

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 62]

[L-00000149]

Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers

The Pennsylvania Public Utility Commission (Commission) on March 2, 2000, adopted a proposed rulemaking order establishing regulations governing information provided on customer bills. The contact persons are Ahmed Kaloko, Bureau of Conservation, Economics and Energy Planning, (717) 787-2139 and Lawrence Barth, Law Bureau, (717) 772-8579.

Executive Summary

On June 22, 1999, Governor Tom Ridge signed into law the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212 (act). The act revised the Public Utility Code, 66 Pa.C.S. §§ 101—3316 (code), so that the natural gas industry would be restructured so as to allow the retail sale of natural gas in an open market. In short, individual customers would be able to choose from independent suppliers of gas who would not necessarily be affiliated with the local gas utility.

In enacting this legislation, the General Assembly made it clear that information provided on customer bills and released to other parties should continue to be a matter for Commission oversight. See 66 Pa.C.S. §§ 2205(c)(2) and 2206(c). To fulfill this obligation, the Commission convened a working group to develop suggestions which would assist the Commission in this area. Based upon the product of that group and upon our experience in the restructuring of the electric industry, we issued interim customer information guidelines.¹ The regulation now proposed is intended to supplant the Interim Guidelines and govern the provision of customer information in the retail natural gas industry.

In order for retail natural gas users to enjoy the potential benefits available through competition, they not only must be able to compare prices, but to understand the terms of their natural gas service and, where possible, to compare the terms and conditions of service offered by different providers. The regulation will ensure that, to the greatest extent possible, these terms and conditions of service will be provided in a uniform fashion across the Commonwealth so as to ensure a smooth transition to full retail choice through the implementation of uniform Statewide procedures.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed rulemaking, the Commission has provided IRRC and the

Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Legislative Committees have objections to any portion of the proposal, they will notify the Commission within 10 days of the close of the Committees' review period. If IRRC has objections to any portion of the proposal, it will notify the Commission within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor of objections raised.

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held
March 2, 2000

Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers; Doc. No. L-00000149

Proposed Rulemaking Order

By the Commission:

On June 22, 1999, Governor Tom Ridge signed into law the act. The act revised the code so that the natural gas industry would be restructured so as to allow the retail sale of natural gas in an open market. In short, individual customers would be able to choose from independent suppliers of gas who would not necessarily be affiliated with the local gas utility.

The Commission is the agency charged with regulating the natural gas industry within this Commonwealth and with implementing the act. In that regard, the General Assembly has made it clear that information provided on customer bills and released to other parties should continue to be a matter for Commission oversight. 66 Pa.C.S. §§ 2205(c)(2) and 2206(c).

Section 2206(c) states that:

The Commission shall, by order or regulation, establish requirements that each natural gas distribution company and natural gas supplier provide adequate, accurate customer information to enable retail gas customers to make informed choices regarding the purchase of all natural gas services offered by that provider. Information shall be provided to retail gas customers in an understandable format that enables retail gas customers to compare prices and services on a uniform basis.

Moreover, section 2205(c)(2) of the act sets forth in greater detail the minimum informational requirements for bills rendered by natural gas distribution companies and natural gas suppliers.

As natural gas distribution companies began to restructure their services in this Commonwealth, we issued interim customer information guidelines.² Through this Order and the regulations in Annex A, we intend to

¹ *Interim Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers*, Docket No. M-00991249F0005, Order (Entered October 20, 1999).

² *Interim Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers*, Docket No. M-00991249F0005, Order (Entered October 20, 1999).

promulgate permanent regulations to supplant the Interim Guidelines. These regulations, when approved, will govern the provision of customer information in the retail natural gas industry.

In order for retail natural gas users to enjoy the potential benefits available through competition they not only must be able to compare prices, but to understand the terms of their natural gas service and, where possible, to compare the terms and conditions of service offered by different providers. These regulations will ensure that, to the greatest extent possible, these terms and conditions of service will be provided in a uniform fashion.

We are interested in obtaining comments from interested parties on these regulations. It is important that these regulations help to promote and not impede the open market for natural gas. If anyone foresees a problem, they should bring it to our attention under the comment provisions in the following paragraph no. 7.

It should also be noted that the Commission reserves the right to waive any or all requirements of these regulations upon petition by an affected party under 52 Pa. Code § 5.43 (relating to petitions for issuance, amendment, waiver or repeal of regulations).

Accordingly, under section 501 of the code, and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1—7.4, we amend the regulations in 52 Pa. Code by proposing to add §§ 62.71—62.80 as previously noted and to read as set forth in Annex A; *Therefore, It Is ordered That:*

1. A Rulemaking Docket shall be opened to consider regulations to read as set forth in Annex A.

2. The Secretary shall submit a copy of this order and Annex A to the Office of the Attorney General for review as to form and legality.

3. The Secretary shall submit a copy of this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for formal review and comments by the Independent Regulatory Review Commission.

5. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. A copy of this final proposed rulemaking order and any accompanying statements of the Commissioners be served upon all jurisdictional natural gas companies, the Office of Consumer Advocate, the Office of Small Business Advocate, all licensed natural gas suppliers, all persons who have applied to be licensed as natural gas suppliers and the Natural Gas Competition Legislative Stakeholders.

7. Within 45 days of the publication of this order and Annex A in the *Pennsylvania Bulletin*, an original and 15 copies of any comments concerning this order and Annex A should be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-215. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE

Subchapter C. CUSTOMER INFORMATION DISCLOSURE

Sec.	
62.71.	Purpose.
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62.79.	Complaint handling process.
62.80.	Common natural gas competition terms.

§ 62.71. Purpose.

(a) The purpose of this subchapter is to require that all natural gas providers enable customers to make informed choices regarding the purchase of all natural gas services offered by providing adequate and accurate customer information. Information shall be provided to customers in an understandable format that enables customers to compare prices and services on a uniform basis.

(b) As to the scope of this subchapter, this section and §§ 62.72 and 62.73 (relating to definitions; and standards and pricing practices for retail natural gas service) apply to all customers, including large commercial and industrial customers. Sections 62.74—62.79 apply only to residential and small business customers, as defined in § 62.72. Section 62.80 (relating to common natural gas competition terms) applies as described in § 62.73(d).

§ 62.72. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Basic services—Services necessary for the physical delivery of natural gas to a retail customer, consisting of natural gas distribution services and natural gas supply services.

City gate—The point where interstate pipelines deliver gas into natural gas distribution company facilities.

Commission—The Pennsylvania Public Utility Commission.

Commodity charges or *natural gas supply charges*—Basic service charges for natural gas supply services to retail customers, excluding charges for natural gas distribution services.

Consumer—A retail gas customer.

Consumer contract—The written disclosure statement of the terms of service between a customer and NGS which satisfies the definition of consumer contract in section 3 of the Plain Language Consumer Contract Act (73 P. S. § 2203).

Customer—A person that buys retail natural gas.

Customer information—Written, oral or electronic communications used by natural gas providers to communicate to consumers prices and terms of service.

Distribution charges—Basic service charges for the delivery of natural gas to a retail customer from the point of receipt into the NGDC's distribution system. These charges include basic service under § 56.15(4) (relating to billing information) and universal service, as applicable.

Historical billing data—The minimum of 12 months of data as recorded by the NGDC, which contains usage data and dollar amount billed, unless 12 months of this data is not available, in which case the NGDC shall provide as much billing data as is available. This data is thousand cubic feet (Mcf), hundred cubic feet (ccf), or dekatherms (Dth) consumption at some prescribed interval of consumption and associated cost.

NGDC—natural gas distribution company—A public utility that provides natural gas services and which may provide natural gas supply services and other services. For purposes of this subchapter, the term does not include either of the following:

(i) A public utility subject to the jurisdiction of the Commission which has annual gas operating revenues of less than \$6 million per year, except when the public utility voluntarily petitions the Commission to be included within this definition or when the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory.

(ii) A natural gas public utility subject to the jurisdiction of the Commission that is not interconnected to an interstate gas pipeline by means of a direct connection or an indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

NGS—natural gas supplier—An entity other than an NGDC, but including NGDC marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of an NGDC that provides NGS services outside its certificate service territories. The term includes a municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide NGS services to retail customers located outside of its corporate or municipal limits, as applicable, other than the following:

(i) As provided prior to _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.), pursuant to a certificate of public convenience if required under this title.

(ii) Total natural gas supply services in de minimis amounts.

(iii) Natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided.

(iv) Natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law independent of 66 Pa.C.S. Chapter 22 (relating to the Natural Gas Choice and Competition Act).

(A) The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease.

(B) Notwithstanding another provision of this title, a NGS that is not an NGDC is not a public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) to the extent that the NGS is utilizing the jurisdictional distri-

bution facilities of an NGDC or is providing other services authorized by the Commission.

Natural gas distribution service—The delivery of natural gas to retail gas customers utilizing the jurisdictional facilities of the NGDC.

Natural gas providers—The term refers collectively to the NGDC, NGS, marketer, aggregator or broker, or both, as well as any third party acting on behalf of these entities.

Natural gas supply charges or commodity charges—Basic service charges for natural gas supply services to retail customers, excluding charges for natural gas distribution services.

Natural gas supply services—The term includes the sale or arrangement of the sale of natural gas to retail customers and services that may be unbundled by the Commission under 66 Pa.C.S. § 2203(3) (relating to standards for restructuring of natural gas utility industry). The term does not include distribution service.

Nonbasic services—Optional recurring services which are distinctly separate and clearly not required for the physical delivery of natural gas service.

Retail gas customer—A direct purchaser of natural gas supply services or natural gas distribution services, other than an NGS. The term excludes an occupant of a building or facility where the owner/operators manage the internal distribution system serving the building or facility and supply natural gas and other related services to occupants of the building or facility; when the owners/operators are direct purchasers of natural gas supply service; and when the occupants are not direct purchasers.

Small business customer—The term refers to a person, sole proprietorship, partnership, corporation, association or other business entity that receives natural gas service under a small commercial, small industrial or small business rate classification, and whose aggregate maximum registered annual consumption with the NGDC was less than 300 Mcfs, or equivalent, over the last 12 months.

§ 62.73. Standards and pricing practices for retail natural gas service.

In furnishing retail natural gas service, NGDCs and NGSs or any entity that otherwise provides retail natural gas service information to customers, shall comply with the following:

(1) Use common and consistent terminology in customer communications, including marketing, billing and disclosure statements and use the standard pricing unit of the NGDC. The three standard pricing units that are currently used by NGDCs are ccf, Mcf and Dth.

(2) Use the term NGDC as described in § 62.72 (relating to definitions) as a standard term.

(3) Use the terms as defined in the Commission's "Consumer's Dictionary for Natural Gas Competition" (Dictionary), maintained on file in the Commission's Office of Communications. NGDCs shall provide this Dictionary upon customer request, and the "Common Natural Gas Competition Terms" as described in paragraph (4) shall indicate the phone number and address to request the Dictionary.

(4) Each NGDC will distribute the "Common Natural Gas Competition Terms," found in § 62.80 (relating to common natural gas competition terms), as part of its

consumer education program, as a bill insert or in a separate mailing once per year for the life of the NGDC's choice education campaign.

§ 62.74. Bill format for residential and small business customers.

(a) NGS prices billed shall reflect the marketed prices and the agreed upon prices in the disclosure statement.

(b) The following requirements apply only to the extent to which an entity has responsibility for billing customers, and to the extent that the charges are applicable. Duplication of billing for the same or identical charges by both the NGDC and NGS is not permitted.

(1) NGDC charges shall appear separately from NGS charges.

(2) Charges for basic services shall appear before charges for nonbasic services, and appear distinctly separate.

(3) Customer bills shall contain the following charges, if these charges are applicable, and these charges shall appear in a distinct section of the bill. The designation or label of each charge as either a basic charge or nonbasic charge appears in parenthesis following the name of the charge. This label of either basic or nonbasic is not required to accompany the name of the charge on the bill.

(i) Commodity charges (basic).

(A) Commodity charges shall be presented in the standard pricing unit for natural gas of the NGDC in actual dollars or cents per standard pricing unit or actual average dollars or cents per standard pricing unit.

(B) Commodity charges shall appear first among the basic charges with one exception. NGDCs may place the customer charge first among the basic charges.

(ii) Distribution charges (basic).

(iii) Customer charge or basic charge (charge for basic service in § 56.15 (relating to billing information)) (basic).

(iv) Gas cost adjustment charges (basic).

(v) Taxes (shall comply with § 56.15) (basic).

(vi) Late payment charges (basic).

(vii) Security deposit (basic).

(viii) Reconnection fee (basic).

(ix) Itemization of nonbasic charges (nonbasic).

(x) Overall billing total.

(4) The entity reading the meter for billing purposes shall provide the following natural gas use data figures:

(i) The total annual natural gas use for the past 12 months in the standard pricing unit of the NGDC including the current billing cycle. This is a single cumulative number.

(ii) The average monthly natural gas use for the past 12 months in the standard pricing unit of the NGDC including the current billing cycle. This is a single cumulative number.

(5) The requirements of § 56.15 shall be incorporated in customer bills to the extent that they apply.

(6) Definitions for the following charges and terms are required in a customer's bill, if they appear as billing items, as contained in § 62.80 (relating to common natural gas competition terms), and shall be in a distinctly separate section of the bill:

(i) Commodity charges.

(ii) Distribution charges.

(iii) Customer charge/basic charge (charge for basic service in § 56.15).

(iv) Gas cost adjustment charges.

(v) The standard pricing unit of the NGDC, either ccf, Mcf or Dth.

(7) "General Information" is the required title for customer contact information in a customer's bill.

(i) The name, address, telephone number and Internet address for the NGS and NGDC shall be included.

(ii) Both NGDC and NGS information in subparagraph (i) is required on all customer bills with the billing entity's information first.

(8) When a customer chooses the option to receive a separate bill for competitive natural gas supply, the NGDC shall include in a customer's bill the following information where the NGS charges would normally appear:

(i) The NGS's name.

(ii) A statement that the customer's NGS is responsible for the billing of NGS charges.

(9) When a customer chooses the option to receive a single bill from the NGDC, the NGDC shall include in the customer's bill the name of the NGS where the NGS charges appear.

(10) For customers who have chosen to receive gas supply from a competitive supplier, the customer's bill shall include the following statements which may appear together in a paragraph:

(i) "Commodity prices and charges are set by the natural gas supplier you have chosen."

(ii) "The Public Utility Commission regulates distribution prices and services."

(c) The billing entity shall provide samples of customer bills to the Commission for review prior to issuance to customers.

§ 62.75. Disclosure statement for residential and small business customers.

(a) The agreed upon prices in the disclosure statement shall reflect the marketed prices and the billed prices.

(b) The NGS shall provide the customer written disclosure of the terms of service at no charge whenever:

(1) The customer requests that an NGS initiate service.

(2) The NGS proposes to change the terms of service.

(c) The contract's terms of service shall be disclosed, including the following terms and conditions, if applicable:

(1) Commodity charges shall be disclosed according to the actual prices and be presented in the standard pricing unit of the NGDC or other Commission-approved standard pricing unit. Commodity charges shall include estimated total State taxes. Commodity charges exclude State sales tax and county tax.

(2) The variable pricing statement (if applicable) shall include:

(i) Conditions of variability (state on what basis prices will vary).

(ii) The starting price and the ceiling price.

(3) An itemization of basic and nonbasic charges distinctly separate and clearly labeled.

(4) The length of the agreement, which includes:

(i) The starting date.

(ii) The expiration date, if applicable.

(5) An explanation of sign-up bonuses, add-ons, limited time offers, other sales promotions and exclusions, if applicable.

(6) An explanation of prices, terms and conditions for special services, if applicable.

(7) The cancellation provisions, if applicable.

(8) The renewal provisions, if applicable. Automatic renewal is allowed at the same terms and conditions as long as the new agreement is month-to-month.

(9) The name and telephone number of the supplier of last resort.

(10) An explanation of penalties, fees or exceptions, printed in type size larger than the type size appearing in the terms of service. Penalties shall be disclosed in actual dollars or a specific method for determining the actual dollars shall be disclosed.

(11) Customer contact information that includes the name of the NGDC and NGS, and the NGS's address, telephone number, Commission license number and Internet address, if available. The NGS's information shall appear first and be prominent.

(12) A statement that directs a customer to the Commission if the customer is not satisfied after discussing the terms of service with the NGS.

(13) The name and telephone number for universal service program information.

(d) Customers shall be provided a 3-day right of rescission period following receipt of the disclosure statement from the NGS.

(1) The 3-day right of rescission is 3 business days.

(2) The 3-day right of rescission begins when the customer receives the written disclosure from the NGS.

(3) The customer may cancel in writing, orally or electronically, if available, by contacting the NGS.

(4) Waivers of the 3-day right of rescission are not permitted.

(e) The definition for commodity charges is required on natural gas disclosure statements and shall be defined in accordance with § 62.80 (relating to common natural gas competition terms). Definitions for other basic charges, if applicable, are required. Definitions for each of the nonbasic services, if applicable, are required. The definition section of the bill shall be distinctly separate.

(f) The NGS shall include in the customer's disclosure statement the following statements which may appear together in a paragraph:

(1) "Commodity prices and charges are set by the natural gas supplier you have chosen."

(2) "The Public Utility Commission regulates distribution prices and services."

(g) Disclosure statements shall include the following customer notification:

(1) "If you have a fixed term agreement with us and it is approaching the expiration date, we will send you advance written notices at about 90 days and 60 days

before the expiration date. If we propose to change our terms of service in any type of agreement, we will send you advance written notices at about 90 days and 60 days before the effective date of the change. If we are billing you directly for our services, then we will provide the notices as a bill message, a bill insert, or in a separate corresponding mailing. If the NGDC is billing our charges for us, then we will provide the notices in separate corresponding mailings. We will explain your options to you in these two advance notifications."

(2) The NGS may add appropriate language in the notice so that the notice may serve as an amendment to the original agreement if the customer affirmatively reselects the NGS. After a customer affirmatively reselects the NGS, the NGS is relieved of its obligation to fulfill outstanding notice requirements. If the change in terms notice is for a reduction in the price of the commodity charges, the NGS is required to send only one written notice at least 60 but not more than 90 days prior to the effective date of the price change.

(h) If the supplier of last resort changes, the new supplier of last resort shall notify customers of that change, and shall provide customers with the name, address, telephone number and Internet address, if available.

§ 62.76. Request for information.

(a) Natural gas providers shall respond to reasonable customer requests for efficiency information by indicating that these materials are available upon request from the Commission or the NGDC.

(b) Residential and small business customers, upon request from the customer, are entitled to receive at no charge and at least once a year, historical billing data from whomever reads the meter for billing purposes. If the customer is receiving competitive natural gas supply service from an NGS, and receiving a separate bill from the NGS, the NGS will provide dollar amounts billed.

(1) The NGDC is only obligated to provide information that is readily available in its billing system.

(2) The historical billing data shall be conveyed in terms of the NGDC's standard pricing unit, for example, cfs, Mcfs or Dths, and associated charges for the current billing period and for the year preceding the current billing period.

(3) The historical billing data will be updated with each billing cycle.

(c) Natural gas providers shall notify consumers not less than once per year either in advertising materials, disclosure statements or bills that information on energy efficiency and historical billing data is available upon request.

§ 62.77. Marketing/sales activities.

(a) An NGS advertised prices shall reflect prices in disclosure statements and billed prices and shall be presented in the standard pricing unit of the NGDC.

(b) An NGS marketing materials that offer terms of service for acceptance by customers shall include prices, as follows:

(1) If using a fixed price, the NGS shall show charges for supply service per ccf for usages of 15, 80 and 120 ccf of natural gas or equivalent, per month, in a table format.

(2) If using a variable price mechanism, the NGS shall factor in all costs associated with the rate charged to the customer, and show the average price for supply service

per ccf for usages of 15, 80 and 120 ccf of natural gas or equivalent, per month, in a table format.

(3) The NGS shall note the effective date of the prices shown in the table provided under paragraph (1) or (2).

(c) Advertising materials targeted for residential and small business sales shall be made available upon request of the Commission.

§ 62.78. Privacy of customer information.

