

## MICHIGAN UNARMED COMBAT REGULATORY ACT (EXCERPT)

### Act 403 of 2004

#### CHAPTER 3

##### **338.3630 Promoter's license.**

Sec. 30. (1) A person shall not conduct a contest or event that is regulated under this act without a promoter's license under this act, or engage in or attempt to engage in any other activity regulated under this act without the applicable license issued by the department under this act, unless the person is exempt from licensure under this act.

(2) An annual license issued under this act expires on August 31.

**History:** 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016;—Am. 2017, Act 146, Eff. Jan. 31, 2018.

##### **338.3631 Application for licensure.**

Sec. 31. By filing an application for a license, an applicant does both of the following:

(a) Certifies the applicant's general suitability, character, integrity, and ability to participate, engage in, or be associated with boxing or mixed martial arts contests or events. The burden of proof is on the applicant to establish to the satisfaction of the commission and the department that the applicant is qualified to receive a license.

(b) Accepts the risk of adverse public notice, embarrassment, criticism, financial loss, or other action with respect to the application and expressly waives any claim for damages as a result of any adverse public notice, embarrassment, criticism, financial loss, or other action. Any written or oral statement made by any member of the commission or any witness testifying under oath that is relevant to the application and investigation of the applicant is immune from civil liability for libel, slander, or any other tort.

**History:** 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

##### **338.3632 Repealed. 2015, Act 183, Eff. Feb. 10, 2016.**

**Compiler's note:** The repealed section pertained to requirement that contest or exhibition be held under promoter's license.

##### **338.3633 Promoter's license; application; good moral character; bond; fees; submission of contract; deposit of money; delivery and disclosure of contract; drug tests; inspector; requirements.**

Sec. 33. (1) An application for a promoter's license must be in writing and shall include the legal name, street address, and telephone number of the applicant.

(2) An applicant for a promoter's license must demonstrate good moral character. If an applicant for a promoter's license is denied a license because of a lack of good moral character, the applicant may petition the commission for a review of the decision under section 46.

(3) Before the department grants an approval for a contest or event, the promoter must submit a bond to the department that meets all of the following:

(a) Is in an amount fixed by the department but not less than \$20,000.00 or more than \$50,000.00.

(b) Is executed by the promoter as principal.

(c) Is issued by a corporation that is qualified under the laws of this state as a surety.

(d) Is payable to the state of Michigan.

(e) Is purchased at least 5 days before the contest.

(f) Is conditioned on the faithful distribution of all money owed by the promoter as a result of the event.

(g) Is for the benefit of any person that is damaged by the promoter's nonpayment of any liabilities associated with the event.

(h) Allows any affected person to bring an action on the bond.

(i) Remains in effect until all complaints properly filed with the department for nonpayment of obligations covered by the bond are fully adjudicated. A complaint is not properly filed if it is not filed within 30 business days following the event covered by the bond.

(4) A promoter must apply for and obtain an annual license from the department in order to present a program of contests or events regulated under this act. The annual license fee is \$300.00. The department shall request, and the applicant shall provide, any information that the department determines is necessary to ascertain the financial stability of the applicant. Section 61a applies to any information provided by an applicant under this subsection.

(5) A promoter that conducts an event in this state shall pay an event fee of \$500.00.

(6) To assure the integrity of the sports of boxing and mixed martial arts, the public interest, and the

welfare and safety of contestants, each promoter that conducts an event in this state shall pay a regulatory and enforcement fee for that event in an amount equal to 3% of the total gross receipts from any contracts for the sale, lease, or other exploitation of broadcasting, television, and motion picture rights or other media for the event, or \$25,000.00, whichever is less, if either of the following is met:

(a) The event is located in a venue with a seating capacity of more than 5,000.

(b) The promoter proposes to televise or broadcast the event over any medium for viewing by spectators who are not present in the venue.

(7) For purposes of subsection (6), at least 10 days before the event, the promoter shall submit any contract that is subject to the regulatory and enforcement fee to the department, stating the amount of the probable total gross receipts from the sale, lease, or other exploitation of broadcasting, television, motion picture rights, or other media for the event. However, this subsection does not apply to a promoter that agrees to pay a regulatory and enforcement fee under subsection (6) of \$25,000.00, and the department receives that payment from the promoter at least 3 business days before the event.

(8) The department shall deposit the money received from the proceeds of the regulatory and enforcement fee into the fund created in section 22 and use those proceeds for the purposes described in that section.

(9) Within 1 business day before a contest or event, the promoter shall deliver to the department a copy of all of the executed contracts between the promoter and the professionals who are participating in that contest or event. The copies of the contracts are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, except that the department may disclose statistical information on the number, types, and amounts of contracts if information regarding identifiable individuals or categories is not revealed.

