

**CHAPTER 440**  
**BOXING CONTESTS**

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**§440-1 Definitions.** As used in this chapter:

"Amateur boxing contest" is one in which no contestant has boxed with or against a professional boxer or another amateur boxer for a money prize or purse, except as provided in this chapter.

"Boxing" means a contest in which the act of attack and defense is practiced with gloved fists by two contestants.

"Club" means a promoter, corporation, joint venture, limited liability corporation, limited liability partnership, or any other type of business entity that promotes, conducts, holds, or gives a boxing contest. The terms "club" and "promoter" are synonymous, and may be used interchangeably.

"Commission" means the state boxing commission.

"Contest" means match or exhibition.

"Director" means the director of commerce and consumer affairs.

"Executive officer" means the executive officer assigned to the commission.

"Manager" means any person who:

(1) Undertakes or has undertaken to represent in any way the interest of any professional boxer in procuring, arranging, or conducting any professional contest in which the boxer is to participate as a contestant; provided that "manager" shall not include an attorney licensed to practice in this State while the attorney is representing the legal interest of a professional boxer as a client; or

(2) Directs or controls the boxing activities of the professional boxer.

"Professional boxing contest" or "boxing contest" is one in which a contestant boxes with or against another boxer for a money prize or purse or other form of compensation.

"Professional boxer" is one who: competes for a money prize or purse or other form of compensation; or teaches, pursues, or assists in the practice of boxing as a means of obtaining a livelihood or pecuniary gain.

**§440-2 Commission established.** There shall be a board which shall be known as the state boxing commission of Hawaii. The commission shall consist of five members. At least one of the members shall be a member of USA Boxing, Inc. One member shall be designated by the governor as chairperson of the commission.

**§440-3 REPEALED.**

**§440-4 REPEALED.**

**§440-5 Deputy commissioners.** The director may appoint deputy commissioners; provided that the director has the approval of the commission prior to any appointment. The director may remove deputy commissioners after consultation with the commission. The commission may direct the deputy commissioner or deputy commissioners to be present at any boxing contest and, in the absence of the commission or a member thereof, to superintend and

control the boxing contest, in accordance with this chapter and the rules adopted by the commission pursuant thereto. The deputy commissioners shall make a written report to the executive officer in the manner and form prescribed by the commission of the conditions prevailing at every contest.

**§440-6 Rules.** The commission may adopt, amend, and repeal rules that it considers necessary or expedient for the conduct of its business and the regulation of the matters in this chapter committed to its charge. The rules when adopted pursuant to chapter 91 shall have the force and effect of law.

**§440-7 Other employees.** Subject to chapters 76 and 77, the department of commerce and consumer affairs may employ clerks, inspectors, and other employees as it deems necessary.

**§440-8 Authority to subpoena witnesses, to administer oaths and penalties.** The chairperson or the executive officer may issue subpoenas for the attendance of witnesses before the commission, with the same effect as if the subpoenas were issued in an action in the circuit court, and may administer oaths in all matters connected with the administration of the affairs of the commission. Disobedience of a subpoena and false swearing before the executive officer or the commission shall be attended by the same consequences and be subject to the same penalties as if disobedience or false swearing occurred in an action in the circuit court.

**§440-8.5 Powers and duties of the commission.** In addition to any other powers and duties authorized by law, the commission shall adopt rules pursuant to chapter 91 to provide for the following:

- (1) An appropriate method of ensuring that all financial obligations are met by a promoter who conducts, holds, or gives a boxing contest;
- (2) A public record accounting for the distribution of all tickets provided to the commission by a promoter and anything else of value which is provided to the commission;
- (3) Clinics or seminars on health and safety for licensees, as deemed necessary by the commission;
- (4) A mandatory neurological examination for any boxer who is knocked out in a boxing contest, and an eye examination as part of a boxer's annual medical examination;
- (5) An automatic medical suspension from boxing for a period of time to be determined by the commission for any boxer who is knocked out from head blows or who has received a severe beating about the head. The period of time of the automatic medical suspension shall be based upon the severity of the beating received by the boxer;
- (6) Procedures to evaluate the professional records and physician's certification of each boxer participating in a professional boxing contest in the State and to deny

- authorization to a boxer to fight when the requirements of this paragraph are not met;
- (7) Procedures to ensure that no boxer is permitted to box while under suspension from any boxing commission due to:
    - (A) A recent knockout or series of consecutive losses;
    - (B) An injury, any required medical procedure, or a physician's denial of certification to box;
    - (C) Failure of any drug test; or
    - (D) The use of false aliases or falsifying or attempting to falsify official identification cards or documents related to boxing;
  - (8) Procedures to review a suspension if appealed by a boxer, including an opportunity for a boxer to present contradictory evidence;
  - (9) Procedures to revoke a suspension if a boxer furnishes proof of sufficiently improved medical or physical condition or furnishes proof that the suspension was not, or is no longer, warranted by the facts; and
  - (10) Establishing a boxing registry and the issuance of an identification card to boxers.