(a) An NGDC or NGS may not release private customer information to a third party unless the customer has been notified of this intent and has been given a convenient method of notifying the entity of the customer's desire to restrict the release of the private information. If the customer does not choose to restrict the release of one of the two restriction options in paragraphs (1) and (2), then all of the customer's private information may be released to a third party except for the telephone number. If the customer chooses to restrict the release of private customer information, the customer may restrict information released according to one of the following two restriction options:

(1) Restrict the release of only the customer's historical billing data in the NGDC's standard pricing unit, that is, as denominated by the NGDC.

(2) Restrict the release of all private customer information including name, billing address, service address, rate class, rate subclass, account number and historical billing data in the NGDC's standard pricing unit, that is, as denominated by the NGDC.

(b) Customers shall be permitted to restrict information as specified in subsection (a) by returning a signed form, or by oral or electronic communication.

(c) Nothing in this section prohibits the NGS and NGDC from performing their mandatory obligations to provide natural gas service as specified in the disclosure statement and in 66 Pa.C.S. (relating to the Public Utility Code).

(d) Telephone numbers may not be released to third parties.

§ 62.79. Complaint handling process.

NGDCs and NGSs shall disclose to customers the following with respect to the rights of customers in the handling and resolution of complaints:

(1) Residential and small business customers shall directly contact the party responsible for the service in question as an initial step for complaint and problem resolution. If the customer mistakenly contacts the wrong entity, the customer shall be promptly referred to the appropriate contact. In the event of an unexpected loss of firm gas service, the customer shall be directed to the NGDC.

(2) Complaints that pertain to Chapter 56 (relating to standards and billing practices for residential utility service) matters shall be handled and resolved in accordance with the applicable standards in Chapter 56.

(3) NGDCs and NGSs shall give the Commission access to disclosure statements, billing and other customer information resources for compliance reviews as deemed necessary by the Commission. When complaints arise and are brought before the Commission for resolution, the obligation of the NGS shall be extended to the provision of pricing information.

§ 62.80. Common natural gas competition terms.

The following are common natural gas competition terms:

Burner tip—The point at which natural gas is used such as a furnace, water heater or range.

ccf—100 cubic feet of gas. This is a measure of gas usage.

Chapter 56—The PUC regulations that govern metering, billing and collections for residential gas and electricity service.

City gate—The point where interstate pipelines deliver gas into NGDC facilities.

Commodity charges—The charges for basic gas supply service which is sold either by volume (ccf or Mcf) or heating value (dekatherms).

Customer charge—A monthly charge to cover NGDC costs such as maintaining the gas lines, meter reading and billing.

Distribution charges—The charges for the delivery of natural gas from the point of receipt into the NGDC's system.

Dth (Dekatherm)—A measure of the heat content value of gas. Gas usage is determined by multiplying the Mcf used by the heat content value of the gas.

Gas cost adjustment charges—The amount billed or credited each month to account for differences between projected and actual gas supply costs of the natural gas distribution company.

Mcf—1,000 cubic feet of gas. This is a measure of gas usage.

NGDC—Natural gas distribution company—A state regulated natural gas utility which owns the gas lines and equipment necessary to deliver natural gas to the consumer. (Formerly called local distribution company)

NGS—Natural gas supplier—An entity that sells or arranges to sell natural gas to customers that is delivered through the distribution lines of an NGDC.

PUC—Pennsylvania Public Utility Commission—The State regulatory agency that provides oversight, policy guidance and direction to public utilities and suppliers.

Price to compare—The dollar amount charged by the NGDC used by consumers to compare prices and potential savings with other natural gas suppliers.

Storage—Placing natural gas into an underground facility for removal and use at a later date.

Transmission—The moving of natural gas through the interstate pipeline system for delivery to the NGDC.

[Pa.B. Doc. No. 00-890. Filed for public inspection May 26, 2000, 9:00 a.m.]

STATE ATHLETIC COMMISSION

[58 PA. CODE CHS. 1, 3, 5, 9, 11, 13, 21, 23, 25, 27, 31 and 33]

Boxing and Wrestling

The State Athletic Commission (SAC) proposes to adopt amendments to Part I (relating to State Athletic Commission). The amendments are proposed under 5 Pa.C.S. §§ 101—2110 (relating to the Athletic Code) (code). Virtually every statutory provision administered by SAC was renumbered or materially revised under the act of May 13, 1992 (P.L. 180, No. 32) (Act 32). The statutory changes also require a comprehensive revision of most regulations. The proposed amendments are set forth in Annex A.

Purpose

The proposal will comprehensively revise, with limited exceptions, all of the regulations administered by the SAC to conform with the code and current SAC policies adopted thereunder. A description of the proposed revisions and changes appears as follows:

Subpart A (relating to general provisions)

Subpart A would be organized into eight chapters: general provisions regarding officials; tickets, postponements and cancellations; relations with affiliates; safety of event premises; bonds and fees; and prohibited drug testing. Proposed revisions and amendments have been made to all chapters except Chapters 7 and 15 (relating to recognition of suspensions, disqualifications and retirements imposed by other authorities).

Chapter 1 (relating to preliminary provisions)

§ 1.1. (relating to definitions of "Commission")

Section 1.1 would be expanded to include a definition of the "code" so the statutory citation need not be repeated each time it is set forth in the proposed amendments. Additionally, "Commission credentials" are defined as documents issued by the Commission to individuals approved to attend a specific event without payment of an entry fee in furtherance of the Commission's official duties. Commission credentials are used by the Commission to permit officials and licensees to observe events for educational or training purposes. Because the terms "event" and "knockdown" are not defined in the code, they are defined here.

§ 1.2 (relating to Commission offices)

Section 1.2 would add the address of SAC Office in Harrisburg, PA, to the list which currently identifies locations in Pittsburgh, Philadelphia and Scranton.

Chapter 3 (relating to appointed officials)

§ 3.1 (relating to Executive Director)

Section 3.1 and the other sections within the proposal would be amended to reflect a change in term in the code, which refers to the administrative officer of SAC as the "Executive Director" rather than "Executive Secretary." The duties of the Executive Director would be revised to reflect the code and are consolidated under this section. Commission credentials are provided for under subsection (g) which also sets forth the duty of the Executive Director to supervise and direct his staff, perform duties as directed by the Commission and grants him the ability to act through a designee. In new subsection (h), the

Commission delegates to the Executive Director the authority to prohibit the proposed matching of boxers, in light of the Executive Director's duty to establish and maintain a record of all boxers under sections 105(7) and 706 of the code (relating to powers and duties of executive director; and register).

New subsection (i) would establish that circumstances not covered by regulations are subject to the authority of the Executive Director. A new proposed subsection (j) authorizes SAC, in its discretion, to use a videotape of a bout to review any actions taken during the bout. Subsection (k) would provide that any action by the Executive Director is subject to the right of appeal and a hearing before SAC upon written notice by the affected individual. Finally, this section is amended to refer to Commission personnel assigned to events as "inspectors" rather than "deputy Commissioners." SAC believes that referring to administrative personnel as "deputy Commissioners" inappropriately cloaks them with the apparent authority of a SAC Commissioner, who is appointed by the Governor with the advice and consent of the Senate. Conforming amendments are made throughout the proposal.

§ 3.2 (relating to inspectors)

Section 3.2 would be revised to clarify that inspectors are appointed by SAC or Executive Director and approved by the Secretary of the Commonwealth. The duties of the Executive Director relating to inspectors' assignments, responsibilities and duties are also clarified.

§ 3.3 (relating to physicians)

Section 3.3 would reduce the requirement for two physicians to be in attendance at the bout to reflect section 704 of the code (relating to physician to be in attendance), which now requires the attendance of only one physician at every contest or exhibition. Other minor clarifications and drafting corrections are also made.

§ 3.4 (relating to announcers)

Section 3.4 would be revised so that announcers are assigned to events not by SAC but by the promoter or sponsor of the event. SAC believes that the close working relationship required between announcers and promoters or sponsors also requires assignments to be made by promoters. This section is also amended to permit announcers to collect official scorecards from the Executive Director or his designee after the scorecards have been inspected and approved for eventual announcement by the announcer regarding the decision.

Chapter 5 (relating to tickets, postponements and cancellations)

§ 5.1 (relating to tickets)

The proposed amendments to § 5.1 would delete SAC approval of ticket price and eliminate some of the provisions regarding complimentary tickets. Additionally, SAC would delete some of the provisions regarding the sale and transfer of tickets. These areas need not be covered by regulation because they are addressed in section 1111(a) of the code (relating to tickets), which sets forth information which should appear on the face of the ticket; and subsection (c) which prohibits any person from selling any ticket for more than 50¢ in excess of the price printed on the ticket.

§ 5.2 (relating to postponements and cancellations)

Proposed changes to § 5.2 would require written notice in the event that a bout or exhibition is postponed or canceled. Additional minor changes are made to provide the promoter with increased flexibility in rescheduling

the event or exhibition and to clarify other provisions in accordance with section 1113 of the code (relating to ticket refunds).

Chapter 9 (relating to relations with affiliates)

Proposed §§ 9.1 and 9.2 would be revised to clarify that SAC's jurisdiction extends to any sport regulated by the SAC under the code.

Chapter 11 (relating to safety of event premises)

§ 11.1 (relating to ventilation, fire exits and fire escapes)

In § 11.1 would be slightly amended to replace a reference to "city, town or village" with "municipality."

§ 11.2 (relating to certificate required)

Section 11.2 would be deleted, thereby eliminating the requirement that the promoter file with SAC a certificate certifying that the event is being held in an appropriate venue. SAC has determined that obtaining a certificate creates unnecessary paperwork for promoters.

Chapter 13 (relating to bonds and fees)

§ 13.1 (relating to professional boxing bonds and bond filing fees)

Section 13.1 makes editorial changes and adds a new subsection. New § 13.1(a) gives effect to section 1131 of the code (relating to promoters and foreign copromoters required to file bonds), which grants SAC the authority to set the amounts of surety bonds required of a promoter. This section requires a surety bond in the amount of \$7,500 for events held at venues with a seating capacity of less than 10,000. If the seating capacity is more than 10,000, the bond is \$25,000. New subsection (b) would permit a promoter or foreign copromoter to deposit with SAC cash, a certified check, a letter of credit or direct or indirect obligations of the United States or this Commonwealth in an equivalent amount in lieu of the surety bond amount. This section is added under section 1132 of the code (relating to deposit in lieu of surety bond).

§ 13.2 (relating to ticket tally)

Section 13.2 provides that the schedule of the number of tickets and price range furnished to SAC under section 1111 of the code, be signed by the promoter.

§ 13.3 (relating to additional license fees)

Section 13.3 permits promoters to pay any fees and taxes by money order as well as certified check. Revisions to this section would clarify that failure to remit all fees or taxes within 48 hours will result in SAC claiming a portion of the promoter's bond or any funds previously deposited with SAC.

§ 13.4 (relating to professional boxing license fees)

Section 13.4 increases the manager's license fee from \$40 to \$60 and deletes the booking agent's license. The booking agent's license is a historical anachronism and is no longer in existence.

§ 13.6 (relating to professional boxing physician fee)

Section 13.6 clarifies the physician fee where the physician is assigned only to conduct the precontest or preexhibition physicals. This fee is set at \$100 and is paid by the promoter in accordance with section 704 of the code.

§ 13.7 (relating to professional boxing officials fee)

Section 13.7 increases the fees for referees, judges, announcers and timekeepers officiating at events which are televised, either by cable or broadcasted. Referees are paid \$50 more while judges, announcers and timekeepers

are paid \$10 more. SAC determined that increased fees for officials at televised events are appropriate given the added workload involved in these events.

§ 13.8 (relating to return check fee)

Section 13.8 increases the fee from \$20 to \$50 to reflect increased costs incurred by SAC in processing checks which are not honored.

Subpart B (relating to boxing)

The four chapters comprising Subpart B govern professional boxing, Chapter 21; amateur boxing, Chapter 23; professional kickboxing, Chapter 25 and amateur kickboxing, Chapter 27. All four chapters would be revised and amended.

Chapter 21 (relating to professional boxing)

§ 21.1 (relating to contracts)

Section 21.1 would expand the types of contracts which fall under the jurisdiction of SAC as set forth under the code. The Executive Director, rather than SAC, is given the authority to approve commitments made by a boxer under contract to another manager, provided his manager consents. Additionally, in recognition of SAC's authority under section 1103 of the code (relating to provisions in contracts between managers and professional boxers), SAC proposes to increase from \$750 to \$1,000 the minimum sum to be guaranteed annually to a boxer under contract with a manager. SAC believes that an increase is warranted because no increase has been made since 1978.

Subsection (c) provides a reference to Chapter 13 of the code (relating to enforcement), while subsection (k) conforms the current regulation to section 1103(b) of the code.

Subsection (m) would be deleted to eliminate the possibility of an implied contract between a promoter and a manager or boxer, or both, when a telegram of acceptance has been filed with SAC before actual execution of a formal contract. SAC believes that a formal contract must be in place in light of problems SAC has had in determining whether valid contracts did in fact exist between these parties. A proposed new subsection (m) would make it clear that a promoter may not attempt to contract for a contest (rather than an exhibition) with a manager or boxer under suspension without the written consent of SAC.

§ 21.2 (relating to weight classes)

Section 21.2 expands the weight classes to include a supermiddleweight weight class. The inclusion of this weight class reflects the current weight class provided for in the boxing profession and helps to ensure the safety of the participants by providing for less of a weight differential within a weight class.

§ 21.3 (relating to ring and ring equipment)

Section 21.3 would be revised to permit dimensions of the boxing ring to be altered with the express written consent of SAC. This change reflects the fact that the size of many boxing venues may require alterations in the ring dimensions. Other provisions are deleted to provide the boxing promoter with added flexibility regarding the ring configuration and to delete excess verbiage. Subsection (b) would be expanded to make it clear that the promoter is responsible for providing chairs for SAC personnel, officials SAC credential holders, and to clarify the requirement that judges' chairs must be elevated sufficiently to insure an unobstructed view of the ring and the ring floor. This subsection will also be amended to incorporate the provisions of section 707 of the code

(relating to medical equipment), which require that an ambulance be available, together with emergency equipment, including a portable resuscitator with oxygen and appropriate endotracheal tubes and a qualified operator.

§ 21.4 (relating to conduct of bouts)

Subsection (a) would be amended to reflect section 704 of the code's one-physician requirement and the requirement of three judges, rather than two, as required under section 715 of the code (relating to referee and judges). In accordance with section 105(3) of the code, this section would be amended to make it clear that the Executive Director assigns all officials except announcers. Parts of this regulation are deleted to afford promoters and the SAC some flexibility in stationing SAC personnel and officials at ringside.

Subsection (b) would be expanded to address instances when a boxer is found to be overweight at the time and place of weigh-in for a professional boxing event. Another weigh-in may be scheduled for no more than 3 hours from the time that the boxer first stepped on the scale at the initial weigh-in, to determine whether the boxer has made the contracted-for weight. For safety reasons, and upon advice of SAC's Medical Advisory Board, this proposal limits to 3 pounds the amount of weight the boxer may lose within that 3-hour period. If after 3 hours the boxer cannot make the contracted-for weight, then the boxer is disqualified and is subject to disciplinary action by SAC. To conform to the statutory requirement of a mandatory prebout physical in section 709(a) of the code (relating to medical examinations), the language in the current regulations would be changed from a discretionary physical to a mandatory one. Finally, this subsection would repeal the requirement that a boxer report to his dressing room at least 1 hour prior to the scheduled starting time of the bout; new provisions permit the boxer to report to the dressing room at a time set by SAC.

Subsection (c) makes minor amendments to alter the existing regulation's requirement of a well fitting mouthpiece to require a mouthpiece that is individually fitted. This change is based upon recommendations from SAC's Medical Advisory Board. Subsection (c) also contains proposed additions for equipment to be used by female boxers. SAC initially approved these requirements on December 15, 1997, at the recommendation of SAC's Medical Advisory Board, and directed that the requirements be placed in these proposed amendments on October 25, 1999. The requirement for protective equipment for female boxers is also found in § 21.16(d).

Numerous minor changes are made throughout the chapter inserting the proper statutory reference to the new code or including the requirements found in the code. For example, subsection (e) not only includes the weight requirements for boxing gloves found in section 712(a)(2) of the code (relating to gloves), but also includes the logical deduction based on the weight requirements for boxing gloves in the code that boxers competing against each shall wear gloves of the same weight.

Proposed subsection (h) would be altered to delete a rule prohibiting the main bout of a professional boxing event from starting after 10:15 p.m. unless otherwise authorized by SAC. A similar deletion relates to the length of intermission. These changes are intended to grant the promoter increased flexibility in holding boxing events. Additional proposed changes are made to reflect the authority exercised by the Executive Director. Subsection (h) also contains proposed amendments to the length of time for rounds and the number of rounds for female

boxers. SAC initially approved these requirements on December 15, 1997, at the recommendation of SAC's Medical Advisory Board, and directed that the requirements be placed in these proposed amendments on October 25, 1999.

Subsection (i) would require that the promoter notify SAC of a proposed change in the composition of any bout he is promoting rather than a change only in the main bout as required under the existing regulation. This notification ensures the accuracy of SAC records and recognizes SAC's jurisdiction in approving all match-ups. The refund procedures set forth under this subsection are also extensively revised to incorporate the notice and refund provision in section 1113 of the code.

Subsection (j) is deleted to recognize the fact that SAC on a regular basis did grant boxers ages 18 through 20 years approval to engage in longer bouts. Subsection (n) would be amended to provide that if a boxer refuses to continue a bout while physically able to do so, the referee shall rule the bout a technical knock-out (TKO) and award the bout to the opposing boxer.

§ 21.5 (relating to scoring system)

Section 21.5 would be amended to replace the term "scoring official" with "judge." Subsection (b) would be amended to track the proposed elimination of the "standing" eight-count rule in proposed § 21.16 to permit the referee to further protect the health and safety of a boxer by being able to immediately terminate a bout. Additional proposed changes reflect the role of the Executive Director or his designee in reviewing the scorecards and tallying the points received by each boxer. Under subsection (d), SAC provides special rules for bouts scheduled for more than four rounds, where fewer than four rounds have been fought and a participant has been the victim of any type of accidental foul. In this and following subsections, the prior regulations' "butt" rule is expanded to cover all fouls; it is therefore referred to in the amended regulations as a "foul" rule. These sections would clarify the procedures to be followed when a boxer receives either an accidental foul or an intentional foul depending on the number of rounds which have been fought. Subsection (e) is applicable when the bout is scheduled for only four rounds.

§ 21.6 (relating to promoters)

Section 21.6 would be revised with minor clarification changes, including a revision to subsection (e), which specifically requires a promoter to pay out all boxing purses immediately after the contest and in any event no later than 24 hours after an event unless otherwise directed by SAC. The current language of subsection (f) regarding a promoter's announcement would be deleted and replaced by a provision that permits the promoter to distribute passes to his staff or other individuals helping in the promotion of the event. The number of passes may not exceed 50, or more than one percent of the total seating capacity where the event is held, whichever is less. The use of promoter passes ensures that promoter personnel are properly identified as such unless otherwise approved by the Commission. This new subsection also makes it clear that promoter passes are not subject to SAC's gross receipts tax. Section 21.6 contains a new proposed subsection (g) requiring promoters to provide female boxers with adequate and separate dressing rooms from male boxers.

§ 21.7 (relating to matchmakers)

Section 21.7 would be revised to repeal the prohibition of matchmakers dealing with unlicensed managers or

with managers or boxers whose licenses have been revoked. Matchmakers need to communicate with these individuals in anticipation of them becoming licensed at a future date. Additionally, subsection (d) would be repealed to recognize that more often than not, matchmakers are employed by more than one promoter.

§ 21.8 (relating to boxers)

Section 21.8 would be expanded. Subsection (b) contains minor revisions making it clear that a professional boxer under contract to appear in a bout under SAC's jurisdiction must be currently licensed. Boxers must be examined and certified by a physician appointed by the Executive Director. These proposed changes reflect the provisions of sections 704 and 709 of the code. Subsection (c) would be expanded to make it clear that if a bout in which a professional boxer is under contract has been canceled and no suitable opponent, as determined by SAC, can be located, the boxer is entitled to reasonable expenses as determined by SAC. This additional regulatory language addresses those instances where a bout has been canceled, due to no fault of a boxer, who has nonetheless incurred costs in preparing for and presenting himself at the bout location.