(10) The commission or department may require that a promoter ensure that a contestant is available for drug testing before or after a contest to detect the presence of controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department, or derivatives or metabolites of controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department. A contestant shall submit to a urinalysis or chemical test before or after a contest if the commission, the department, a designated representative of the commission or department, or an inspector described in subsection (11) directs him or her to do so. If a contestant fails or refuses to submit to a urinalysis or chemical test under this subsection, or the results of the urinalysis or chemical test confirm or demonstrate that the contestant has violated this act, he or she is subject to disciplinary action by the commission under this act. In addition to any other disciplinary action by the commission, if the contestant won the contest or the contest was a draw, the commission may change the result of that contest to a no decision. The department may promulgate rules to define the terms "stimulants" or "performance enhancing drugs".

(11) A promoter shall not conduct a professional boxing, professional mixed martial arts, or amateur mixed martial arts event in this state unless at least 1 inspector is present at the event. All of the following apply to an inspector:

(a) An inspector shall not have any relationship or business interest with a licensee involved in an event for which he or she is the inspector.

(b) An inspector shall collect and submit all contestant drug tests as required by the department to ensure the chain of custody of those tests.

(c) An inspector shall weigh in each contestant.

(d) An inspector shall tabulate the scores of each contest.

(e) An inspector shall approve each contestant's hand wraps before a contest.

(f) An inspector shall monitor the actions of each individual who assists a contestant during the contest.

(g) An inspector must be an individual who meets any of the following:

(i) Is licensed or certified, or was previously licensed or certified, by the commission on law enforcement standards under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(ii) Is licensed by the department as a private security guard or security guard agency.

(iii) Is employed by a security guard agency that is licensed by the department.

(iv) Was previously approved as an inspector by the department.

(v) Is approved by the department.

(h) The department may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish additional duties of inspectors.

(i) An inspector shall receive reasonable compensation, and reimbursement of his or her actual and necessary travel expenses, for attending an event.

(j) The promoter of an event is responsible for payment of an inspector for that event under subdivision (i).

**History:** 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2012, Act 546, Imd. Eff. Jan. 2, 2013;—Am. 2015, Act 183, Eff. Feb. 10, 2016;—Am. 2016, Act 300, Eff. Jan. 2, 2017;—Am. 2017, Act 146, Eff. Jan. 31, 2018.

### **338.3633a Contestant license.**

Sec. 33a. (1) Before an individual participates in a contest, he or she shall obtain a contestant license from the department. To obtain a contestant license, an applicant must submit all of the following to the department:

(a) An application that includes his or her name, address, and date of birth. The department may prescribe the form and the contents of the application form.

(b) With the application described in subdivision (a), a nonrefundable application processing fee in the amount of \$45.00 and an annual license fee of \$45.00.

(c) If he or she is applying for a license as a professional contestant in boxing, the identification number of his or her federal identification card described in section 33d(1).

(d) If he or she is applying for a license as a professional contestant in mixed martial arts, the identification number of his or her national identification card described in section 33d(2).

(2) Except as otherwise provided in this act, the department shall issue a contestant license under this section to an individual who meets the contestant licensing requirements under this act and rules promulgated under this act. The department shall assign a license number to each license issued under this subsection.

(3) In any notice, report, or other communication with the department or commission that identifies or refers to a specific contestant, including, but not limited to, the report of the results of each contest under section 54a(2)(aa), a promoter shall include the license number of the contestant assigned under subsection (2).

(4) An individual shall not receive a contestant license under this section unless he or she passes a physical examination that is performed by a physician and submits the results of that examination to the department on a form prescribed by the department.

(5) An individual shall not receive a contestant license under this section unless he or she is at least 18 years of age.

**History:** Add. 2015, Act 183, Eff. Feb. 10, 2016;—Am. 2017, Act 146, Eff. Jan. 31, 2018.

### **338.3633b Participant license.**

Sec. 33b. (1) An individual shall not participate in a contest or event as a referee, judge, matchmaker, or timekeeper without a participant license from the department under this section. To obtain a participant license, an applicant must submit all of the following to the department:

(a) An application. The department may prescribe the form and the contents of the application form.

(b) With the application described in subdivision (a), a nonrefundable application processing fee in the amount of \$30.00 and 1 of the following annual license fees, as applicable:

(i) Referee license, \$150.00.

(ii) Judge license, \$70.00.

(iii) Matchmaker license, \$150.00.

(iv) Timekeeper license, \$70.00.

(2) An applicant for a referee, judge, matchmaker, or timekeeper participant license must demonstrate to the satisfaction of the department that he or she meets all of the following to receive a license under this section:

(a) Has good moral character.