**§440-9 Jurisdiction of commission.** (a) The commission is vested with the sole jurisdiction, direction, management, and control over all professional and amateur boxing, to be conducted, held, or given within the State. No professional or amateur boxing contest shall be conducted, held, or given within the State except in accordance with this chapter and the rules adopted by the commission pursuant thereto.

(b) No professional boxing contest shall take place unless the commission has approved all proposed bouts. In addition, the commission shall not allow any professional boxing contest unless:

- (1) The contestants use gloves not less than six ounces in weight;
- (2) The contest consists of not more than twelve rounds of a duration of not more than three minutes each with an interval of one minute between each round and the succeeding round;
- (3) Each contestant is at least eighteen years of age;
- (4) One hour prior to the contest each contestant is examined by a licensed physician who shall certify in writing to the referee of the contest that the contestant is physically fit to engage therein;
- (5) The promoter has complied with sections 440-10 and 440-11; and
- (6) All participants have complied with the requirements provided in this chapter and rules adopted in accordance with chapter 91.

**§440-10 Licenses, promoters.** (a) Any individual or club may apply to the commission for a license to conduct, hold, or give professional boxing contests. The application shall be in writing, addressed to the commission, and signed by the applicant, or if the applicant is a club, by a duly authorized officer, partner, or member thereof, and shall include the following:

- (1) Evidence of financial integrity in accordance with rules adopted by the commission pursuant to chapter 91; and

(2) Proof that the applicant has currently satisfied all of the applicable requirements of the department's business registration division.

(b) The application shall contain a recital of the facts as may be specified by the commission in order for it to determine whether or not the applicant possesses the necessary physical, mental, moral, and financial qualifications to entitle the applicant to a license.

(c) The commission shall not issue any license to conduct, hold, or give boxing contests unless it is satisfied that the applicant has complied with the conditions of this chapter, possesses the necessary qualifications for a license, and is the real party in interest, and intends to conduct, hold, or give the contests or matches itself. The commission shall not issue a promoter's license to an applicant if the applicant or any of the applicant's officers, partners, members, or associates have been convicted of any crime relating to gambling or a crime that is directly related to the person's performance in the sport of boxing.

(d) A license may be revoked at any time if the commission finds after a hearing that: the licensee is not the real party in interest or has not complied with this chapter or the rules of the commission; or the licensee or any of the licensee's officers, partners, members, or associates have been convicted of any crime related to gambling or a crime that is directly related to the person's performance in the sport of boxing.

(e) Every license shall be subject to this chapter and the rules of the commission.

**§440-11 Requirements to hold a boxing contest.** (a) The application for a license to promote professional boxing contests shall be accompanied by a fee as provided in rules adopted by the director pursuant to chapter 91.

(b) For approval to conduct, hold, or give a boxing contest, a promoter shall provide proof of medical insurance for boxers in accordance with rules adopted by the commission. All promoters shall be responsible for paying any deductible amount of the medical insurance policy.

(c) Prior to each boxing contest, a promoter shall provide a bond, in an amount determined by the commission, to adequately cover the promoter's obligations in conducting, holding or giving a boxing contest. The bond shall be executed by the promoter as principal and by a surety company authorized to do business in the State as the surety. If the promoter fails to pay any obligations covered by the bond, any aggrieved person may file an action against the bond to recover the amount owed, in the circuit court in the circuit in which the boxing contest was conducted, held or given; provided that the aggregate liability of the surety to all aggrieved persons shall not exceed the amount of the bond. Any action against the bond shall be commenced within ninety days after the boxing contest was conducted, held or given.

(d) Prior to any boxing contest, all contracts with managers, boxers, and venues, including any agreement or pre-contest training funds advanced to any contestant either by the promoter or manager or any party of interest, shall be submitted by the promoter to the commission for its review and approval.

(e) Prior to any boxing contest, the promoter shall submit to the commission, for its review and approval, all ring records of all boxers scheduled to participate in the contest.

(f) A promoter shall provide cashier's or certified checks made payable to each contestant for the amount due the contestant or the contestant's manager, as the case may be, in accordance with the contracts approved by the commission

(g) A promoter shall provide to the commission written confirmation that an ambulance with paramedics and appropriate security have been obtained and will be present at all times at the venue of the boxing contest.

(h) Failure, refusal, or neglect of any licensed promoter to comply with this section shall result in the automatic denial to hold the boxing contest.

(i) Licensed promoters may engage in promotions with other licensed promoters as long as each promoter holds a valid, unexpired license and had received the written approval of the commission prior to the promotion.

(j) No boxing contest shall be commenced without the approval of the commission pursuant to this section.

**§440-12 Licenses, participants.** (a) Any individual may apply to the commission for a license to act as a physician, referee, judge, matchmaker, manager, timekeeper, second, or professional boxer to participate, either directly or indirectly, in any boxing contest. The application shall be in writing, addressed to the commission, and signed by the applicant. The application shall contain a recital of facts as may be specified by the commission in order for it to determine whether or not the applicant possesses the necessary physical, mental, and moral qualifications to entitle the applicant to a license. The commission shall adopt rules for licensure in accordance with chapter 91.