Subsection (d) would be revised to reflect the provisions of section 708 of the code (relating to suspension and revocation for injuries), which require a mandatory suspension of 90 days for a boxer who has been knocked unconscious or has received a concussion. This mandatory suspension can be removed only after the boxer has been pronounced fit following a medical examination by a physician. Additional changes would also reflect the provisions of section 708 of the code, regarding a suspension of up to 30 days for a boxer subject to a technical knockout without head injuries and requiring a boxer who has suffered six consecutive defeats to be investigated and, upon recommendation by the Executive Director, to undergo a medical examination. Finally, this subsection would be expanded to increase the safety of boxers by providing for additional suspension time of a boxer upon the recommendation of the ringside physician or SAC's Medical Advisory Board.

The license requirements in subsection (e) would be expanded to require that an applicant for a boxing license who has never competed in a professional boxing contest must attach to the license application the results of a complete general physical. This subsection's provision against licensing any applicant over 36 years of age except by special action of SAC would be expanded to set forth the detailed medical data which must support a license application filed by an individual. These recommendations are from SAC's Medical Advisory Board.

In subsection (f), the phrase "properly drafted contract" could be considered vague, so the language was changed to a contract meeting the requirements of the code and the regulations. Proposed subsection (g) eliminates the maximum of two managers to whom a boxer may be under contract at the same time, but retains the requirement of SAC approval for a boxer to be under contract to more than one manager. This subsection would also reduce the maximum percentage of earnings a boxer may contract to pay to his manager or combination of managers from 50% to 40%. Minor clarifying changes are also made in subsections (j) and (l).

On December 15, 1997, at the recommendation of SAC's Medical Advisory Board, SAC adopted the policy that female boxers could not fight male boxers and developed a policy for female boxers as it now appears in the

proposed amendments in subsection (n) and (o). Other changes for female boxers are found in §§ 21.4(c) and (h), 21.6(g), 21.8(m) and 21.16(d). On October 25, 1999, SAC reaffirmed its policy and directed that its policy be placed in the regulations.

§ 21.9 (relating to managers)

Section 21.9 would add minor revisions for clarity purposes in subsections (b), (e) and (h). These proposed changes would clarify SAC's policy regarding contracts entered into by managers licensed in other jurisdictions. These amendments would provide SAC with flexibility in impounding purses for managers licensed by SAC. Subsection (c) would conform the current regulations to section 1103(b) of the code.

§ 21.10 (relating to seconds)

In § 21.10, minor amendments would be made to delete excess verbiage. Changes in subsection (c) would increase the number of seconds for a professional boxer in his ring corner from 3 to 4. The proposed amendments would also delete a prohibition in subsection (d) regarding advertising on clothing worn by seconds. Subsection (g) would be amended to delete a prohibition against seconds coaching or assisting the boxer. Finally, subsection (j) would be expanded to make it clear that a manager, second or other person who engages in inappropriate conduct and receives warnings to that effect may be ejected and that his boxer may have points deducted from his scorecard during the contest.

§ 21.11 (relating to referees)

Section 21.11 would be amended to make it clear that professional boxing referees, while licensed by SAC, are appointed to officiate at a particular contest or exhibition by the Executive Director. The requirement in subsection (b)(1) that the referee be a citizen of this Commonwealth would be deleted in recognition of the international participation and nature of many boxing contests and exhibitions. SAC has determined that the existing requirement in subsection (b)(3) for a referee applicant to be observed and undergo a written and oral examination by a Commissioner and two licensed boxing referees is unnecessary. This subsection would be deleted. Additional clarifying changes would be made in subsections (c) and (d).

The reference in subsection (c)(8) to the Marquis of Queensberry Rules would be deleted as an historical anachronism. The ability of the referee to deduct points at any time during the round would be recognized by revisions to subsection (c)(9). The role of the referee in collecting scorecards and delivering them to the Executive Director or his designee would be clarified under subsection (c)(11). After the inspection of the cards by the Executive Director or his designee, the scorecards are then collected by the announcer or referee, after which the announcer may announce the scoring decisions, in accordance with § 3.4(j). Subsection (c)(12) would be amended to require the referee to ensure that the opponent of a fallen boxer retreats to a neutral corner, rather than to the most distant corner. The language has been problematic when the most distant corner is the corner of the fallen boxer.

§ 21.12 (relating to judges)

Subsection 21.12(a) would provide that boxing judges are appointed by the Executive Director to officiate at each professional boxing contest and reflects the provisions of section 715 of the code requiring three licensed judges at each contest. The requirement in subsection

(b)(1) that an applicant for a judging license be a citizen of this Commonwealth would be deleted in recognition of the involvement of the international community in boxing matches within this Commonwealth. A reference in subsection (b)(3) to an applicant for a judge's license undergoing observation and written and oral examinations is not deleted, but these requirements are no longer mandatory. The proposed amendment makes these requirements discretionary on the part of SAC while new proposed subsection (b)(4) would require judges to attend at least one training seminar per year as directed by SAC. Conforming amendments are made in subsection (c) regarding the transmittal of the official scorecard through the referee to the Executive Director or his designee.

§ 21.13 (relating to timekeepers)

Section 21.13 would be amended to reflect the Executive Director's authority to appoint and assign boxing officials to contests and exhibitions. Clarifying amendments would be made to subsection (b) regarding the timekeeper's duties.

§ 21.14 (relating to insurance)

Minor technical changes would be made to § 21.14.

§ 21.15 (relating to State championships)

In § 21.15, a new subsection (h) would be added which references § 21.4(b) and sets forth provisions to govern those instances where a championship fight is scheduled and either the champion or the challenger, or both, do not make the appropriate weight.

§ 21.16 (relating to safety code)

Section 21.16 remains largely intact except for the proposed deletion of excess verbiage and the standing eight-count rule in subsection (h). SAC decided to propose the elimination of the standing eight-count rule to give the referee and ringside physician more flexibility in ensuring the safety of boxers. The mandatory eight-count which is applied when a boxer is knocked down is still in effect at subsection (h) in accordance with section 717 of the code. Subsection (b) would be expanded to specifically add biting as a prohibited, unsportsmanlike practice. The revised subsection (d) contains the requirement for a chest protector for female boxers, as required previously in § 21.4(c). The new subsection (i), would prohibit use of the three knock-down rule in this Commonwealth. SAC believes that requiring an arbitrary number of knockdowns is not appropriate. Prohibiting the rule grants the referee, ring physician or SAC personnel more flexibility when a boxer cannot defend himself in the ring. The new subsection (k) not only tracks the statutory language on repeated knockouts in section 708(d) of the code, but also provides boxers whose licenses are suspended or revoked to be notified by the Commission and be given an opportunity for a hearing before the Commission.

Other proposed clarifications within this section require notification of a suspension in writing and delete a requirement that SAC advise the media of suspensions. The revised subsection (l) would be amended to provide that if a boxer is legally knocked from or falls from the ring, he is allowed 20 seconds, rather than 10 seconds, to return to the ring unassisted.

In the new subsection (n), SAC needs flexibility because many championship bouts are sanctioned by private organizations that may have different rules. SAC is able to maintain this flexibility with other private organizations as provided for in § 9.2.

Chapter 23 (relating to amateur boxing)

§ 23.1 (relating to relations with amateur athletic association)

Section 23.1 makes changes to reflect a new title changing the reference from the Amateur Athletic Union, as set forth originally in the regulation, to the "Amateur Athletic Association." This proposed change reflects the new name of the organization. Conforming changes are made throughout this section.

§ 23.2 (relating to amateur events)

Section 23.2 would also reflect a change in title, this section previously having been titled "sponsors." This proposed change, and other changes in this section, reflect the statutory provisions of section 907 of the code (relating to amateur), which provides that permits for amateur boxing contests or exhibitions are issued only to bona fide recognized amateur athletic associations, non-profit organizations or other groups or exclusively approved by SAC. The Commission does not charge these groups a fee for a permit to conduct amateur events.

§ 23.4 (relating to boxers)

Section 23.4 would make revisions to recognize SAC's general lack of jurisdiction over amateur events, and section 907 of the code specifies that amateur contests or exhibitions are held in accordance with the rules of the amateur body sanctioning the event. Amateur boxers, however, are subject to SAC's general authority regarding the general safety of participants. The requirement that participants in amateur boxing events conform to the regulations of the Amateur Athletic Association would be retained in this section. This section would retain and clarify SAC's general authority to prevent an amateur boxer from competing when he cannot safely defend himself or if his actions have been deemed detrimental to the sport of boxing in accordance with section 103 of the code (relating to duties of commission).

The age provisions currently set forth in this regulation would be deleted in light of the explicit age restrictions set forth in section 702 of the code. Specific provisions regarding the age of amateur boxers, which reflect the provisions of section 702 of the code, appear in § 23.10.

Subsection (d) provides the Commission with the flexibility to adapt the same rules for amateur boxers as prepared earlier for professional boxers in Chapter 21. This flexibility is necessary in the event that the Amateur Athletic Association makes changes to its rules regarding boxers.

§ 23.5 (relating to seconds)

Numerous deletions are set forth in § 23.5 in deference to the rules regarding seconds as promulgated by the Amateur Athletic Association.

§ 23.6 (relating to referees)

Section 23.6 would be revised to make it clear that referees are appointed by the Amateur Athletic Association but are subject to SAC approval and may be removed by SAC if SAC determines that the referee is not competent. The proposed changes to subsection (b) delete the requirement that an amateur referee be a citizen of this Commonwealth in recognition of the involvement of National and international boxing officials in different events. Commensurate deletions reflect, in large part, SAC's deference to the Amateur Athletic Association with respect to amateur officials.

§§ 23.7 and 23.8 (relating to judges and timekeepers)

Numerous conforming changes to §§ 23.7 and 23.8 would reflect the fact that amateur officials are appointed and governed by the Amateur Athletic Association, subject to general SAC concerns regarding competency and conduct.

 § 23.9 (relating to insurance)

Minor proposed revisions to § 23.9 would make it clear that all participants must be covered by insurance. The premiums for insurance would be paid by the sponsor of the event in accordance with section 1531 of the code (relating to insurance coverage of boxers).

 § 23.10 (relating to safety code)

Section 23.10 would be revised. Under section 907 of the code, amateur events must be held in accordance with the rules and the safety code of the Amateur Athletic Association. These proposed provisions are stricter than those set forth in § 21.16, which relate to professional contests and are applicable as default provisions to amateur contests.

 Chapter 25 (relating to professional kickboxing) *§ 25.3 (relating to conduct of bouts)*

Only minor changes are proposed to Chapter 25. To reflect changes in the sport, § 25.3 would be revised to reflect the existence of 3-minute rounds rather than 2-minute rounds. Additional proposed changes in this section grant the referee additional flexibility in refereeing the event. Because the three-knockdown rule was eliminated from the proposed boxing regulations, this rule will be eliminated from the kickboxing rules in subsection (e). Likewise, because the standing eight-count rule was deleted from the proposed boxing regulations, it will be deleted from the kickboxing rules at subsection (h).

 § 25.4 (relating to judging and scoring system)

Section 25.4 would be amended to clarify the 10-point scoring system for judges and permit them additional flexibility in scoring.

 § 25.5 (relating to minimum kick requirement)

Section 25.5 would be amended to permit a contestant who does not execute his minimum of eight kicks during each round to have the opportunity to make up the kicks in the next round and not suffer a one-point deduction unless he is unable to do so. Other changes in this section would reflect changes in the minimum kicks-per-round requirement of kickboxing oversight associations.

§ 25.6 (relating to fouls) Section 25.6 would be revised to permit greater flexibility in deducting points for fouls. Subsection (b) would also be revised to parallel regulations pertaining to accidental fouls and intentional fouls in professional boxing contests as set forth in §§ 21.5(d) and (e), respectively.

 § 25.8 (relating to equipment)

Section 25.8 would be amended to require that kickboxing contestants wear an individually fitted mouthpiece as recommended by SAC's Medical Advisory Board. This addition parallels the requirement for professional boxers in § 21.4(c). As an added safety precaution, subsection (c) would require 10-ounce rather than 8-ounce gloves for contestants who weigh over 150 pounds. Previous rules mandated heavier gloves for contestants weighing over 160 pounds.

 § 25.9 (relating to ringside officials)

Section 25.9 would be amended to eliminate the requirement of an assistant scorekeeper and would reflect a minimum fee of \$75 to be paid by the promoter to each judge.

 Chapter 27 (relating to amateur kickboxing) *§ 27.2 (relating to licensing and age requirements)*

Chapter 27 is expanded. Specifically, proposed § 27.2 would substantially expand to reflect the statutory provisions of section 702 of the code (relating to age of participants).

 § 27.3 (relating to conduct of bouts)

Section 27.3 would be expanded to require that amateur contestants wear appropriate shin protectors, thereby increasing the safety of participants. Additionally, a new subsection (c) sets forth a maximum of three 2-minute rounds.

 Subpart C (relating to wrestling)

Subpart C would set forth two chapters dealing with professional wrestling and amateur wrestling found at Chapters 31 and 33 respectively. Because the new code provisions substantially alter SAC's jurisdiction relating to professional wrestling, Chapter 31 would be deleted and replaced in its entirety by a new proposal. The regulations found in Chapter 33 would also be deleted in their entirety, but would not be replaced because adequate regulation is provided by the Amateur Athletic Association.

 Chapter 31 (relating to professional wrestling)

Chapter 31 would be deleted in its entirety and replaced with new proposed provisions in §§ 31.21—31.24. These proposed provisions reflect the enactment of 5 Pa.C.S. 1901—2110 (relating to the Wrestling Act) which is part of the code. The Wrestling Act effectively removed professional wrestling contests and exhibitions from the jurisdiction of SAC except promoters' obligations as follows: to obtain a license and a bond; to remit gross receipts taxes; to ensure that a physician is in attendance and an ambulance is available; and to ensure that the crowd is adequately controlled.

 § 31.21 (relating to conduct of bouts)

The proposed new amendments would mirror current provisions of the Wrestling Act. Section 31.21(a)(1) would reflect the statutory provisions of section 2104 of the code (relating to physician to be in attendance), requiring a physician to be present at every wrestling contest or exhibition and the promoter to pay the physician's fee. Subsection (a)(2), reflecting the statutory provisions of section 2105 of the code (relating to ambulance available), would require an ambulance or paramedical unit to be present at the event or located within 5 miles of the arena, and the promoter to notify the unit to be on call. Finally subsection (a)(3) would reflect the statutory provisions of section 2106 of the code (relating to crowd control), which requires the promoter to maintain control of the crowd at the events and ensure that adequate security personnel are in attendance. Subsection (b) would reflect the statutory provisions of section 2107 of the code (relating to prohibited acts), enumerating acts prohibited by arena owners or operators, wrestlers and promoters.

 § 31.22 (relating to promoters)

Section 31.22 would similarly incorporate statutory provisions of the Wrestling Act. Specifically, subsection (a)

would detail the requirement that promoters be licensed and would reflect the licensing provisions of section 2101 of the code (relating to promoter's license). Subsection (b) would set forth the wrestling promoter bonding requirements and would reflect the statutory provisions of section 2102 of the code (relating to promoter's bonding requirements). Subsection (c) would reflect the statutory requirements of section 2101(d) of the code, which requires a wrestling promoter to notify SAC at least 10 days before the scheduled date of any professional wrestling contest or exhibition. Similarly, subsections (d) and (e) would reflect the statutory provisions of sections 2101(e) and 2107(c)(2) of the code, respectively, suspending a promoters' license and prohibiting employment of a wrestler under 18 years of age.

§ 31.23 (relating to enforcement)

New § 31.23 would reflect the statutory provisions of section 2108 of the code (relating to enforcement). Accordingly, this section would set forth the ability of the Executive Director to assign an inspector to monitor a professional wrestling event or exhibition and would establish the fee paid by promoters for the attendance of an inspector at \$100.

§ 31.24 (relating to gross receipts taxes)

Finally, § 31.24 would reflect the statutory provisions of section 2103 of the code (relating to gross receipts taxes). Accordingly, this section would reflect the imposition of the 5% tax on the face value of all tickets. The tax must be paid within 10 days after the contest or exhibition, subject to a late fee of \$100.

Chapter 33 (relating to amateur wrestling)

Chapter 33 is proposed to be deleted in its entirety because SAC recognizes that the Amateur Athletic Association has jurisdiction over amateur wrestling contests and exhibitions. Because adequate regulations exist through the Amateur Athletic Association, SAC determined that it would be redundant to promulgate additional regulations. SAC would retain the authority to promulgate regulations regarding amateur wrestling contests in accordance with section 103 of the code. It should be noted, however, that most amateur events are conducted by the universities, colleges or secondary schools and are not subject to SAC regulation under section 106 of the code.

Statutory Authority

SAC's authority to promulgate regulations is set forth in the code. In particular, section 103(b) of the code authorizes SAC to establish policy and promulgate rules and regulations necessary to carry out the provisions of the code.

Fiscal Impact

Individuals licensed by SAC will be impacted to some degree by the proposed extensive revisions to the regulations administered by SAC. Other impacts are set forth in the costs and benefits section set forth in the following paragraphs.

Costs and Benefits

Licensees will benefit when the regulations are updated to reflect current provisions of the code by reducing the potential for confusion to their obligations. The safety of participants is increased by providing for heavier gloves, eliminating the standing eight-count and three-knockdown rule and requiring individually fitted mouthpieces. These provisions for each class of licensees are set forth in more detail in the following paragraphs.

Promoters

Many provisions are streamlined to afford promoters greater flexibility in conducting events, resulting in indirect savings. Promoters will incur additional costs due to increased fees paid to referees, judges, announcers and timekeepers officiating at televised events. Referees are paid \$50 per event more while judges, announcers and timekeepers are paid \$10 more. These increases in fees may be offset because promoters' profits are generally higher for televised events.

Managers

Managers' costs will increase because the manager license fee is raised from \$40 to \$60. The proposed amendments would also increase from \$750 to \$1,000, the minimum sum to be guaranteed annually to a boxer under contract with a manager and would decrease the percentage of his earnings which a boxer must pay his management under a contract.

Referees

Under § 13.7, referees will be paid \$50 more for officiating at televised events. Other benefits to referees will accrue from changes in scoring and the elimination of barriers to entry as a referee.

Judges, Announcers and Timekeepers

Under § 13.7, judges, announcers and timekeepers will be paid \$10 more for officiating at televised events. Other benefits to judges, announcers and timekeepers will accrue from changes in scoring and the elimination of barriers to entry as a judge, announcer or timekeeper.

Boxers

Boxers will benefit from the proposed regulations directly because the minimum sum guaranteed to a boxer under contract with a manager will be increased from \$750 to \$1,000. Other benefits relate to clarifications of the procedures when a boxer has not made the contracted for weight at weigh-in; requiring an individually fitted mouthpiece, resulting in safety improvements, and other improvements in the safety code. They will also benefit through a clarification of the scoring of accidental and intentional fouls. Proposed changes also benefit boxers by expressively providing for expenses to a boxer when a bout has been canceled. Also, the maximum percentage of earnings a boxer would be obligated to pay his managers under contract would be reduced from 50% to 40%.

Matchmakers

Matchmakers will benefit from the revisions which would permit matchmakers to deal with unlicensed managers or boxers, allowing them to more effectively plan for future bouts.

Kickboxing Licensees

Similar changes, tracking the changes set forth previously, will be made in Chapter 25. These include clarifying the scoring system; permitting greater flexibility in deducting points for fouls; requiring an individually fitted mouthpiece and providing for heavier gloves. Judges will also benefit from the fees being increased. Other changes which will benefit amateur kickboxers are set forth in Chapter 27 of the proposed amendments and include age requirements, the wearing of shin protectors and setting forth a maximum of three 2-minute rounds.