(b) Is at least 18 years of age.

(c) Any other requirement established by rule.

**History:** Add. 2015, Act 183, Eff. Feb. 10, 2016.

### **338.3633c Failure to renew promoter, contestant, or participant license; late renewal fee.**

Sec. 33c. (1) A person that fails to renew a promoter license that is required under this act on or before its expiration date shall not conduct a contest or event or advertise, operate, or use the title "promoter" after the license expires.

(2) An individual who fails to renew a contestant license that is required under this act on or before its expiration date shall not participate in a contest or event or use the title "contestant" after his or her license expires.

(3) An individual who fails to renew a participant license that is required under this act on or before its expiration date shall not participate in an event or contest or use the title "referee", "boxing referee", "mixed martial arts referee", "judge", "boxing judge", "mixed martial arts judge", "matchmaker", "timekeeper",

"boxing timekeeper", or "mixed martial arts timekeeper" after his or her license expires.

(4) A person that does not renew a license issued under this act on or before its expiration date may renew the license within 60 days after the expiration date by paying the required license fee and paying a late renewal fee in the amount of \$30.00. After that 60-day period, the person may only obtain a license under this act by complying with the requirements of this chapter for obtaining a new license, paying the required license fee, and paying a late renewal fee in the amount of \$30.00.

**History:** Add. 2015, Act 183, Eff. Feb. 10, 2016.

### **338.3633d License as professional contestant; federal or national identification card.**

Sec 33d. (1) An individual shall not receive a license as a professional contestant in boxing if he or she does not possess a federal identification card. If the individual does not have a federal identification card, and he or she is a resident of this state or is not a resident of any state of the United States, he or she shall submit a separate request to the department for a federal identification card. If the individual is a resident of another state, he or she must apply to that state for a federal identification card.

(2) An individual shall not receive a license as a professional contestant in mixed martial arts if he or she does not possess a national identification card. If the individual does not have a national identification card, he or she shall submit a separate request to the department for a national identification card.

(3) To obtain a federal or national identification card from the department, an applicant must do all of the following:

(a) Submit an application that includes his or her name, address, date of birth, and any other information required by the department. The department may prescribe the form and the contents of the application form.

(b) With the application described in subdivision (a), a nonrefundable application processing fee in the amount of \$20.00.

(4) The department shall transmit the information about an applicant described in subsection (3) to a federal or national recordkeeper designated by the department and, when approved by that recordkeeper, shall issue a federal or national identification card that includes an identification number assigned by that recordkeeper.

**History:** Add. 2015, Act 183, Eff. Feb. 10, 2016.

### **338.3634 Rules; determination of applicant's financial stability; presence of applicant at commission meeting.**

Sec. 34. (1) The director, in consultation with the commission, may promulgate rules for the application and approval process for promoters. Until the rules are promulgated, the applicant shall comply with the standards described in subsection (2).

(2) The rules regarding the application process described in subsection (1) shall include at least the following:

(a) An initial application processing fee in an amount sufficient to cover the costs of processing a promoter's license, but not less than \$250.00.

(b) A requirement that the applicant provide background information concerning the applicant, if the applicant is an individual, or concerning the principal officers or members of, and each individual who has at least a 10% ownership interest in the applicant if the applicant is not an individual, with emphasis on his or her business experience.

(c) Information from the applicant concerning past and present civil lawsuits, judgments, and filings under the bankruptcy code that are not more than 7 years old.

(d) Any other relevant and material information considered necessary by the director after consultation with the commission.

(3) The department may consult with the commission on issues related to the determination of an applicant's financial stability and shall refer the application to the commission if clear and convincing grounds for approval of the financial stability aspect of the application do not exist.

(4) As part of the approval process for promoters, the commission may require that the applicant or a representative of the applicant is present at the commission meeting at which the application is considered.

**History:** 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

### **338.3635 Rules.**

Sec. 35. The director, after consultation with the commission, may promulgate rules to set standards for unarmed combat events and participants, to establish training requirements for promoters, contestants, and participants regulated under this act, or to establish license fees or training requirements for other individuals

who are engaged in activities regulated by this act not otherwise provided for in this act.

**History:** 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

**Compiler's note:** For creation of the Michigan unarmed combat commission within the department of licensing and regulatory affairs as type I agency, and the transfer of powers and duties of the department of licensing and regulatory affairs to the Michigan unarmed combat commission, see E.R.O. No. 2019-2, compiled at MCL 333.27001.

For the transfer of powers and duties of the director of the department of licensing and regulatory affairs under the Michigan unarmed combat regulatory act, 2004 PA 403, to the chairperson of the Michigan unarmed combat commission, see E.R.O. No. 2019-2, compiled at MCL 333.27001.