under this section shall be
18 paid to this state.

19 Sec. 2052.304. PETITION FOR REVIEW. (a) A person may seek
20 review of a decision or an order of the executive director or the
21 Texas Commission of Licensing and Regulation [~~commissioner~~] under
22 this chapter by filing a petition for review in a district court in
23 Travis County [~~not later than the 30th day after the date on which~~
24 ~~the decision or order of the commissioner is final if the person is:~~

25 [~~(1) a party to an administrative hearing in which the~~
26 ~~decision or order is issued, and~~

27 [~~(2) aggrieved by the decision or order~~].

1 (b) Chapter 2001, Government Code, governs any proceeding
2 under this section [~~The filing of a petition for review under~~
3 ~~Subsection (a) does not stay the effect of the decision or order of~~
4 ~~the commissioner that is the subject of the petition. The~~
5 ~~commissioner or the district court in which the petition for review~~
6 ~~is filed may order a stay on appropriate terms].~~

7 ~~[(c) If a stay is ordered under Subsection (b), a~~
8 ~~supersedeas bond is not required.~~

9 ~~[Sec. 2052.305. SERVICE OF PROCESS. A petition for review~~
10 ~~filed under Section 2052.304 must be served on:~~

11 ~~[(1) the commissioner; and~~

12 ~~[(2) all parties of record to a hearing before the~~
13 ~~commissioner that relates to the matter for which the petition for~~
14 ~~review is filed.~~

15 ~~[Sec. 2052.306. CERTIFICATION OF RECORD. (a) On receipt~~
16 ~~of a petition for review served under Section 2052.305, the~~
17 ~~commissioner, not later than the date on which the answer to the~~
18 ~~petition must be filed or the date on which the record is made~~
19 ~~available to the commissioner, whichever date is later, shall~~
20 ~~certify to the district court in which the petition is filed the~~
21 ~~record of the proceedings to which the petition relates.~~

22 ~~[(b) The petitioner shall pay the costs of preparing and~~
23 ~~certifying the record under this section.~~

24 ~~[(c) On final determination of the review, the district~~
25 ~~court shall order payment of the costs described under Subsection~~
26 ~~(b) as part of the costs in the case.~~

27 ~~[Sec. 2052.307. JUDICIAL REVIEW. (a) A district court~~

1 ~~reviewing a decision or an order of the commissioner under this~~
2 ~~subchapter shall try the action without a jury in the same manner as~~
3 ~~a civil action, except that evidence is not admissible unless the~~
4 ~~evidence was presented at the hearing or noticed in the record of~~
5 ~~the hearing before the commissioner. The petitioner has the burden~~
6 ~~of proof in the action.~~

7 ~~[(b) The court may:~~

8 ~~(1) affirm the decision or order of the commissioner,~~

9 ~~or~~

10 ~~(2) remand the matter to the commissioner for further~~
11 ~~proceedings.]~~

12 Sec. 2052.305 [~~2052.308~~]. APPEAL. (a) The petitioner or
13 executive director [~~commissioner~~] may appeal a final judgment of a
14 court conducting a review under this subchapter in the same manner
15 as a civil action.

16 (b) The executive director [~~commissioner~~] is not required
17 to file an appeal bond.

18 Sec. 2052.306 [~~2052.309~~]. CRIMINAL OFFENSE. (a) A person
19 commits an offense if the person violates this chapter or a rule
20 adopted under this chapter.

21 (b) An offense under this section is a Class A misdemeanor.

22 SECTION 2. (a) Except as provided by Subsection (b) of
23 this section, this Act takes effect January 1, 2004.

24 (b) Section 2052.201, Occupations Code, as amended by this
25 Act, takes effect September 1, 2003.