Paperwork Requirements

Paperwork requirements will not be substantially altered as a result of the proposed amendments. Minor changes will have to be made to forms used by SAC.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 12, 2000, SAC submitted a copy of this proposed regulation to IRRC and to the Chairpersons of the House State Government Committee and the Senate State Government Committee. In addition to submitting the proposed amendments, SAC has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the SAC in conformance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify SAC within 10 days after the close of the Committees' review period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures for review, prior to final publication of the amendments, by SAC, the General Assembly and the Governor of objections raised.

Sunset Review

SAC, through its regularly scheduled meetings, constantly reviews and entertains suggestions for proposed amendments.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections to Gregory Sirb, Executive Director, State Athletic Commission, 116 Pine Street, Harrisburg, PA 17101. Comments, suggestions or objections must be received within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

CHARLES BEDNARIK,
Chairperson

Fiscal Note: 16-17. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART I. STATE ATHLETIC COMMISSION****Subpart A. GENERAL PROVISIONS****CHAPTER 1. PRELIMINARY PROVISIONS****§ 1.1. [Definition of "Commission"] Definitions.**

[As used in this part, the term "Commission" means the State Athletic Commission of the Commonwealth, unless the context clearly indicates otherwise.]

(a) The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Athletic Code—5 Pa.C.S. §§ 101—2110.

Commission—The State Athletic Commission of the Commonwealth.

Commission credentials—Documents issued by the Commission to individuals approved by the Commission granting them the authority to attend a specific event, without payment of an entry fee, on behalf of the Commission in furtherance of the Commission's official duties.

Event—One or more boxing contests, as defined in section 302 of the Athletic Code (relating to definitions), conducted at the same location on the same day.

Knockdown—When any part of a boxer's body, except the feet, touch the ring canvass, at the hand of the opponent, as determined by the referee.

(b) The definitions in section 302 of the Athletic Code pertaining to boxing and in section 1902 of the Athletic Code (relating to definitions) pertaining to wrestling are incorporated by reference.

§ 1.2. Commission offices.

The offices of the Commission are located as follows:

(1) 116 Pine Street, Third Floor, Harrisburg, Pennsylvania 17101.

[(1)] (2) * * *

[(2)] (3) * * *

[(3)] (4) * * *

§ 1.3. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure)[, are] is applicable to the activities of and proceedings before the [State Athletic] Commission.

CHAPTER 3. APPOINTED OFFICIALS**§ 3.1. Executive [Secretary] Director.**

(a) An Executive [Secretary] Director shall be appointed by the Secretary of the Commonwealth to act as the administrative officer to the Commission [, and act as the liaison between members of the Commission].

(b) The Executive [Secretary] Director shall establish and maintain standard operating procedures for offices and [visit each office at least twice per year, to] ensure adherence to procedures. The Executive [Secretary] Director shall also attend a representative number of athletic events throughout [the] this Commonwealth on a regular basis to monitor operations of [deputies] inspectors and officials.

(c) The Executive [Secretary] Director shall prepare, justify and administer the Commission budget.

(d) The Executive [Secretary] Director shall solicit items and prepare agendas for scheduled Commission meetings as well as [attending] attend the meetings, and [the Executive Secretary] shall also schedule and notify commissioners of the meetings.

(e) The Executive [Secretary] Director shall [set up and conduct annual] organize periodic training programs for [deputy commissioners, clerical staff] judges, referees, inspectors and other licensees.

(f) The Executive [Secretary] Director shall [act as editor for a monthly bulletin to be disseminated] disseminate to commissioners, [deputies] inspectors and officials [covering] changes in the Commission's policies and procedures, personnel changes and other information pertinent to current operations.

(g) The Executive [Secretary shall perform duties that from time to time are requested by the Commission] Director shall supervise and direct Commission staff, direct the issuance of Commission credentials and perform other duties as directed by

the Commission. The Executive Director may designate Commission staff to act on his behalf at events under the jurisdiction of the Commission.

(h) The Executive Director shall have the authority to approve or prohibit each proposed matching of boxers within this Commonwealth.

(i) Circumstances arising that are not addressed by this part shall be ruled on by the Executive Director.

(j) The Executive Director and the Commission may use a videotape of a bout to review actions taken relating to a bout.

(k) Action by the Executive Director shall be subject to the right of appeal to the Commission.

§ 3.2. [Deputy commissioners] Inspectors.

(a) [An appointed deputy commissioner] Inspectors shall be [available for assignment] appointed by the Commission or Executive Director and approved by the Secretary. Inspectors shall be assigned by the [Commission] Executive Director for the performance of [special] duties under the Athletic Code.

(b) [A deputy commissioner] An inspector shall be empowered to act on behalf of the Commission only when specifically authorized by the Commission or Executive Director. [The deputy commissioner shall exert the full authority of the Commission when thus empowered.]

(c) The [Commission] Executive Director will assign to each event under [its] the Commission's jurisdiction as many [deputy commissioners] inspectors as [it deems] necessary for the proper [conducting] regulation of the event and [it will] may designate [one of those assigned to serve as] a chief [deputy commissioner in charge of the event and of the other deputy commissioners] inspector.

(d) [The] An inspector or the chief [deputy commissioner] inspector in charge of an event shall be the official representative of the Commission and shall be responsible only to [members of] the Commission or the Executive Director. It [shall be] is his duty and he shall have the authority to enforce the [Pennsylvania] Athletic Code [(4 P. S. §§ 30.101—30.905)], this part and, as agent of the Department of Revenue, it [shall be] is his duty and he shall have the authority to enforce legislative and regulatory provisions pertaining to the collection of revenues that are due the Commonwealth.

(e) Subject only to the direction of the Commission, [the chief deputy commissioner] an inspector or the Executive Director shall have [complete] authority over the following:

* * * * *

(2) [All entrances] Entrances to the site of the event, including the following:

* * * * *

(ii) Entrances for participants, officials, Commission credential holders and employes.

* * * * *

(5) The counting and accounting for tickets, passes and credentials issued to individuals to attend specified events including the following:

(i) Working press [tickets] passes.

* * * * *

(vi) Commission credentials.

(vii) Promoter passes.

(6) The collection of insurance premiums due and payable on participants, and the documenting and reporting of accidents, injuries and illness [affecting persons subject to the jurisdiction of the Commission, whether or not insurance coverage is involved] of a licensee.

(7) The collection of fees, including the following:

(i) [Special license] License fees.

(ii) Other [monies] moneys due the Commonwealth.

(8) [The actions of other deputy commissioners assigned to the event.

(9)] The payment of purses and other [monies] moneys due participants and fees [and expenses] due officials.

[(10)] (9) * * *

(f) [The chief deputy commissioner] Inspectors shall file with the Commission an official report of attendance, gross receipts, net receipts, fees and other [monies] moneys collected, names and pairings of participants, names of officials and results of bouts as determined by official decision after each event under the jurisdiction of the Commission.

(g) [The chief deputy commissioner] An inspector shall [at once] file a detailed written report with the recommendations [he deems] deemed appropriate, in the case of a violation or alleged violation of the Athletic Code [or of this part or if there occurs at or in connection with an event under the jurisdiction of the Commission a vexatious incident or episode involving participants, managers, seconds, officials, promoters, spectators, deputy commissioners, safety officers or spectators].

(h) In case of the termination of a bout under the jurisdiction of the Commission by disqualification of one or more of the participants, [as well as] and in other circumstances [where the action has been deemed appropriate by him], upon [or without] recommendation and approval of the [referee] Commission or Executive Director, the [chief deputy commissioner] inspector shall have the authority to impound [monies] moneys due the alleged offending parties pending action on the matter by the Commission.

(i) [In circumstances under which the action is deemed appropriate by him, the chief deputy commissioner shall have the authority to impose fines, suspensions or other penalties, subject to the right of the affected parties to appeal the action to the Commission for final decision.

(j) The chief deputy commissioner or another deputy commissioner] Inspectors may not remove,

replace or **[in any way]** interfere with the duties of **[a referee or judge assigned by the Commission]** a ringside official unless authorized to do so by the Executive Director.

[(k)] (j) [Deputy commissioners] Inspectors shall report for duty promptly in accordance with their assignments and shall remain on duty until excused by the **[chief deputy commissioner in charge] Executive Director**. Only **[deputy commissioners] inspectors** actually assigned or credentialed by the **[Commission] Executive Director** to a given event shall by virtue of office be admitted, **without charge, to that event**.

§ 3.3. Physicians.

(a) **[Two physicians, each of whom is qualified and] A physician** licensed to practice in this Commonwealth^[,] will be assigned by the **[Commission's] Executive Director** to every boxing contest **[or], weigh-in and exhibition. [except an exhibition held solely for training purposes. One of these physicians will be assigned by the Executive Director to serve at the weigh-in. The weigh-in physician and the other physician will serve at ringside of each event under the jurisdiction of the Commission. Physicians] A physician** thus assigned in the case of professional events shall also be licensed **by the Commission** under the Athletic Code **[(4 P. S. §§ 31.101—31.3110)]**. In emergencies, **unusual circumstances or in the case of amateur events**, the Commission may waive the requirement that **[physicians] the physician** assigned be licensed under the Athletic Code. Physicians **[assigned]** are not **[requested] required** to be licensed under the Athletic Code in the case of amateur events.

(b) **[Physicians] The physician** assigned to the weigh-**[ins] in** shall file a complete written report on each person examined upon **[the] a** form prescribed by the Commission. Examinations shall be conducted in accordance with procedures prescribed by the Commission as approved by the Medical Advisory Board of the Commonwealth. Each boxer **[and referee]** shall be so examined before the start of each event in which he is scheduled to participate, and he may not **[be permitted to]** participate if he is pronounced physically unfit by the examining physician.

(c) The **[physicians] physician** assigned to an event shall be seated at the immediate ringside throughout the event and may not leave the ring untended while the event is in progress. An event may not **[be permitted to]** commence or **[to]** continue without an assigned physician in attendance. An assigned physician may not leave the premises of the event without notice to and approval of the **[chief deputy commissioner in charge] Commission, Executive Director or a designee. [It is the responsibility of the physicians to] The physician shall remain on the premises after the event until [the physicians and the chief deputy commissioner in charge are] he is** satisfied that no further need of medical service remains.

(d) While on duty at an event, the assigned **[physicians] physician** shall render emergency assistance

inside and outside the ring to persons under the jurisdiction of the Commission and shall be especially prepared to minister to the injuries and illnesses that are to be anticipated under the circumstances of the event.

(e) The attending physician shall have full authority to determine and to pass upon the physical condition of participants and officials in the ring. **[and for] For** that purpose he shall have access to the ring at all times and shall be empowered to direct the referee to interrupt action pending determination of and decision upon the physical condition of a participant or official apparently in need of attention because of injury. The decision of the physician in attendance with respect to the ability of a participant or an official to continue in action shall be conclusive and shall be enforced by the referee in all cases. The attending physician shall be empowered to direct the referee to terminate action when a participant is evidently in jeopardy from exhaustion or punishment. **[and in] In** case of termination, there may be no resumption of action thereafter.

* * * * *

(g) **[In the event of] When** injury to or illness of a person **occurs** under the jurisdiction of the Commission, the attending physician shall have complete charge of the person while on the premises and shall be accorded the full cooperation of Commission **[representatives] personnel** and licensees present.

(h) **[In the event of the] When** a knockout or technical knockout of a boxer **occurs**, the attending physician shall follow up ministrations in the ring **[or],** at ringside **[by further examination]** or in the dressing room and shall **[there]** take measures and give instructions that may be appropriate. **The attending physician shall complete a postbout physical report on each boxer competing in the event.**

* * * * *

(j) When it appears to a **ring-side** physician **[licensed by the Commission]** that a boxer or referee is no longer safely able to continue competitive or official activity, the physician shall immediately so report to the Commission and recommend the temporary or the permanent retirement of the person if appropriate.

§ 3.4. Announcers.

(a) The Commission will **[assign licensed] license** announcers **[to] of** events under its jurisdiction, except that in emergencies and in the case of amateur events, competent unlicensed announcers may be **[assigned] used. The promoter or sponsor of the event shall assign announcers to events.**

(b) Announcers shall be **[subject and]** responsible to the Commission in the discharge of their duties and shall accept directions only from the Commission.

* * * * *

(e) Announcers shall be neatly and appropriately **[garbed] dressed** while discharging their duties. **[Dress shall include jacket and tie.]**

* * * * *

(g) Announcers shall make neither special announcements nor introductions of persons other than participants and officials without first obtaining the approval of

the Commission. [An individual may not be introduced while under suspension by the Commonwealth.]

(h) The announcer shall announce from the ring at each event under the jurisdiction of the Commission the fact of jurisdiction, the names of the officials assigned to the event [by the Commission], the name and official weight before each bout of each participant and other pertinent information [periodically] as directed by the Commission [to be announced].

(i) [A person other than] Only an assigned announcer may [not] make an announcement from the ring [unless specifically authorized by the Commission] unless another person is specifically authorized.

(j) The announcer shall promptly collect the official score [cards] card from the [referee and the judges] Executive Director or a designee at the conclusion of each boxing contest [which shall have completed its scheduled duration and immediately submit them to the Commission representative at ringside for inspection. The score cards shall be returned to the announcer when they have been inspected and approved by the Commission, representative]. The announcer shall [then] announce the scoring by each official and the final decision reached. The announcer shall announce whether the decision is unanimous, a split decision or a draw at the end of bouts other than the main events. In the event of a knockout or a technical knockout, the announcer shall [verify the result from the referee, shall obtain the official time of the termination of the bout from the timekeeper and shall] announce the result and the time and the round of the termination of the bout.

[(k) At the conclusion of each fall in a wrestling bout, the announcer shall verify the result of the fall from the referee, shall obtain the official time of the fall from the timekeeper and shall announce the result and the time of the fall. At the conclusion of each wrestling contest which shall have completed its scheduled duration, the announcer shall follow the procedure for boxing contests set forth in subsection (j).]

CHAPTER 5. TICKETS, POSTPONEMENTS AND CANCELLATIONS

§ 5.1. Tickets.

(a) Tickets of admission to each event under the jurisdiction of the Commission shall be of the stub type [unless permission to the contrary is given by the Commission. The printer approved by the Commission who prints the tickets shall at least 5 days prior to the date of the event give the Commission a sworn or affirmed statement in duplicate setting forth the styles, prices and total numbers of classes of printed tickets together with at least one specimen of each class of printed tickets] and consecutively numbered. Tickets shall have the following information:

* * * * *

(3) The established price of the ticket [with the kinds and the amounts of] including taxes thereon.

* * * * *

(c) [No promoter or sponsor may offer for sale or distribution a numbered roll tickets without first obtaining the written permission of the Commission.

(d) Tickets for events under the jurisdiction of the Commission may not be printed until the established prices have been submitted to and approved by the Commission.

(e) [Complimentary tickets shall be clearly marked complimentary [, perforated, and if distributed to news media, also marked press. The total number of complimentary tickets, exclusive of those to be distributed to news media, may not exceed 2.0% of the total number of tickets exclusive of tickets of working press, tickets of employees and tickets of participants printed for the event]. Complimentary tickets may not be sold by a promoter, sponsor or other person or agency.

[(f) Distribution of working press tickets shall be limited in accordance with the actual number of seats provided at ringside for the accommodation of actively engaged representatives of news media. The seats shall be occupied only by actively engaged representatives of news media.

(g) (d) * * *

[(h) Tickets of admission to events under the jurisdiction of the Commission may not be sold or otherwise transferred to speculators nor may they be sold for more than face prices plus customarily established agency handling fees.

(i) (e) Ticket holders to events under the jurisdiction of the Commission shall surrender their tickets or the appropriate stubs at the admission gates and the tickets or stubs shall be made immediately available to the [chief deputy commissioner in charge of the event] Commission upon the closing of the respective admission gates.

§ 5.2. Postponements and cancellations.

(a) An event under the jurisdiction of the Commission may not be postponed or canceled after it has been approved and scheduled without written notice to and approval by the Commission.

(b) If a scheduled event is postponed because of unfavorable weather, it shall be rescheduled upon its designated rain date, if it has been previously set. If no rain date has been previously set, the event shall be rescheduled [for the next ensuing weekday or] as soon as may be fairly and reasonably done after consultation with and approval by the Commission.

(c) The Commission may rearrange the [scheduled sequence] bout in case of threatened weather to assure, if possible, the presentation of the main bout [under suitable conditions].

* * * * *

(e) Ticket holders shall be entitled to the refund of the entire purchase price of their tickets in cases of postponement or cancellation of the main event or the entire program of contests or exhibitions under the conditions of time, place and procedure that the Commission approves and announces in each instance.

* * * * *

(g) [Tickets to each outdoor event under the jurisdiction of the Commission shall include detachable rainchecks. The rainchecks shall be honored for admission on the postponement date in the event of postponement of the event after the opening of the admission gates. The rainchecks shall be clearly marked with the section or seat locations and the admission prices shown on the respective original tickets. Portions of rainchecks shall be detached by the ticket takers when rainchecks are presented for admission to a postponed event so that there shall be available to the chief deputy commissioner in charge a clearly identifiable stub for each ticket holder admitted to the event.

(h)] The Commission will determine the rights of affected parties to payment for services and reimbursement for expenses in each case of postponement or cancellation if boxers [or wrestlers who] have fulfilled their performance contracts prior to postponement or cancellation [are paid in full amounts contractually assured them] .

CHAPTER 9. RELATIONS WITH AFFILIATES

§ 9.1. No sovereignty compromise.

The Commission, in its discretion, may enter into, maintain or withdraw from association with groups devoted to the interests of [boxing and wrestling] any sport regulated by the Commission, but it may [under no circumstances] not compromise the sovereignty of the Commonwealth or the primary and immediate responsibility of the Commission.

§ 9.2. Fair cooperation.

The restrictions imposed by § 9.1 (relating to no sovereignty compromise) may not be construed to prevent the Commission from fair and reasonable collaboration and cooperation with the [boxing and wrestling] authorities of other governmental bodies or with organizations of private individuals dedicated to objectives similar to those of the Commission.

CHAPTER 11. SAFETY OF EVENT PREMISES

§ 11.1. Ventilation, fire exits and fire escapes.

Buildings or structures used, or intended to be used for contests, under the purposes of this part, shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and conform to the laws, ordinances and regulations pertaining to buildings in the [city, town or village] municipality where situated. If a part of a portion of a building or a structure is used for the purposes [set forth] in the [Pennsylvania] Athletic Code [(4 P. S. §§ 30.101—30.905)], this section applies to it in the same manner.

§ 11.2. [Certificate required] (Reserved).

[No permit to present a program may be issued until the promoter has filed with the Commission a certificate from the appropriate municipal official certifying that the building or structure intended to be used for the contest conforms to § 11.1 (relating to ventilation, fire exits and fire escapes).]

CHAPTER 13. BONDS AND FEES

§ 13.1. Professional boxing bonds and bond filing fees.

(a) In the case of professional boxing promoters or foreign [co-promoters] copromoters holding bouts in a place where the seating capacity is [less than 1,500, the professional promoter or foreign co-promoter is required to execute and file a surety bond with the Commission which shall be in the sum of \$3,000. If the seating capacity is more than 1,500 and] less than 10,000, the professional boxing promoter or foreign [co-promoter] copromoters is required to execute and file a surety bond with the Commission [which shall be] in the sum of \$7,500. If the seating capacity is more than 10,000, the [bonds] bond shall be in the sum of \$25,000.

(b) In lieu of the surety bond required by subsection (a), the promoter or foreign copromoter may deposit with the Commission cash, certified check, letter of credit or direct or indirect obligations of the United States or the Commonwealth acceptable to the Commission in an equivalent amount as set forth in subsection (a) and subject to the same conditions. The security will not be returned to the promoter until 1 year after the date on which it was deposited with the Commission, unless a surety bond is substituted for the security. Upon the expiration of 1 year from the date on which the security was deposited, it shall be returned to the depositor if no claim against the deposit is outstanding.

(c) A filing fee of \$25 shall accompany each bond filed or cash or security deposited in lieu of the bond.

§ 13.2. Ticket tally.

The authorized representative of a licensed promoter holding a contest or exhibition shall submit in writing to the Commission within 48 hours after the close of the contest or exhibition, a promoter's ticket report showing the number of each class of ticket sold, unsold or unused, and permit the Commission to examine sold, unsold or unused tickets, stub coupons, the financial records of the event and investigate other matters relating to the receipts and conduct of the box office and ticket takers. The ticket tally shall conform to the manifest issued by the [licensed] printer on the printer's statement, and [an after contest report for the particular contest or exhibition shall be approved and signed by all of the following:

(1) The chief deputy commissioner in attendance or by the acting deputy commissioner in charge.

(2) The commissioner of the region in which the event took place.

(3) The authorized representative of the licensed corporation promoting the event] shall be signed by the promoter.

§ 13.3. Additional license fees.

Promoters shall submit a certified check or money order for the payment of [additional] license fees or taxes due the Commonwealth within a maximum of 48 hours after each promotion. Failure of a promoter to submit the required [certified check in the proper amount] funds will result in forfeiture of all or a

portion of the [promoters] promoter's bond or funds on deposit with the Commission.

§ 13.4. Professional boxing license fees.

The following annual nonrefundable license fees shall accompany each application for a license or the renewal of a license:

	* * * * *
[Booking agent's license	\$35]
	* * * * *
Manager's license	\$[40] 60
	* * * * *

§ 13.6. Professional boxing physician fee.

A fee of \$200 shall be paid to the physician assigned to the weigh-in who conducts the precontest or [pre-exhibition] preexhibition physicals and who also serves at ringside of the contest or exhibition. A fee of \$150 shall be paid to the physician assigned only to the contest or exhibition. A fee of \$100 shall be paid to the physician assigned only to conduct the precontest or preexhibition physicals. The fees shall be paid by the promoter.

§ 13.7. Professional boxing officials fee.

(a) [The] Subject to the exception for televised events set forth in subsection (b), the fees for professional boxing contests or exhibition officials, paid by the promoter, are as follows:

* * * * *

(b) The fees for televised events, either broadcasted or by cable transmission, are as follows:

<i>Official</i>	<i>Fee</i>
Referee	\$150, each
Judges	\$ 85, each
Announcer	\$ 85, each
Timekeeper	\$ 85, each

§ 13.8. Return check fee.

[An individual who issues a check to the Department or Commission for a fee, penalty or fine provided for under this chapter which is not honored by the institution on which it is drawn shall be charged an] An additional [\$20] \$50 processing fee shall be charged for each dishonored check.

Subpart B. [PROFESSIONAL] BOXING

§ 21.1. Contracts.

(a) Contracts under the Commission jurisdiction between managers and professional boxers; [and between] promoters and [managers or boxers or both] professional boxers; and foreign copromoters and professional boxers shall be [executed in triplicate] signed on Commission approved forms. Contracts shall contain a provision stating their subjection to the laws of the Commonwealth and this part. Contracts shall contain the provisions required by sections 1102 and 1103 of the Athletic Code (relating to notice clause; and provisions in contracts between managers and professional boxers). The contracts shall be signed by the parties under their [correct] true legal names. Contracts shall be void unless signed by parties to the contracts.

* * * * *

(c) Parties to the contracts shall completely fulfill their contractual obligations or be subject to disciplinary action by the Commission. Parties to the contracts shall be subject to, but not limited to, the disciplinary provisions at Chapter 13 of the Athletic Code (relating to enforcement).

(d) Each contract between a manager and boxer shall be subject to Commission approval, sworn to and affirmed by both parties, and [executed] signed in the presence of a Commission member. A fully conformed and executed copy of the contract shall be filed with the Commission.

* * * * *

(g) [No] A manager may not enter into a contract purporting to bind a boxer under his management to perform services after the termination of the manager-boxer relationship between them; nor may a boxer, while under contract to a manager, enter into a commitment, written or oral, to perform services without written consent of both parties involved and [Commission] approval of the Executive Director.

(h) No assignment of an interest [of] in a boxer's or manager's contract, filed and approved by the Commission, will be permitted without the approval of the Commission, and the consent to assign will not be granted unless a copy of the proposed assignment is submitted to the Commission for its approval.

(i) [No] A manager may not enter into a contract that does not guarantee the boxer a minimum annual income for completion of contractual agreements of \$[750] 1,000.

* * * * *

(k) If a manager or boxer is to be prevented from acting or performing professionally [with] within this Commonwealth due to the revocation of his license, [or its suspension for a period in excess of 2 months, a boxer or manager contractually bound to him may submit a written application to the Commission for full and final avoidance of the existing contract between the parties. Upon receipt of the application, the Commission will promptly schedule and conduct a meeting at which the parties may appear to show cause why the application should or should not be granted. After a hearing, the Commission will adjudge and decree the avoidance or continuance of the contractual relationship between the parties as the facts and circumstances shall fairly and equitably warrant.] then the contract between the manager and boxer shall be terminated as provided by section 1103(b) of the Athletic Code (relating to provisions in contracts between managers and professional boxers). If the license of either party is suspended, the contract will not be binding upon the other party during the period of the suspension.

(l) A copy of a fully conformed and executed contract between a promoter and a manager or boxer, or both, shall be filed with the Commission by the promoter immediately after its execution [and not less than 5 days prior to the bout contracted for unless otherwise permitted by the Commission].

(m) [Pending the execution of a formal contract between a promoter and a manager or boxer, or

both, a telegram of acceptance of clearly stated terms from the manager or boxer to the promoter shall be recognized as affecting a binding agreement between the parties when filed with the Commission.

(n) No promoter licensed by the Commission may attempt to contract, for a contest, with a manager or boxer under suspension or disqualification by the Commission, except with the explicit written consent of the Commission.

(o) A promoter or other licensee of the Commission may not publicly advertise or announce that a boxing contest or exhibition will take place unless and until the contest or exhibition has been approved by the Commission and a binding agreement therefore has agreements have been entered into by both all parties.

§ 21.2. Weight classes.

(a) The weight classes of professional boxers and the maximum weight in each class shall be as follows:

* * * * *

(10) Super middleweight—168 pounds

[10] (11) * * *

[11] (12) * * *

[12] (13) * * *

(b) Sections 710 and 711 of the Athletic Code (relating to weights and classes; and limitation on difference in weights) regarding the weight of the boxers are incorporated by reference.

§ 21.3. Ring and ring equipment.

(a) The boxing ring may not be less than 16 feet square nor more than 24 feet square within the ring ropes except with the written consent of the Commission. The ring floor or apron shall extend beyond the ring ropes on all sides for at least 2 feet, except that if unless alternative satisfactory safety precautions are taken, and approved by the Commission may sanction use of a ring with an apron of not less than 18 inches.

(1) The ring floor shall be elevated no more than 4 feet, be completely padded both inside and outside the ropes to the thickness of at least 2 inches with soft felt, foam rubber, felt matting or other soft material approved by the Commission and shall be covered over the padding with canvas stretched taut and laced tightly to the ring platform.

(2) The ring posts shall be four in number, shall extend above the ring floor no more than 5 feet, and shall be at least 18 inches distant from the ring ropes which shall be attached to the posts by means of adjustable turnbuckles.

(3) Post tops and turnbuckles shall be suitably padded.

(4) Steps shall lead to the ring floor at two diagonally opposite corners of the ring platform.

(5) The ring ropes shall be four in number, may not be not less than 1 inch in diameter, and shall be either covered with smooth plastic or wrapped with soft material. The lowest rope shall be 13 inches from the floor of the ring, the second rope shall be 26 inches from the ring floor, the third rope shall be 39 inches from the floor, and the fourth rope shall be 52 inches from the floor of the ring.

(6) The ropes shall be readily adjustable and shall be kept at a proper and safe degree of tautness.

(7) The ring shall be amply illuminated by overhead lights which shall be arranged so that shadow is eliminated and discomfort from heat and glare minimized for persons in and near the ring if needed, as determined by the Commission.

(b) It is the responsibility of the promoter to have an attendant available at all times during the progress of an event capable of making any type of emergency repairs, corrections and adjustments to the ring, the lights and other necessary fixtures. The promoter shall supply the following items, which shall be available on the premises for use as needed:

* * * * *

(2) Chairs for judges and timekeepers Commission personnel, officials and Commission credential holders. Chairs for judges shall be elevated sufficiently to assure an unobstructed view of the ring and the ring floor.

* * * * *

(4) A stool or chair, a clean water bucket[,] and a clean water bottle [and a sand or sawdust lined receptacle] for the corner of each boxer.

* * * * *

(6) [A container of powdered resin] An ambulance, together with emergency equipment.

(7) [A clean stretcher and a clean blanket placed under or adjacent to the ring throughout each program] A portable resuscitator with oxygen and appropriate endotracheal tubes and a qualified operator.

[(8) First aid oxygen apparatus.]

§ 21.4. Conduct of bouts.

(a) At each professional boxing contest or exhibition, except an exhibition held solely for training purposes, there shall be two referees, two physicians one physician, [two] three judges, an announcer and a timekeeper in attendance, all of whom will be licensed by the Commission. The judges, announcer and timekeeper will be assigned by the Commission Executive Director shall assign all officials except the announcer. The referees and physicians will be assigned by the Executive Director of the Commission. The Commissioner Executive Director may also appoint a knockdown timekeeper. The same requirements for officials shall prevail in the case of each professional boxing exhibition, except that judges may not be appointed to serve at exhibitions. The referees shall be stationed in the ring-side centered on opposite sides of the ring and seated on chairs elevated sufficiently to assure unobstructed view of the ring and the action. There shall be a clear and unoccupied space of at least 2 feet on each side of each judge. The timekeeper shall be stationed at immediate ringside centered on a side of the ring not occupied by a judge. The physicians and the announcer shall be stationed at immediate ringside in positions affording ready and rapid access to the ring. If there is a knockdown timekeeper, he shall be stationed at immedi-

ate ringside adjacent to the timekeeper.] A promoter or an employe of a promoter or an officer, director or stockholder of a corporation holding the license of a promoter may not be appointed or permitted to officiate in a capacity at a professional boxing bout under the jurisdiction of the Commission.

(b) The [**Commission**] **Executive Director** will determine the time and place of the weigh-in for each professional boxing event under [**its**] **Commission's** jurisdiction and boxers under contract to participate in the event shall appear promptly at the appointed place to be officially weighed by a representative of the Commission on Commission approved scales and examined by the [**examining**] **attending** physician.

(1) A boxer being weighed shall remove all clothing [**except, in**] at the discretion of the Commission[, **undershorts. The boxer may not wear shoes**].

(2) A boxer shall weigh-in no more than 24 hours prior to the contracted time of the bout. Under extenuating circumstances and with the permission of the Executive Director, the boxer may be allowed to weigh-in no more than 30 hours prior to the contracted time of the bout. If a boxer is deemed overweight by the Executive Director, another weigh-in shall be scheduled for no more than 3 hours from the time that he first stepped onto the scale in order to determine that the boxer weighs no more than the weight for which he has contracted. Boxers may lose no more than 3 pounds in this 3-hour period. If after 3 hours the boxer cannot achieve the weight, he shall be disqualified and may be subject to disciplinary action as the Commission may determine.

(3) The Commission[, **if it sees fit, may**] will require a boxer under contract for a bout under its jurisdiction to appear before it for a preliminary physical examination within 2 hours prior to [**the scheduled date of**] the bout, as required by section 709(a) of the Athletic Code (relating to medical examination). The weight of the boxer shall be one of several factors included in this physical examination by the attending physician to determine whether the boxer is physically or mentally fit to proceed. Physically unfit shall include, but not be limited to, a determination by the attending physician that a boxer has gained or lost so much weight since the time of the weigh-in that the boxer could harm himself or his opponent. Except as provided by section 711 of the Athletic Code (relating to limitation on difference in weights), the weight of one boxer may not exceed the weight of that boxer's opponent by 10 pounds, as required by Section 711 of the Athletic Code.

(4) If a boxing event is postponed for more than 24 hours, the Commission may require an additional weigh-in and physical examination of the participating boxers on the day to which the event is postponed.

(5) Each boxer in a bout under the jurisdiction of the Commission shall submit to the Commission the names of the boxer's [**chief second and assistant second**] seconds for approval, and no person other than the boxer's approved [**second**] seconds may be permitted to assist in the boxer's corner during the bout.

(6) A boxer under contract to participate in a boxing event under jurisdiction of the Commission shall report in

the dressing [**quarters at the site of the event at least 1 hour prior to the scheduled starting time**] room at a time set by the Executive Director and shall remain in that area until ordered to the ring by an authorized representative of the Commission.

(c) The referee shall call the participants and [**their seconds**] [**chief second**] to the center of the ring for final instructions before each bout [**after which the seconds shall leave the ring and the participants shall shake hands and retire to their respective corners to await the starting gong**]. After the announcement of the decision at the end of a bout, the participants and their seconds shall leave the ring without undue delay and retire to the dressing quarters. Participants, seconds and managers may not manifest to officials or to spectators an opinion as to the outcome of the bout nor may they be disrespectful or exhibit improper conduct toward [**the referee or another official**] a Commission official or toward the spectators before or after the announcement of the decision. Each participant in a boxing bout under the jurisdiction of the Commission shall [**have at hand for use ring equipment including**] wear conventional boxing trunks, smoothsole shoes, a foulproof abdominal guard or cup and [**a well fitting**] an individually fitted mouthpiece which shall be subject to examination and approval by the Commission. Female boxers shall also wear a chest protector, body shirt and blouse. Female boxers are also required to follow the requirements in § 21.8(n) (relating to boxers).

* * * * *

(e) Each glove used in a professional boxing bout under the jurisdiction of the Commission shall weigh at least 8 ounces of which no more than 1 ounce shall be in the wrist padding of the glove. At all times, boxers competing against each other shall wear gloves of the same weight. For boxers weighing 160 pounds or less, the boxing gloves cannot weigh less than 8 ounces each. For boxers weighing over 160 pounds, the boxing gloves cannot weigh less than 10 ounces each.

(1) The gloves of each boxer shall be adjusted in the dressing quarters of the event under the supervision of a [**delegated**] Commission representative [**of the Commission**] and in the presence of a second of the opposing boxer, if the latter so desires. Gloves of the participants in a main bout may also be adjusted in the ring by the referee [**representing the Commission**].

(2) The ends of the lace of each glove shall be tied and knotted on the back of the wrist of the glove and a single strip of adhesive tape 1 inch in width shall be carefully and smoothly placed around the wrist of the glove over the lace and the knot.

(3) The bandage for use on each hand and wrist of a boxer shall be soft surgical bandage or gauze not more than 2 inches in width and 10 yards in length, except that the bandage for the hand of a light heavyweight or a heavyweight boxer may be 12 yards in length. The bandage shall be wrapped smoothly and evenly on each hand [**without zigzagging, rumpling, curling or other irregularity**] and shall be held in place by [**a single strip of**] adhesive tape 1 inch in width around the wrist with overlap of not more than 1 inch to clinch the ends. Tape, cotton or substance other than the

approved bandage may not be used between the fingers or over the knuckles of the hand. Bandaging of the hands of a boxer shall be done in the dressing quarters under the supervision and subject to the inspection and approval of [a designated] the Commission representative [of the Commission] and in the presence of a second of the opposing boxer, if the latter so desires.

(f) Persons other than boxers, managers, seconds and Commission representatives may not have access to the dressing quarters at an event under the jurisdiction of the Commission except by special permission of the Commission. The Commission may issue nontransferable written passes to the dressing quarters if circumstances warrant and then only holders of the passes shall be admitted except by special permission of the Commission. [A deputy commissioner] An inspector shall be on duty in the dressing quarters from the opening until the closing and shall be responsible for the maintenance of order and the enforcement of the Athletic Code [(4 P. S. §§ 31.101—31.3108)] and this part.

* * * * *

(h) Unless otherwise authorized by the [Commission] Executive Director, a professional boxing event may not be scheduled for a total of less than 28 or more than 40 rounds, each of which shall be of the maximum duration of 3 minutes for male boxers and 2 minutes for female boxers with a rest period of 1 minute between the end of each round and the start of the next. Professional boxing contests under the jurisdiction of the Commission shall be scheduled for four, six, eight or ten rounds unless otherwise specifically authorized by the [Commission] Executive Director in the case of a world championship, [state] State championship or other especially significant contests when bouts may be scheduled for 12 or 15 rounds for male boxers as the Commission deems appropriate. The maximum number of rounds for female boxers is ten rounds. A bout of the scheduled duration of more than 15 rounds may not be permitted in this Commonwealth. [The main bout of a professional boxing event may start no later than 10:15 p.m. unless otherwise authorized by the Commission.] The [Commission] Executive Director may permit, and will have the discretion to place on the program, and to determine the length of, one scheduled intermission between bouts of a professional boxing event. [Ordinarily the intermission shall be scheduled immediately prior to the main bout and may not exceed 10 minutes in duration.]

(i) A promoter shall notify the Commission of a proposed change in the composition of [a main] any bout under his promotion immediately upon the arising of need or decision for change. [and an] An announcement or advertisement of the proposed change may not be made by the promoter or a person connected with the promotion unless [and until the] approval of the Commission has been granted. If the change is made and approved, [either before or after the weigh-in for the event,] immediate widespread public announcement shall be made through available communications media and written notice shall be posted conspicuously at ticket agencies and at entrances and ticket windows at the site of the event. [The] Upon postponement or cancellation of the main event or the entire program of contests or exhibitions, the promoter [, upon appli-

cation by the ticket holder, shall refund the purchase price of a ticket bought prior to the announcement of change in composition of a main bout and presented for redemption before or on the date of the event and before use of the ticket for admission at the gate] shall refund the full price of each ticket to any person who presents the entire ticket for a refund within 10 days after the event. The promoter shall announce the postponement or cancellation at the beginning of the program and at other times during the event as the Commission may prescribe and shall notify the ticket holders in each announcement that they may present their ticket stubs for a refund of the purchase price during the program.

(j) The promoter of a professional boxing event under the jurisdiction of the Commission shall make payment of the purse and other money due a participating boxer to the boxer personally [and not to the manager or to an agent or alleged agent of the boxer, except in the immediate presence and with the full knowledge, understanding and permission of the boxer as to the exact amount due him] unless a prior arrangement has been made and approved by the Commission. A promoter may not make payment to a boxer, to a manager or to an agent of either of them except in the presence [and with the consent of the chief deputy commissioner designated by him to act in his stead] of a Commission member. There may be no variance from the procedure set forth in this subsection except by explicit written direction by the Commission to the promoter.

[(j) Professional boxers 18 years of age shall be permitted to engage in bouts of no more than six rounds, boxers 19 years of age in bouts of no more than eight rounds, and boxers 20 years of age in bouts of no more than ten rounds within this Commonwealth, unless otherwise authorized by the Commission for good and sufficient reasons based on special ability, experience and maturity factors in individual cases.]

* * * * *

(l) A boxer or [a person licensed by the Commission] a licensee may not strike, molest or abuse physically or verbally a spectator, ring official or representative of the Commission under penalty of summary disqualification, suspension [and] or fine, or [both.] any of these penalties.

* * * * *

(n) If a boxer refuses to continue a bout while physically able to do so, the referee shall [disqualify him,] rule the bout a technical knock-out (TKO) and award the bout to the opposing boxer [and file a written report of the incident to the Commission within 24 hours with recommendation as to penal action]. The purse of the [disqualified] losing boxer [shall meanwhile], or any part thereof, may be impounded by the Commission.

§ 21.5. Scoring system.

(a) The scoring in professional boxing contests shall be on the basis of the ten point must system.

(1) Each [scoring official] judge in reaching a finding on each round of a contest shall award to the

winning boxer ten points and to the losing boxer **[not more than]** nine points **or less** and shall so inscribe the official score **[sheet] card** immediately upon conclusion of the round **[and no later than the start of the ensuing round if any]**.

(2) In the case of an even round, the **[scoring official] judge** shall award ten points to each boxer **[and shall so inscribe the official score sheet]**.

(3) At the conclusion of **[the contest] each round** which has not been terminated by a knockout, a technical knockout or the disqualification of either boxer, **[prior to the conclusion of the final scheduled round, each scoring official shall add the points awarded to each boxer, the boxer having the greater total points to receive the vote of the scoring official as winner of the contest]** the Executive Director or a designee shall tally the points for each boxer and mark these scores on the official score card.

(4) If each boxer has been awarded the same total number of points, the vote of the **[scoring official] judge** shall be recorded as a draw. **[The scoring official]**

(5) Each judge shall sign his name to his **[official score sheet] score cards**.

(6) A boxer shall be declared the winner of a contest if he has received the winning votes of two or all of the **[scoring officials] judges**.

(7) A contest shall be declared a draw if the votes of two or all of the **[scoring officials] judges** shall so state, or if each boxer receives the winning vote of one **[scoring official] judge** and the vote of the third **[scoring official] judge** shall be for a draw.

(b) Examples of ten point scoring are as follows:

* * * * *

(2) *10-9*. Indicates one boxer distinguished himself as more effective during the round, as described in paragraph (1). This score is the most often used, and allows for a slight to considerable margin between the boxers. One boxer may have been only slightly better than the other or the boxer may have dominated the round without really stunning the other boxer, with no **[standing eight counts or]** knockdowns.

(3) *10-8*. **[Used sparingly, but indicates]** Indicates a round in which one boxer was in constant control, and unquestionably outclassed his opponent. The boxer **[shall] may** also have obviously stunned his opponent, usually including at least one knockdown **[or standing-8-count]**. If there were no knockdowns **[or standing-8-counts]**, there shall still have been enough contact done to indicate that at least one of these occurrences was imminent.

(c) Subject to the **["butt] foul rule["]** in subsection (d), if in a round a boxer is adjudged guilty by the referee of a foul or of a technical violation of the Athletic Code **[(4 P. S. §§ 31.101—31.3108)]** or repetition of either **[or both]**, the referee may penalize the offending boxer one point for each foul or technical violation. **[and] He** shall immediately stop the contest and notify the judges of the number of points being deducted and provide for

the innocent boxer to be examined by the ringside physician, if warranted. In each round where points are being deducted, judges shall score the round in a normal manner and mark next to the score the number of points being deducted for that boxer for the foul as indicated by the referee. If a boxer persists in the employment of foul tactics or in technical violations of the Athletic Code **[(4 P. S. §§ 31.101—31.3108)]** or if the boxer inflicts, by foul means, a crippling injury upon his opponent so that the latter is adjudged incapable of continuing the contest, the referee shall disqualify the offending boxer and shall award the contest to the innocent boxer. In determining the scoring of a round, **[the scoring official] a judge** shall consider the following:

* * * * *

(d) If a boxer in a bout scheduled for more than four rounds receives an accidental **[butt] foul** that renders the boxer **immediately** unable to continue and **[three] less than four rounds [or less]** have been **[fought] completed**, the referee shall rule the decision a **[technical draw] "no-contest."** This rule does not apply in the case of low-blow fouls as referenced in subsection (k). If **[more than three] at least four** rounds have been **[fought, the referee shall collect the score cards and] completed**, the boxer ahead on the score cards shall be awarded the decision. If neither boxer is ahead on points, the contest shall be ruled a draw. **The round shall be considered complete when the bell is sounded ending the round. Partial rounds shall be scored when at least four rounds have been completed.**

(e) If a boxer in a bout scheduled for four rounds receives an accidental foul that renders the boxer **immediately** unable to continue and less than three rounds have been completed, the referee shall rule the decision a "no-contest." This rule does not apply in the case of low-blow fouls as referenced in subsection (k). If at least three rounds have been completed, the boxer ahead on the score cards shall be awarded the decision. If neither boxer is ahead on points the contest shall be ruled a draw. **The partial fourth round shall be scored.**

[(e)] (f) If a boxer receives an intentional **[butt] foul**, the referee **[may] shall** stop the contest and **[may] shall** deduct one **[point] or more points** from the offender. Point deductions shall be at the discretion of the referee based upon the severity of the **[butt] foul**. **[If a boxer receives more than two intentional butts, the referee shall stop the contest and disqualify the offender.]** If the boxer who received the intentional **[butt] foul** is unable to continue the round in which the **[butt] foul** occurred, as determined by the referee or ringside physician, the referee shall stop the contest and **the injured boxer shall have up to 5 minutes of recovery time. If after these 5 minutes the injured boxer cannot continue, the referee shall disqualify the offender. Point deductions and disqualifications are at the discretion of the referee.**

[(f)] (g) The referee shall have the authority to determine whether the **[butt] foul** is accidental or intentional and shall make his ruling known immediately after the foul has been committed. The referee shall notify the judges, Commission personnel and both boxers of his ruling.

[(g) (h)] If an injury inflicted by an **[intentional butt] accidental foul** later becomes aggravated by fair blows and the bout must be stopped in a round other than the one in which the **[butt] foul** occurred **[(See subsection (e))]**, the outcome will be determined by the scoring of **[the] all partial and** completed rounds if **[more than three] at least four** rounds have been **[fought] completed**. If less than **[three] four** rounds have been **[fought] completed**, the outcome shall be ruled a **[technical draw] "no-contest."**

(i) If an injury inflicted by an **intentional foul** later becomes aggravated by fair blows and the bout must be stopped in a round other than the one in which the foul occurred (See subsection (e)), the injured boxer will win by a technical decision if he is ahead in the scoring.

(1) The bout shall be ruled a technical draw if the injured boxer is behind or even in the scoring.

(2) If a boxer injures himself while attempting to intentionally foul his opponent, the referee shall take no action in his favor, and this injury shall be treated the same as one produced by a fair blow.

[(h)] Happenings subsequent to the sounding of the bell at the conclusion of a round and prior to the sounding of the bell at the start of the next succeeding round shall be considered to have occurred in the succeeding round. When a round, excepting the final scheduled round, in a boxing contest terminate before a contestant who has been knocked down has risen from the floor of the ring,]

(j) In a round when a boxer has been knocked down and that boxer has not risen at the end of the round, the count of the timekeeper shall be continued and, if the fallen contestant shall fail to rise before the count of ten, he shall be considered to have lost the bout by a knockout in the round just concluded. **[In the last round, the fight is over at the sound of the bell. The count stops at the final bell.]** If the boxer does rise and the round has already ended, the timekeeper shall immediately ring the bell signifying the end of the round.

(k) The referee shall signal for a time-out when a boxer is knocked down as a result of an accidental foul or accident, as ruled by the referee. The boxer shall have up to 5 minutes of recovery time. If the boxer cannot continue after 5 minutes and four rounds or more have been completed, the winner of the bout shall be determined by the scores indicated for completed rounds on the score cards. If less than four rounds have been completed, the bout shall be ruled a technical draw.

(l) In the case of an accidental low blow, the same procedures in subsection (k) shall be followed, except that if the boxer who is unable to continue is ahead on points, the bout shall be ruled a technical draw. If his opponent is ahead on points, he shall be awarded the decision.

(m) If a boxer is disqualified by the referee and that boxer is behind on points at the time of his disqualification, regardless of the round, that boxer shall lose by technical knock-out (TKO).

§ 21.6. Promoters.

(a) Promoters of professional boxing events under the jurisdiction of the Commission shall be licensed by the

Commission and shall be responsible for the observance of **[the provisions of]** the Athletic Code **[(4 P. S. §§ 31.101—31.3108)]** and this part, as far as the Athletic Code and this part apply to them and their activities during and after events under their promotion.

(b) Each promoter shall file with the Commission fully conformed and executed copies of contracts between the promoter and managers**[, or] and** boxers**[, or both,]** committed to participation in events under his promotion. Each contract filed shall set forth the exact and complete agreement between the parties. Undisclosed additional or collateral written or oral agreements or understandings pertaining to the subject matter of the original contract or the event **[shall be strictly] are** prohibited and void. **[No promoter may include in a contract with a manager or boxer, or both, a return bout clause or other provision calling for the services of a boxer for a bout or series of bouts following the bout which is the principal subject of the contract.]** Promoters may not contract or negotiate with a matchmaker, manager or boxer **who is** under suspension by the Commission, except with the written permission of the Commission.

(c) The promoter **[shall be] is** responsible for the maintenance of order and the safety of persons present at each event under his promotion, and he shall provide ample **[and effective police and fire protection at each event] security.**

* * * * *

(e) **[A promoter may not deal with an unlicensed manager in arranging the program of an event under the jurisdiction of the Commission.] Unless otherwise directed by the Commission, each promoter shall pay out all boxing purses immediately after the contest but no later than 24 hours after an event.**

(f) **[A promoter may not arrange, announce, advertise or conduct an event under the jurisdiction of the Commission for the benefit of a charity, civic cause or other eleemosynary purpose unless the beneficiary is guaranteed either a stated monetary amount or a fixed percentage of the gross receipts after deduction of taxes and special license fees. A written memorandum of the full and precise benefit agreement, signed by the promoter and by an authorized representative of the beneficiary, shall be submitted to the Commission for approval prior to every benefit event and no public announcement of the benefit may be made until the memorandum has been filed and the agreement has been approved by the Commission.] A promoter may distribute passes to his staff or other individuals helping in the promotion of an event to permit them to enter the event. The number of passes will not exceed 50 or more than 1% of the total seating capacity of the facility, whichever is less, unless otherwise approved by the Commission. Passes shall be visibly displayed and are not subject to the Commission's gross receipts tax.**

(g) The promoters of a contest between female boxers shall provide them with adequate and separate dressing rooms from male boxers.

§ 21.7. Matchmakers.

(a) Matchmakers shall be licensed by the Commission and shall be employed only by licensed promoters. Match-

makers shall be familiar and comply with the Athletic Code [(4 P. S. §§ 31.101—31.3108)] and this part with special reference to [those pertaining to] contracts, the giving of advance notice [and], the advertising of events and the due observance of legal weight differentials between opponents.

(b) Matchmakers shall be familiar with the records, the abilities and the physical condition of boxers for whose services they negotiate. Matchmakers shall take notice of [the suspensions bulletins] suspensions issued by [the Commission] any commission and may neither contract nor negotiate with unlicensed managers or boxers who are under suspension, except by written permission of the Commission. [Matchmakers may at no time deal with an unlicensed manager or with a manager or boxer whose license has been revoked by the Commission.]

* * * * *

[(d) No matchmaker may be employed by more than one promoter at the same time, except by written permission of the Commission.]

§ 21.8. Boxers.

(a) Professional boxers shall be licensed by the Commission. The Commission will not license or renew the license of a professional boxer unless the license application is accompanied by a report from a Department of Health facility, a laboratory possessing a permit from the Department of Health under 28 Pa. Code § 5.11 (relating to permit, requirements, application, and conditions) or a report from a laboratory licensed in another jurisdiction that meets the requirements to be issued a permit under 28 Pa. Code § 5.11 and is acceptable to the Commission, which indicates that the applicant has been tested for any virus, antibody, antigen or etiologic agent determined to cause or indicate the presence of human immunodeficiency virus, and the results of those tests were negative. The tests shall have been initiated no more than 60 days prior to the date of filing the application. A boxer whose application for license has been denied has the right to a hearing before the Commission under 2 Pa.C.S. (relating to administrative law and procedure). The applicant shall apply, in writing, to the Commission requesting a hearing [at which time the]. The Commission will conduct a hearing within 10 business days from the receipt of the written request.

(b) The Commission will require each professional boxer under contract to appear in a bout under its jurisdiction to be properly licensed and to be examined and certified by a physician appointed by the [Commission] Executive Director to be physically sound before being permitted to engage in the bout. The Commission upon its own initiative as a safety precaution may require a professional boxer under its jurisdiction to undergo a general or an ad hoc physical or mental examination, or both, for the purpose of determining whether or not the boxer is fit to continue actively in the profession of boxing.

(c) Whenever a professional boxer considers himself unable by reason of illness or injury to participate in a bout for which he is under contract within the jurisdiction of the Commission, he, or his manager in his behalf, shall promptly notify both the Commission and the promoter of the event of the alleged condition of the boxer. [and the] The boxer shall immediately submit written med-

ical verification to the Commission which may, if it deems fit, require the boxer at his own expense to undergo examination by a physician selected by the Commission for further substantiation of the averment of disability. If a bout to which a professional boxer is under contract has been canceled and no suitable opponent, as determined by the Commission, can be located, the boxer shall be entitled to reasonable expenses as determined by the Commission.

(d) A boxer shall be considered to have been knocked out in a bout if he is counted out and he [shall] may incur [mandatory] a suspension of [6 weeks] up to 90 days. A suspension under this section shall be mandatory if the boxer has been knocked unconscious or has received a concussion. This mandatory suspension shall be removed only after the boxer has been pronounced fit after undergoing medical examination by a physician.

(1) A boxer [shall] may incur [automatic] a suspension of up to 30 days if he experiences a technical knockout [, subject to reduction in appropriate cases to suspension of not less than 25 days in the discretion of the Commission after medical examination and approval] without head injuries.

(2) A boxer may incur additional suspension time upon recommendation of the ringside physician or the Commission's Medical Advisory Board. [The victim boxer shall furnish satisfactory medical proof of physical well-being in every case of knockout and technical knockout before he is permitted to box again under the jurisdiction of the Commission. The Commission may suspend a]

(3) A professional boxer who is defeated in [five] six consecutive contests, either within or [beyond] outside the jurisdiction of the Commission shall be required to undergo a medical examination by a physician approved by the Commission, pending inquiry by the Commission to determine the physical and mental ability of the boxer to continue safely in the boxing profession.

(e) The Commission will not license as a professional boxer an applicant under 18 years of age and the Commission will require conclusive proof of age of a boxer applying for the first time to be so licensed with [the] this Commonwealth. An applicant for a boxing license who has never competed in a professional boxing contest shall attach to his license application the results of a complete general physical on a form supplied by the Commission. The Commission will not license as a professional boxer an applicant over 36 years of age except by special action by the Commission. An applicant for a boxing license over 36 years of age shall attach to his license application the results of the following:

- (1) A complete general physical on a form supplied by the Commission.
- (2) An electrocardiogram (EKG).
- (3) A stress echo test.
- (4) An eye exam.

(f) The Commission will not permit a professional boxer to participate in a bout under its jurisdiction without first having signed with a licensed promoter a [properly drafted] contract covering the participation that meets the requirements of the Athletic Code and this part.

If the boxer is under contract to a manager, the manager **[is also], too shall be** required to sign the contract unless excused by **[special action of]** the Commission. This **[,]** does not mean that a boxer is not contractually bound by a commitment made in his behalf by his legally constituted manager even though the boxer may not have personally executed the instrument purporting to commit him.

(g) A boxer under the jurisdiction of the Commission may not be under contract to more than one manager at the same time without express approval of the Commission **[, and a boxer may not be under contract to more than two managers at the same time]**. A boxer under the jurisdiction of the Commission may not enter into a contract with a manager or combination of managers whereunder the boxer is obligated to the payment of more than the total of **[50] 40%** of his earnings under the manager or combination of managers.

* * * * *

(j) The Commission may require either or both of the participants in a professional boxing bout to guarantee appearance or the making of agreed weight, or both, by stipulated monetary forfeit to be posted with the Commission in cash or by certified check by a stated time prior to the bout under appropriate circumstances. The Commission may declare the sum posted by him forfeited in whole or in part if a boxer fails to appear or make the agreed weight, and the forfeited amount **[paid to the Commonwealth or to the opposing boxer or partly to the opposing boxer] shall be distributed** as the Commission, in its discretion, will decide.

* * * * *

(l) If either or both of the participants in a professional boxing contest fail to satisfactorily put forth serious effort during the bout or persist in foul tactics in the judgment of the referee, the referee shall stop the bout after reasonable warning, disqualify the offending boxer **[,] and award the decision [of] to the boxer making the serious effort. [, if any, and direct that compensation due the offending boxer be impounded by the]** The Commission **may impound moneys due the offending boxer** pending the outcome of a hearing which the Commission will arrange on the subject.

(m) Participants in professional boxing bouts under the jurisdiction of the Commission shall **[be]**:

(1) Be shaven clean except that the Commission may sanction the wearing of closely cropped mustaches or **[religiously required]** beards, or both, at its discretion.

(2) Wear their hair secured so that it does not interfere with the vision or safety of either contestant.

(3) Use no facial cosmetics.

(n) A female boxer:

(1) May not engage in a contest with a male boxer.

(2) Shall provide the Commission with a negative pregnancy test result taken not more than 24 hours prior to the scheduled contest.

(o) A male boxer may not engage in a contest with a female boxer.

§ 21.9. Managers.

(a) The Commission will license managers of professional boxers after being satisfied as to their good character, reputation and qualifications **[all of which will be inquired into carefully before licensing and whenever appropriate thereafter]**.

(b) **[An unlicensed manager or other unlicensed agent or representative of a boxer may not deal contractually on behalf of a boxer with a promoter or matchmaker under the jurisdiction of the Commission nor may a]** A contract or negotiation entered into **[or upon]** by **[an unlicensed person]** manager **not licensed by the Commission** may be upheld as valid by the Commission **if the manager is licensed in another jurisdiction.**

(c) A person may not be permitted to enter into a contract to manage a professional boxer without first being so licensed. If his license is revoked or allowed to expire, a contractual relationship which he has with a boxer will become **[voidable at the discretion of the Commission] void as required by section 1103(b) of the Athletic Code (relating to provisions in contracts between managers and professional boxers).**

* * * * *

(e) A licensed manager of a professional boxer may act as second to the boxer in a bout under the jurisdiction of the Commission. **[but unless he is also licensed by the Commission as a second of professional boxers, he may not be permitted to act as second to a boxer with whom he has no contractual relationship as manager.]**

* * * * *

(h) The Commission **[will]** may impound for a **[licensed manager]** manager who has been licensed by the Commission, upon the request of the manager, the proper portion of the purse of a boxer under contract to him pending final determination of the merits of the matter **[when the]**. If a boxer **[has engaged]** engages in a bout without the consent of **[the]** his manager, the Commission may, at the request of a licensed manager, impound the proper portion of the purse of a boxer under contract pending final determination of the merits of the matter.

§ 21.10. Seconds.

(a) The Commission will license professional boxing seconds after being satisfied of their good character, reputation and qualifications **[which will be inquired into carefully before licensing and whenever appropriate thereafter]**.

(b) Unless he is licensed also as a manager of professional boxers, a second may not act or attempt to act in a managerial capacity **[, as distinguished from a second's capacity, especially in the negotiating of matches or in terms of matches, or both]**.

(c) The number of seconds attending a professional boxer in his ring corner shall be limited to a maximum of **[three]** four.

(d) Seconds attending a professional boxer shall be neatly and cleanly attired in a manner subject to the approval of the Commission. **[A second may not wear into the ring an article of clothing which displays**

advertising matter except the name of the boxer whom he is attending in the event then in progress.]

(e) First aid and other ring equipment of a second shall before, during and after use be subject to inspection by the attending physician **and Commission personnel** whose decision as to the propriety of its use shall be final.

* * * * *

(g) Seconds shall remain seated at ringside and may not rise or lean upon the ring platform during rounds nor may they **[coach or in another way assist or]** heckle the participants or the officials during the **[periods] event.**

(h) Seconds may not attempt to render aid to a fallen or otherwise **[possibly seriously]** injured boxer in the ring until the attending physician has examined the boxer and indicated that his seconds may minister to him. However, a second may remove the protective mouthpiece of the boxer without awaiting direction.

* * * * *

(j) **[Penalty for offending behavior.]** A manager, second or **[other such]** another person having received **[two]** ample warnings to stop an offending conduct, **[shall]** may be ejected from the corner **[and]. His boxer may have points deducted during a contest. They** may be suspended or fined, or both.

* * * * *

§ 21.11. Referees.

(a) Professional boxing referees shall be licensed by the Commission **[which will appoint a licensed referee] and shall be appointed by the Executive Director** to officiate in each professional boxing contest and exhibition under the jurisdiction of the Commission except exhibitions conducted solely for training or instruction purposes.

(b) To qualify as a professional boxing referee and to obtain a license in that capacity, an applicant shall conform with the following requirements:

(1) Be **[a citizen of this Commonwealth,]** at least 21 years of age, of good moral repute, of sound physical health and of a level of intelligence and degree of attainment as a student of boxing satisfactory to the Commission.

(2) Serve an apprenticeship of **[not less than]** at least 3 months during which he shall diligently study the Athletic Code **[(4 P. S. §§ 31.101—31.3108)]** and this part, especially the portions that pertain to boxing and to the duties of boxing referees, and shall work with and undergo instruction under the direction of licensed officials under conditions and occasions the Commission **[will designate]** designates.

[(3) Have the intention to be qualified for duty as a boxing referee after undergoing observation and written or oral examination, or both, on the techniques and requirements of the position by a board consisting of a commissioner and two licensed boxing referees.]

(c) The powers and duties of a professional boxing referee shall be as follows:

(1) **[He shall]** To exercise immediate authority, direction and control over each contest and exhibition to which he is appointed.

(2) **[He shall]** To submit to physical examination **[by the physician assigned by the Commission to each event to which he is appointed]** at the discretion of the Executive Director.

(3) **[He shall]** To wear in the ring apparel of a type, style and color **[that is]** approved by the Commission.

(4) **[Before the start of each contest and exhibition under his direction, he shall]** To determine the identity of the chief seconds of the respective boxers **before the start of each contest and exhibition under his direction** and shall hold the chief seconds responsible for their own conduct and for the conduct of their respective assistant seconds in all matters pertaining to the bout; **[he shall]** to give final instructions to the boxers and to their seconds as he deems appropriate; and **[he shall have]** to remove or cause to be removed from the ring or the vicinity a second or other person who interferes with the conduct of the bout.

(5) **[Before the start of each contest and exhibition and as he sees fit throughout he shall]** To check the gloves, equipment and persons of the boxers **before the start of each contest and exhibition and as he sees fit throughout** to assure that no unsafe or improper condition exists.

(6) **[He shall]** To observe carefully and continually the physical condition of the participants and he shall have full and final responsibility either at his own discretion, or upon direction from the attending physician, for the immediate halting of a bout **[where]** when the safety of a boxer would be, for any reason, jeopardized by continuance.

(7) **[He shall have]** To exercise his full authority to interrupt the progress of a round in the event of injury to a participant by directing the timekeeper to stop the clock and calling the attending physician into the ring to examine and rule upon the condition of the injured boxer **[and if it is decided by].** If the physician determines that the boxer is fit to continue, the referee shall direct the timekeeper to start the clock and **[the round shall be resumed]** resume the round from the point of interruption. **[However, no interruption of a round may be ordered when the condition of the distressed party may be materially remedied by an unscheduled rest period, except where the injury involved]** When an injury has resulted from **[a]** an accidental or intentional foul **[action]** by the opposing boxer, **[when]** the referee upon advice of the attending physician **[orders an appropriately reasonable]** may order a rest period **not to exceed 5 minutes.**

(8) **[He shall]** To enforce the rules of professional boxing set forth in the Athletic Code and in this part **[, as well as those rules generally recognized in the sport under the traditional title of the Marquis of Queensbury Rules, as modified to current date by usage and written authority].**

(9) **[He shall be authorized, in the event of foul tactics by a boxer, to]** To take away points from the

score of the boxer in the event of foul tactics by the boxer at [the end of the round] any time during a round in which the foul tactics have occurred[, and when]. When he has taken action, he shall inform the judges [of the bout], the Commission and the chief seconds of the participants [, of his ruling prior to the start of the next round].

(10) [He shall be authorized to] To disqualify either or both participants in a bout for failure [, in his fair and reasonable opinion,] to perform according to due standards of effort, ability or conduct and [he may] to recommend the withholding of compensation otherwise payable to the disqualified boxer or the imposition of a fine, suspension or other penalties, or [both] one or all of these penalties, as he deems appropriate.

(11) [He shall carefully and expertly observe the performance of the boxers in each contest to which he is appointed, shall appraise the performances fairly and accurately in the light of the Athletic Code, this part and the generally recognized rules of boxing, shall inscribe the results of the appraisal after each round on the official Commission score card according to the scoring system adopted by the Commission and at the conclusion of the contest, shall total the respective scores, complete and sign the score card and] To collect and deliver the completed, signed, official score card of each judge to the [announcer or to another official the Commission designates] Executive Director or a designee after each round.

(12) [He shall] To decide whether or not a boxer has been knocked down during the course of a round and [he shall clearly] indicate that decision to the timekeeper, whose count shall be accordingly continued or discontinued[, and if]. If the count is to be continued, the referee shall pick it up verbally and by gesture after first making sure that the opponent of the fallen boxer has retreated to the [most distant] neutral corner of the ring.

(13) [He shall] To confirm the official result and whether it has been reached by decision on points, by knockout, by technical knockout or by disqualification to the [announcer and the] Commission at the conclusion of each bout under his direction.

(d) A referee [will not be permitted to act as such during a boxing event unless the referee is wearing] while officiating shall wear disposable latex hygienic gloves[. The gloves shall] to be paid for and provided by the promoter.

§ 21.12. Judges.

(a) Professional boxing judges shall be licensed by the Commission [which will appoint two licensed judges]. Three licensed judges shall be appointed by the Executive Director to officiate in each professional boxing contest under the jurisdiction of the Commission.[However, a] A licensed boxing referee may be appointed at any time to officiate in the capacity of boxing judge.

(b) To qualify as a professional boxing judge and to obtain a license in that capacity, an applicant shall conform with the following requirements:

(1) Be [a citizen of this Commonwealth,] at least 21 years of age, of good moral character and reputation and of a level of intelligence and degree of attainment as a student of boxing satisfactory to the Commission.

(2) Serve an apprenticeship of not less than 3 months, during which he shall diligently study the Athletic Code [(4 P. S. §§ 31.101—31.3108)] and this part, especially the portions that pertain to boxing and to the duties of boxing judges, and shall work with and undergo instruction under the direction of [licensed officials under the conditions on occasions which] the Commission [will designate].

(3) Have the intention to be qualified for duty as a professional boxing judge after undergoing observation and written or oral examination, or both, on the techniques and requirements of the position [by a board consisting of a Commissioner and two licensed boxing referees or one licensed boxing referee and one licensed boxing judge] at the discretion of the Commission.

(4) Attend at least one seminar per year as directed by the Commission.

(c) It shall be the duty of a professional boxing judge to observe carefully and expertly the performance of the boxers in each contest to which he is appointed; to appraise the performances fairly and accurately in the light of the Athletic Code, this part and the generally recognized rules of boxing; to inscribe the results of the appraisal after each round on the [Commission] official score card according to the scoring system adopted by the Commission; and at the conclusion of [the contest, to] each round complete and sign [the] each official score card and deliver the completed, signed score card to the [announcer or to another official that the Commission may designate] referee.

§ 21.13. Timekeepers.

(a) Timekeepers shall be licensed [and assigned] by the Commission and shall be appointed by the Executive Director to serve at professional boxing contests and exhibitions.

(b) The timekeeper shall keep time by means of an accurate stopclock or stopwatch, and it shall be his responsibility to assure that the instrument is in good working order when it is to be used. He shall sound the gong to begin and to end each round [by striking it vigorously and to end each round by striking it vigorously with a metal hammer], and he shall count for knockdowns by striking the floor of the ring or a suitable [wooden] strikingboard with a [substantially constructed] hammer or wooden mallet. He shall give warning to seconds of boxers to leave the ring between rounds by sounding a whistle signal 10 seconds before the end of the rest period, and he [may] shall give warning of the end of a round by [raising] striking his hammer [above his head] on a strikingboard 10 seconds before striking the gong; he [shall] may give no other signal or other information on the progress of a round.

* * * * *

§ 21.14. Insurance.

* * * * *

(b) The promoter of each professional boxing event under the jurisdiction of the Commission shall deduct from the purse paid to the manager of the boxer the cost of the insurance for the boxer[,] and shall pay to the [chief deputy commissioner in charge] Commission the full amount due in accordance with the current premium schedule. Failure to make immediate payment of insurance premiums as provided shall render the defaulting promoter eligible for suspension and license revocation.

(c) It shall be the responsibility of a boxer who suffers injury covered by insurance to report the injury promptly to the examining physician assigned to the event. The responsibility shall extend to the chief second of the injured boxer, as well as to other persons officially attached to the boxer. Failure to report to the examining physician or, if for any reason he is not readily available, to the [chief deputy commissioner in charge,] Commission shall [render the delinquent person eligible] constitute grounds for suspension and license revocation.

(d) Upon receipt of notice of injury to a boxer, the examining physician [or the chief deputy commissioner in charge, or both,] shall make due examination and investigation and shall promptly report pertinent findings to the Commission upon the official form provided for that purpose [which shall be forwarded to the insurance carrier].

§ 21.15. State championships.

* * * * *

(e) If a boxer, having contracted to engage in a championship contest, fails [at the time of weigh-in to make the contracted championship weight, fails] or refuses the Commission's drug test or violates a section of the Athletic Code [(4 P. S. §§ 31.101—31.3110)] in the course of the championship event, as determined by the Commission, the opponent in the contest will be declared the winner by default.

(f) [No] A contest may not be advertised as a State championship without the written approval of the Commission, and no boxer may be advertised as State champion unless so designated by the Commission.

* * * * *

(h) Subject to § 21.4(b) (relating to conduct of bouts), if the champion makes weight and the challenger does not, the fight may go on, subject to Commission approval. The champion will retain his belt, regardless of the outcome of the bout. If the champion is overweight and the challenger makes weight, the bout may go on, subject to Commission approval; however, the champion shall vacate the title regardless of the outcome, and the challenger will win the title only if he wins the bout. If both boxers are overweight the bout may go on as a nontitle bout, subject to Commission approval, unless approval is given by both boxers and the Commission to box for the title.

§ 21.16. Safety Code.

(a) The Commission, [commissioners and deputy commissioners,] referees, [and] all other ring officials [, Commission physicians] and participating athletes, managers and seconds shall be [increasingly]

aware of [and alert to the paramount importance of enforcement of adherence to] the safety provisions [set forth] in the Athletic Code [(4 P. S. §§ 31.101—31.3108)], its amendments and this part, and in addition they shall be constantly alert to every reasonable consideration of humanity and common sense which indicate and govern the actions of prudent men to minimize the risks inherent in [vigorous contact sport] boxing. The primary, inescapable responsibility of the Commission will be the protection of the athletes under its jurisdiction, and under no circumstances will this concern be subordinated to an interest of gain, sentiment or convenience. Parties involved in implementing this basic program shall be dedicated not only to the letter of the Athletic Code, its amendments and this part but at least equally to the exercise of initiative, resource, decision and unstinted effort in those unprecedented, unpredictable and unprovided emergencies which challenge the best in men at the brink of safety or tragedy, life or death.

(b) The following fouls[, or] and other [dangerous and] unsportsmanlike practices are prohibited in boxing bouts in [the] this Commonwealth:

* * * * *

(23) Biting.

* * * * *

(d) [The Commission will not permit a boxer to] A boxer may not engage in a bout without wearing an abdominal guard or cup. A female boxer shall also wear a chest protector approved by the Commission. A boxer may not wear shoes with hard soles, hard or sharp edged heels, [or] spikes, cleats or abrasive surfaces.

(e) If the gloves of a boxer [touches] touch the floor of the ring during a bout, the referee shall cleanse them of resin, grit and dirt by wiping them on his shirt or, if necessary, with a towel before allowing the action to continue.

(f) [Commissioners and deputy commissioners shall have] The Commission has authority to enter and inspect training quarters of boxers under the jurisdiction of the Commission to observe the conduct, facilities and cleanliness of the quarters and to appraise the activities and the physical condition of boxers during training.

* * * * *

(h) [A standing eight-count rule shall be in effect in boxing bouts within this Commonwealth. If the referee rules that a boxer has received a severe and sustained beating without defending himself, action may not be resumed until the timekeeper has counted to eight. During this standing eight-count, the referee or ringside physician may terminate the bout if the boxer appears to be in physical danger. Only one standing eight-count shall be given to a boxer during each round.]

(i) [The mandatory eight-count rule shall be in effect in boxing bouts within this Commonwealth. If the referee rules that a boxer has been knocked down, action may not be resumed until the [timekeeper] referee has counted to eight even though the fallen boxer meanwhile has regained his feet. During this eight-count, the referee

or ringside physician may terminate the bout if a boxer appears to be in physical danger.

[(j)] (i) The three knockdown rule [shall] will not be in effect in boxing bouts within this Commonwealth. [; if the referee rules three times within the same round that a boxer has been knocked down, the ruling of a third knockdown shall likewise terminate the bout and the victim boxer shall be declared the loser by a knockout with consequent automatic suspension of 6 weeks. When the referee rules that a boxer has been knocked down, the timekeeper shall continue to count until either the boxer rises or the count of ten is reached. It is the purpose of this provision to assure that a boxer who has been actually knocked out receives the protection of the full statutory suspension of 6 weeks.]

[(k)] (j) If a boxer is knocked out, his consequent suspension [of 6 weeks] shall prohibit him not only from boxing in actual competition, but also from sparring as a part of his training exercises. If a boxer is knocked unconscious during a bout, his seconds may not minister to him, except to remove his mouth protector, until the attending physician has examined him and given appropriate instructions for his further care. If a boxer receives a concussion, he may not be permitted to box, even after the expiration of his medical suspension, until he has been thoroughly examined and approved by a physician [especially] which may be designated by the Commission.

[(l)] (k) If a boxer has been a victim of repeated knockouts or the recipient of sustained severe punishment, or both, the Commission [will] may revoke, suspend or refuse to renew his license after [careful consideration of his case and declare him to be retired for his own welfare and safety if the facts warrant the action] undergoing a medical examination by a physician. [The Commission will announce through available communications media suspensions of professional boxers of the duration of 30 days or more, as well as suspensions of indefinite duration, and it will give similar report and public notice of the termination of indefinite suspensions.] The Commission will notify a boxer in writing of its action. A boxer may request a hearing before the Commission in order to review the Commission's action. The Commission will give full force and recognition within this Commonwealth to medical suspensions and retirements imposed upon boxers in other jurisdictions subject to the right of appeal of affected boxers to the [Medical Advisory Board of the Commission] Commission which shall seek and, if possible, obtain a complete record of the matter from the [extraterritorial] authority which imposed the original suspension or retirement before rendering decision in any given case.

[(m)] (l) If a boxer is legally knocked or falls from the ring during a bout, he shall be allowed a maximum of [10] 20 seconds to return within the ropes unassisted. [The use of fitted mouthpieces or mouth protectors by boxers in bouts is strongly recommended.]

[(n)] (m) If a boxer rises within the count of ten after being knocked down and then falls without being struck again, the [timekeeper may not begin the count

again, but may] referee shall resume [it] the count at the point where it was stopped when the boxer rose. [It is strongly recommended that a supply of oxygen with appropriate equipment for its emergency use be available at ringside at boxing bouts.]

[(o)] (n) [The Commission will have exclusive and ultimate authority to decide questions of the age of boxers with respect to eligibility to engage in bouts in this Commonwealth. The Commission will have exclusive and ultimate authority to approve or prohibit each proposed matching of boxers within this Commonwealth.] A protective regulation in this section or elsewhere in the Athletic Code [(4 P. S. §§ 31.101—31.3110)] or this part will not be waived or relaxed in [a] any degree by a [commissioner, deputy commissioner, ring official or physician or by the Commission as a body] Commission official for a boxing bout in this Commonwealth. [It is specifically contemplated that] championship contests [shall] will not fall within this prohibition [precisely the same as other bouts].

CHAPTER 23. AMATEUR BOXING

§ 23.1. Relations with Amateur Athletic [Union] Associations.

(a) The Commission may collaborate through its respective local associations with the Amateur Athletic [Union] Association in the conduct of amateur [boxing] events in this Commonwealth, at its discretion, but at no time may the authority of the Commission or the responsibility of the Commission to enforce the [Pennsylvania] Athletic Code [(4 P. S. §§ 30.101—30.905)] be relinquished, delegated or impaired, by or through the processes of collaboration.

(b) When the Commission collaborates with the Amateur Athletic [Union] Association in the conduct of an amateur boxing event, the rules and regulations of the Amateur Athletic [Union] Association relating to weight classes, ring and ring equipment, conduct of bouts and scoring system shall be in effect. However, if a controversy arises in connection with a subject which is not covered by the express provisions of this chapter, the Commission [shall] will reserve the right to finally pass upon the matter and to make whatever decision it deems to be fair and equitable under the circumstances, and the decision [shall] will be final.

§ 23.2. [Sponsors] Amateur events.

(a) [Each] No amateur [boxing] event under the jurisdiction of the Commission [shall have a bona fide nonprofit organization or sponsor. In no case may an amateur boxing event be conducted for the personal pecuniary advantage of an individual or group of individuals or of any commercial corporation] may be held without a permit for the event having been first secured by the sponsor from the Commission. Permits for amateur boxing events shall be issued only to those sponsors approved by the Commission.

(b) [The Commission will not grant a permit for the holding of an amateur boxing event until satisfied with the character of the proposed sponsor, and for this purpose it will ordinarily require

written evidence of sanction by the Amateur Athletic Union from the applicant organization.]

[(c)] * * *

§ 23.4. Boxers.

(a) The Commission will require each amateur boxer scheduled to appear in a bout under its jurisdiction to be examined by a physician [appointed by the Commission and certified physically sound before being permitted to engage in the bout].

(b) [If a boxer is counted out in a bout, he shall be considered to have been knocked out and shall incur mandatory suspension of 6 weeks. If a boxer experiences a technical knockout, he shall incur automatic suspension of 30 days, subject to reduction in appropriate cases to suspension of not less than 25 days at the discretion of the Commission after medical examination and approval. The victim boxer shall furnish satisfactory medical proof of physical health in every case of knockout and technical knockout before he will be permitted to box again under the jurisdiction of the Commission.

(c)] The Commission may suspend an amateur boxer who [is defeated in five consecutive contests, either within or beyond the jurisdiction of the Commission, pending inquiry by the Commission to determine the physical and mental ability of the boxer to continue safely in competitive boxing] the Commission determines cannot safely defend himself or whose actions are deemed detrimental to the sport of boxing.

[(d) The Commission will not permit a person under 16 years of age to engage in an amateur boxing bout under its jurisdiction, nor will it permit a boxer 16 or 17 years of age to oppose a boxer 18 years of age or older in an amateur bout.

(e) If either or both of the participants in an amateur boxing contest persists in foul tactics, in the judgment of the referee, the referee shall stop the bout after reasonable warning, disqualify the offending boxer, award the decision to the innocent boxer, if any, and make a written report to the Commission.]

(c) [(f)] Participants in amateur boxing [bouts] events under the jurisdiction of the Commission shall conform to the regulations set forth by the Amateur Athletic [Union] Association.

[(g) A contestant engaged in a boxing match sanctioned by the Commission is prohibited from engaging in more than one contest in a single day.]

(d) When deemed appropriate by the Commission, the provisions for professional boxers in §§ 21.4(c) and (h), 21.6(g), 21.8(m)—(o) and 21.16(d) apply to amateur boxers.

§ 23.5. Seconds.

(a) The Commission will permit amateur boxing seconds to function only after they have been approved by the Amateur Athletic [Union] Association. However, the Commission may designate a second if no second approved by the Amateur Athletic [Union] Association is available.

(b) The Commission may remove a second who displays improper conduct in the course of a boxing [bout at which he is functioning, particularly with respect to the Pennsylvania Athletic Code (4 P. S. §§ 30.101—30.905) and this part] event.

(c) [The number of seconds in attendance upon an amateur boxer in his corner shall be limited to a maximum of two, except with special permission from the Commission.

(d) Seconds in attendance in the corner of an amateur boxer shall be neatly and cleanly attired in a manner subject to the approval of the Commission. A second may not wear into the ring an article of clothing which displays any advertising matter except the name of a boxer whom he is attending in the event then in progress.

(e)] First aid and other ring equipment of a second shall in all cases and at all times, before, during and after use, be subject to inspection by the attending physician [whose] and Commission personnel. Any decision as to the propriety of its use shall be final.

[(f) Seconds may not enter the ring during a round and shall leave the ring promptly with stools, buckets and other obstructive equipment upon the sounding of the 10 second warning signal of the timekeeper for the start of the next round.

(g) Seconds shall remain seated at ringside and may not rise or lean upon the ring platform during rounds, nor may they coach or assist or heckle the participants or the officials during rounds.

(h) Seconds may not attempt to render aid to a fallen or otherwise possibly seriously injured boxer in the ring until the attending physician has examined the boxer and indicated that his seconds may minister to him. However, a second may remove protective mouthpiece of the boxer without awaiting direction.

(i) The designated chief second shall be the only spokesman of a boxer to the referee and other officials while the boxer is in the ring.]

§ 23.6. Referees.

(a) Amateur boxing referees shall be [licensed by the Commission which will appoint a licensed referee to officiate in each amateur boxing contest under the jurisdiction of the Commission] appointed by the Amateur Athletic Association with the approval of the Commission. Referees may be removed from their duties at any time by the Commission if the Commission determines that they are not competent.

(b) [An applicant] A referee appointed under this section shall [possess the following qualifications:

(1) Be a citizen of this Commonwealth, 18] Be 21 years of age or older, of good moral character and reputation, of sound physical health, [who has served an apprenticeship of at least 3 months in an amateur boxing gym which has been recognized by the American Athletic Union] and approved by the Amateur Association overseeing the event.

[(2) Make application to the Commission setting forth his experience and qualifications and attaching thereto a recommendation for licensure from a

licensed amateur boxing referee, or from a Commissioner or deputy commissioner of the Commission.

(3) Pass a practical examination of his skills as a boxing referee and of his knowledge of the regulations pertaining to his activities as an amateur boxing referee which shall be conducted by a member of the Commission or a person designated to conduct the examination.]

(c) [A license fee may not be required of an applicant for an amateur boxing referee license, it being the sense and intent of this section that the licensing of an applicant as an amateur referee shall qualify and entitle him for appointment to officiate only in amateur bouts unless he shall have been licensed as a referee of professional bouts under the procedure set forth in § 21.11(b) (relating to referees) for the qualifying of professional boxing referees. The license to act as an amateur boxing referee shall be proof of apprenticeship for application to become a professional boxing referee.

(d)] The powers and duties of an amateur boxing referee shall be the same as those for professional boxing referees [set forth] in § 21.11(a) (relating to referees), except [as follows:] that

[(1) The] the referee shall enforce the rules of amateur boxing as [set forth] in the [Pennsylvania] Athletic Code [(4 P. S. §§ 30.101—30.905)] and this part as well as those rules adopted and promulgated by the Amateur Athletic [Union and approved by the Commission] Association.

[(2) If he disqualifies one or both participants in a bout for failure to perform according to due standards of effort, ability or conduct, the referee may recommend suspension or other appropriate penal action, except monetary fining.

(3) He shall score according to the scoring system currently in effect for amateur boxing under the jurisdiction of the Commission.

(e)] (d) The Commission will determine the amount of the compensation of amateur boxing referees in accordance with reason and equity in the circumstances of the respective events to which they are appointed, and the compensation shall be paid in full in each case by the sponsor of the event [through the chief deputy commissioner in charge].

§ 23.7. Judges.

(a) [Two] An amateur boxing [judges may] judge shall be appointed by the Amateur Athletic [Union] Association with the approval of the Commission [to officiate in each amateur boxing contest under the jurisdiction of the Commission]. A judge may be removed by the Commission at any time if deemed incompetent.

(b) An amateur boxing judge shall be 21 years of age or older, of good moral character and reputation [and conversant with the Pennsylvania Athletic Code (4 P. S. §§ 30.101—30.905) and this part as they pertain to amateur boxing and the duties of amateur boxing judges].

(c) It shall be the duty of an amateur boxing judge to observe carefully and expertly the performances of the

boxers in each contest to which he is appointed[;] and to appraise the performances fairly and accurately [in the light of the Pennsylvania Athletic Code, this part and the generally recognized rules of amateur boxing; to inscribe the results of the appraisal after each round on the official score card according to the scoring system approved by the Commission for amateur boxing; and, at the conclusion of the contest, to complete and sign the score card and deliver the completed, signed score card to the announcer or to the other official that the Commission designates].

§ 23.8. Timekeepers.

(a) Timekeepers for amateur boxing events may be appointed by the Amateur Athletic [Union] Association, with the approval of the Commission.

(b) The duties and responsibilities of timekeepers for amateur boxing [bouts] events shall be the same as of timekeepers for professional boxing bouts [set forth] in § 21.13 (relating to timekeepers).

§ 23.9. Insurance.

(a) [Boxers engaged in amateur contests and exhibitions under the jurisdiction of the Commission shall be covered by the same contract of insurance for their financial protection as prescribed for the coverage of professional boxers in § 21.14 (relating to insurance).

(b)] The sponsor of each amateur boxing event [under the jurisdiction of the Commission shall bear the cost of the insurance of boxers engaging in bouts named in the program of the event and shall pay to the chief deputy commissioner in charge the full amount due in accordance with the current premium schedule. Failure to make immediate payment of insurance premiums as provided shall render the defaulting sponsor ineligible to conduct an event under the jurisdiction of the Commission until all sums due are paid] shall ensure that all participants are covered by insurance. Costs associated with the insurance shall be the responsibility of the sponsor.

[(c)] (b) * * *

§ 23.10. Safety code.

(a) [The safety code for professional boxing as set forth in § 21.16 (relating to safety code) applies to and be strictly enforced in amateur boxing bouts under the jurisdiction of the Commission.

(b) Section 203 of the Pennsylvania Athletic Code (4 P. S. § 30.203) in which amateur boxers 16 and 17 years of age are prohibited from competing with opponents 18 years of age or more shall be strictly enforced without exception under any circumstances.]

A person between 12 and 17 years of age may participate in amateur contests or exhibitions after obtaining written permission from a parent or legal guardian, and the consent of the Executive Director.

(b) A person 12 to 16 years of age may not participate in a contest against an opponent who is more than 1 year older.

(c) [The Commission will require each amateur boxer to produce satisfactory written proof of his age by birth certificate, infant baptismal certificate, school enrollment certificate or United States Selective Service registration card before he is permitted to compete. Statements and affidavits by parents, guardians or other individuals, gymnasium and club records, and automobile driver license data are deemed insufficient and unacceptable for the purpose of establishing age.] The limitations in subsections (a) and (b) do not apply to sanctioned boxing events for the Junior Olympics under the direction of a National governing organization certified by the Commission.

(1) For the purposes of the Junior Olympic events, participants, with the written permission of a parent or legal guardian, may box only in the following age divisions:

- (i) Ten and eleven years of age.
- (ii) Twelve and thirteen years of age.
- (iii) Fourteen and fifteen years of age.

(2) A participant may not take part in any event outside of the approved division for that age group.

CHAPTER 25. PROFESSIONAL KICKBOXING

§ 25.3. Conduct of bouts.

* * * * *

(b) A bout may not exceed 12 [2] 3-minute rounds, with a minute rest period between rounds.

* * * * *

(d) [When the referee decides that the contestants are not honestly competing, as indicated by, but not limited to, a staged knockout, or a prearranged foul terminating the bout, the referee shall stop the bout and declare it ended not later than before the end of the last round, and order purses of both contestants held pending investigation and disposition of the funds by the Commission. The referee may not finish the knockout count, disqualify a contestant for fouling or render a decision. The announcer or referee shall inform the audience that no decision will be made.

(e)] If a contestant refuses to continue a bout while physically able to do so, the referee shall disqualify the contestant, award the bout to the opposing contestant, and [within 24 hours thereafter file a written] report [of] the incident [with] to the Commission. The purse of the disqualified contestant [will] may be impounded by the Commission pending a hearing on the disposition thereof.

[(f)] (e) As soon as a contestant has been knocked down, the official timekeeper shall begin calling the count from 1 to 10. The referee shall direct the opponent to a neutral corner. [When the referee has finished directing the opponent to a neutral corner, the referee shall return to the fallen contestant and count over the contestant picking up the count from the timekeeper.] Regardless of whether the boxer rises before the count of ten is reached, a boxer who has been knocked down is required to take a mandatory count of eight before the bout may continue. The referee may not permit the contest or exhibition to be resumed until the count of eight has been reached[, except in profes-

sional championship contests and exhibitions. A contestant who has been knocked down three times in one round shall be deemed to have been defeated by a knockout and the opponent declared the winner].

[(g)] (f) * * *

[(h) The referee may administer a standing eight-count to a contestant who is in trouble, but who is still standing. The referee shall direct the opponent to a neutral corner, then begin counting from 1 to 8 examining the contestant in trouble during the count. If, after completing the standing eight-count, the referee determines that the contestant is able to continue, the referee shall order the contest to resume. If there is a question of a contestant's ability to continue, the referee may ask the ringside physician to examine the contestant. If the referee or physician determines that the contestant is not able to continue, the referee shall stop the contest and declare the opponent the winner by a technical knockout.]

[(i)] (g) * * *

[(j)] (h) * * *

[(k)] (i) * * *

§ 25.4. Judging and scoring system.

(a) Each event, except those held solely for training purposes, shall be scored by three judges. The three judges of an event shall each select a winner of each round at the end of each round, marking their ballots accordingly. Ballots will be supplied by the promoter. These ballots will be collected by the [assistant scorekeeper] referee and tabulated at the end of each round [by the scorekeeper]. Fractions of a point may not be given. Once the ballots have been marked by the respective judges, changes to the ballots will not be allowed.

(b) Judges shall score rounds by recording a score of ten points for the winner of each round and [a score of not less than five points for the loser of each round] nine points or less to the loser of the round. Judges may score a round as even and thus shall mark their score cards with ten points for each boxer.

* * * * *

(d) Points shall be totaled on each judge's scorecard to determine that judge's selection of a winner. Each judge's selection will count as one vote towards determining the overall winner of the contest. [If a judge's scorecard, when totaled, reflects an equal number of points for both contestants, the judge will have no vote toward the selection of an overall winner.] If two judges have an equal number of points for both contestants, the contest will be declared a draw. If one judge has an equal number of points for both contestants and the scores of the other judges each favor a different contestant, the contest shall be declared a draw. If the scores of two judges favor one contestant and the third judge's score favors the other contestant, the contestant receiving the two votes shall be declared the winner, by split decision. If the scores of all three judges favor one contestant, that contestant will be declared the winner by unanimous decision.

§ 25.5. Minimum kick requirement.

(a) Each contestant shall execute a minimum of eight [kicking techniques] kicks during the course of each round, unless otherwise agreed to by both boxers and the Commission. The kicks shall be clear attempts to make contact with the opponent above the waist to qualify. If [either] a contestant does not execute his minimum kicks per round (MKRS), [one point will automatically be deducted at the end of the round. The] the contestant then shall make up the kicks in the next round, and if he does not, he will have a one point deduction.

(b) An example of minimum kick technique scoring is as follows: First round contestant only executes six kicks. In the second round this contestant shall make up his two kicks from round one plus his eight minimum kicks for round two for a total of ten kicks. If a contestant fails to make the minimum number of kicks in one round, and then fails to make up the kicks in the following round, that contestant will then be penalized [two points] one point. [No more than two points will be taken from a contestant per round.] A contestant who fails to meet their MKRS in three consecutive rounds shall be disqualified and the victory awarded to his opponent.

(c) [If both contestants during the course of a round fail to satisfy their MKRS, the round shall be declared a draw with a score of 5-5. If both contestants miss their MKRS for three consecutive rounds, the fight is declared a draw.] The public address announcer will inform the audience of minimum kicking requirement (MKR) violations. The Commission shall apply these MKRS rules or the MKRS rules of a Nationally recognized kickboxing council or association for a particular contest, subject to the written approval of the Commission.

* * * * *

(e) [If a contestant executes less than the minimum number of required kicks in one round, the MKR official will immediately notify the referee of the number of kicks thrown. The referee will in turn notify the scorekeeper, who will record the appropriate penalty. In a failure to fulfill the MKRs, the penalty assessed and the possible consequences will be announced over the public address system before the beginning of the next round.]

(f) [At the end of each round the [scorekeeper] referee will take the judges' [and MKR officials'] ballot slips [from the assistant scorekeeper, who will have collected them from the three judges. The scorekeeper will tabulate] deliver them to the Commission for tabulation of the results onto [his] a master scorecard.

§ 25.6. Fouls.

(a) [Fouls are classified into three categories: 1-point, 3-point and 5-point fouls.] The referee shall determine [the category of foul] all fouls based on the severity of the foul, the intent of the contestant committing the foul and the result of the foul. At the time of the infraction, the referee shall indicate to the [scorekeeper] judges the number of points that are to be subtracted from each [judge's ballot at the end of the

round, or the] boxer. The referee may simply issue a warning to the contestant, and no points will be subtracted.

(b) [The following actions are considered to be fouls:

(1) Intentional head butting.] Accidental [head butting] or intentional fouls will be governed under the [regulation] regulations regarding accidental [head butting] or intentional fouls in professional boxing contests [as set forth at] in § 21.5(d) and (e) (relating to scoring system). The following actions are considered to be fouls:

[(2)] (1) * * *

[(3)] (2) * * *

[(4)] (3) * * *

[(5)] (4) * * *

[(6)] (5) * * *

[(7)] (6) * * *

[(8)] (7) * * *

[(9)] (8) * * *

[(10)] (9) * * *

[(11)] (10) * * *

[(12)] (11) * * *

[(13)] (12) * * *

[(14)] (13) * * *

[(15)] (14) * * *

[(16)] (15) * * *

[(17)] (16) * * *

[(18)] (17) * * *

[(19)] (18) * * *

[(20)] (19) * * *

[(21)] (20) * * *

[(22)] (21) * * *

[(23)] (22) Clinching [—], holding or otherwise tying up an opponent's arms to prohibit him from punching for two seconds or more, or repeatedly tying up the opponent's arm.

(23) Biting.

(c) [The scorekeeper shall tally foul and penalty points, having been instructed by the referee at the end of each round as to the amount of the foul or penalty, deducting these from each judge's score under the ten-point scoring system and entering the results on the master scorecard.] If the contest ends in a knockout or a technical knockout, the [scorekeeper shall] Commission will enter the exact time of the knockout or technical knockout on the master scorecard.

(d) The [scorekeeper shall] Commission will make the final tallies and [deliver the totals to the Commission representative, who will] verify the

accuracy of the scores. [The scorekeeper shall then report the results of the contest to the announcer, making sure the MKR score sheets designating the total kicks executed by each contestant have been tallied.]

§ 25.8. Equipment.

(a) Contestants shall wear foot protectors, an individually fitted mouthpiece, a foul proof groin protector, a plastic cup with athletic supporter or preferably, an abdominal guard. Other equipment, such as hockey shin guards, elbow or forearm pads are not permitted. No loose or untied clothing is permitted. Kickboxers may not wear rings or other jewelry.

* * * * *

(c) In contests or exhibitions [where] when the contestants weigh [160] 150 pounds or under, boxing gloves weighing at least 8 ounces each shall be used. In contests or exhibitions [where] when the contestants weigh over [160] 150 pounds, boxing gloves weighing at least 10 ounces each shall be used. Gloves [will] shall be supplied by the promoter and be in good condition without tears or wrinkles.

* * * * *

§ 25.9. Ringside officials.

(a) At kickboxing events except those held solely for training purposes, there shall be a referee, three judges, a timekeeper, a scorekeeper [and assistant scorekeeper], two minimum kicking requirement (MKR) officials and a physician in attendance. Officials shall be approved and licensed by the Commission. The promoter shall supply the Executive Director with a complete list of ringside officials at least 5 days before the scheduled event.

(b) Professional MKR officials, scorekeepers [and assistant scorekeepers] shall be licensed by the Commission as judges. The amount of compensation for these officials [will] shall be determined and paid by the promoter of the event.

(c) Referees and judges shall be approved and licensed by the Commission and be at least 21 years of age, of good moral repute, of sound physical health and of a level of intelligence and knowledge of kickboxing satisfactory to the Commission.

(d) Kickboxing referees shall be paid a minimum of \$100 for each event by the promoter. Judges shall be paid a minimum of \$75 for each event by the promoter.

* * * * *

CHAPTER 27. AMATEUR KICKBOXING

§ 27.2. Licensing and age requirements.

(a) Amateur contestants and amateur officials need not be licensed. [Amateur contestants shall be at least 12 years of age.]

(b) A person between 12 and 17 years of age may participate in amateur contests or exhibitions after obtaining written permission from a parent or legal guardian, and the consent of the Executive Director.

(c) A person 12 to 16 years of age may only participate in these contests with a person not more than 1 year older.

(d) The limitations in subsections (a) and (b) do not apply to sanctioned boxing events for the Junior Olympics under the direction of a National governing organization certified by the Commission.

(1) For the purposes of the Junior Olympic events, participants, with the written permission of a parent or legal guardian, may box only in the following age divisions:

- (i) Ten and eleven years of age.
(ii) Twelve and thirteen years of age.
(iii) Fourteen and fifteen years of age.

(2) A participant may not take part in any event outside of the approved division for that age group.

§ 27.3. Conduct of bouts.

(a) Amateur contestants shall wear headgear and appropriate shin protectors.

* * * * *

(c) Amateur contests shall consist of a maximum of three 2-minute rounds unless approved in advance by the Commission.

Subpart C. WRESTLING

CHAPTER 31. PROFESSIONAL WRESTLING

(Editor's Note: The Commission is proposing to delete the current versions of §§ 31.1—31.14 as they appear in the Pennsylvania Code at pages 31-1—31-17 (serial pages (251565)—(251581)).)

§§ 31.1—31.14. (Reserved).

§ 31.21. Conduct of bouts.

(a) Before a professional wrestling contest or exhibition can take place the following requirements shall be met:

(1) A physician shall be present at all times and seated at ring-side to observe the physical condition of all participants. The physician's fee shall be paid by the promoter of the event.

(2) An ambulance or paramedical unit shall be present at the event unless the ambulance or paramedical unit is located within 5 miles of the arena and these units have been notified, by the promoter, that an event is taking place.

(3) Adequate security shall be employed to control the public. The size of the security force is at the discretion of the promoter and the owner or operator of the arena.

(b) The following represent prohibited acts:

(1) The owner or operator of an arena where a professional wrestling event takes place may not destroy a ticket or ticket stub until 3 months after the date of the event.

(2) Wrestlers may not deliberately cut or otherwise mutilate themselves.

§ 31.22. Promoters.

(a) Promoters of professional wrestling events shall be licensed by the Commission prior to promoting any type of wrestling contest or exhibition. Licenses expire on December 31 of the year of issue. The Commission will not issue or renew a promoter's license to a person who has been convicted, pleaded guilty or nolo contendere to an offense set forth in section 2101 of the Athletic Code (relating to promoter's license), during the 10 years preceding the application date.

(b) Promoters shall file with the Commission a bond of at least \$10,000 prior to promoting or advertising any type of wrestling contest or exhibition. Bonds shall be on forms supplied by the Commission and shall be accompanied by a filing fee of \$25.

(c) At least 10 days before the date of a wrestling contest or exhibition, the promoter shall notify the Commission, in writing, of the date, time and location of the event.

(d) Upon conviction of a promoter for a violation of Chapter 21 of the Athletic Code (relating to regulation of professional wrestling contests and exhibitions), the Commission will suspend the promoter's license in accordance with the Athletic Code.

(e) A promoter may not employ as a participant in a wrestling contest or exhibition a individual under 18 years of age.

§ 31.23. Enforcement.

The Executive Director may send an inspector to any professional wrestling event or exhibition to be admitted by the promoter without fee to ensure compliance with this subpart and Subpart C of the Athletic Code (relating to Wrestling Act). The promoter shall pay a fee of \$100 to

the Commission within 10 days after the event for each wrestling event to which an inspector is sent.

§ 31.24. Gross receipts taxes.

(a) Every promoter shall pay a tax of 5% on the face value of all tickets sold to any wrestling contest or exhibition.

(b) This tax shall be paid within 10 days after the event and shall be accompanied by a gross receipts tax form, prescribed by the Commission, setting forth all taxable receipts received from the event and any other information the Commission may require. Payment not received by the Commission within the 10-day period shall be subject to a late fee of \$100.

(Editor's Note: The Commission is proposing to delete the text of Chapter 33 as it currently appears in the Pennsylvania Code at pages 33-1—33-6 (serial pages (251583)—(251586), (259805) and (259806)).

**CHAPTER 33. [AMATEUR WRESTLING]
(Reserved)**

§§ 33.1—33.12. (Reserved).

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