(b) In addition, the applicant for a referee, judge, manager, or second license shall take and pass a written examination as provided by the commission. The commission may exempt an applicant for a manager or second license from taking the examination, if the applicant holds a valid manager or second license in another jurisdiction with comparable boxing regulations.

(c) Any license to act as a physician, referee, judge, matchmaker, manager, timekeeper, second, or professional boxer may be suspended or revoked, or the person otherwise disciplined by the commission after a contested case hearing held in accordance with chapter 91.

**§440-13 License fees.** (a) License fees shall be paid annually to the State by every applicant to whom a license is issued to participate in the conduct of professional boxing in any of the capacities set forth in this chapter: promoter, physician, referee, judge, matchmaker, manager, timekeeper, second, and professional boxer. The charge for a duplicate of a license and all fees required by this chapter shall be as provided in rules adopted by the director pursuant to chapter 91 and shall be deposited with the director to the credit of the compliance resolution fund established pursuant to section 26-9(o).

(b) The director may establish a schedule of license fees for participation in amateur boxing contests, and may waive payment of license fees for amateur boxing contests.

**§440-14 Licenses, limitations, renewals.** (a) No boxing contest shall be conducted, held, or given unless all the parties participating, as designated herein, are licensed by the commission, and it shall be unlawful for any individual or club to participate in a boxing contest in any capacity designated herein unless the person is licensed to do so.

(b) The commission may limit the number of licenses issued for any purpose as specified in this chapter and may limit the number of professional boxing contests conducted, held, or given in any city, town, or in the State.

(c) All licenses shall be for a period of not more than one year and all licenses shall expire on December 31 of the year in which the licenses are issued.

(d) The commission, at its discretion and upon application, may renew the licenses for the following year. Failure to timely renew any license shall result in automatic forfeiture of the license. Any applicant whose license has been forfeited shall file an application for a new license and meet all current requirements, including successful passage of the examination, as the case may be, for the license.

(e) Every individual or club licensed under this chapter shall be subject to the rules adopted by the commission.

**§440-15 Receipts and reports thereon.** (a) Every individual or club holding a license to conduct, hold, or give boxing contests, within seventy-two hours after the determination of every boxing contest for which admission fees are charged and received, shall furnish to the commission a written report, duly verified, showing the number of tickets sold for the contest, the amount of the gross receipts or proceeds thereof, and other matters as the commission prescribes.

(b) For purposes of this section, "gross receipts" include income received from the sale of print, internet, broadcasting, television, and motion picture rights.

**§440-16 Failure to report receipts.** Whenever any individual or club holding a license to conduct, hold, or give boxing contests fails to make a report of any boxing contest at the time and in the manner herein prescribed, or whenever the report is unsatisfactory to the commission, the executive officer, at the licensee's expense, may examine, or cause to be examined, the books and records of the individual or club.

**§440-17 Admission tickets.** All tickets of admission to any boxing contest for which admission fees are charged and received shall have printed clearly upon the face thereof the purchase price of same, and no ticket shall be sold for more than the price as printed thereon.

**§440-18 Inspectors; duties.** The commission shall appoint official representatives designated as inspectors, each of whom shall receive from the commission a card or badge authorizing the person to act as inspector whenever the commission may designate the person to so act. An inspector or the executive officer shall be present at all professional boxing contests and see that this chapter and the rules are strictly observed and, as soon as practicable thereafter, shall mail or deliver to the commission the official box office statement received by the inspector or executive officer.

**§440-19 Referees; duties.** (a) At each boxing contest there shall be in attendance a duly licensed referee designated by the commission, who shall direct and control the contest. Before starting the boxing contest, the referee shall ascertain from each contestant the name of the contestant's chief second and shall hold the chief second responsible for the conduct of the assistant seconds during the progress of the contest.

(b) The referee may recommend and the commission may in its discretion declare the forfeiture of any prize, purse, or remuneration, or any part thereof, to which the contestants or one of the contestants may be entitled, or any part of the gate receipts for which the contestants are competing, if in the commission's judgment the contestants or one of the contestants are not honestly competing.

(c) Every referee shall warn competing boxers of the referee's power to recommend the forfeiture of purse or purses, should there be any apparent cause for the warning.

(d) In any case where the referee decides that the contestants are not honestly competing and that under the law the contestants' purses or the purse of either contestant should be forfeited, the bout shall be stopped before the end of the last round, and no decision shall be given. A contestant earns nothing and shall not be paid for a contest in which there is stalling, faking, dishonesty, or collusion. The commission, independently of the referee or the referee's decision, may determine the merits of any contest and take whatever action it considers proper. In any case the executive officer or any commissioner may order the purse of the offender held up for investigation and action.

(e) The referee shall stop the contest when either of the contestants shows a marked superiority or is apparently outclassed. The referee, at the termination of each boxing contest, shall render a decision.

**§440-20 Judges; duties.** The boxing commission may in its discretion appoint two judges to act with the referee in rendering a decision or three judges to act with a nonvoting referee in rendering a decision.

**§440-21 Physician; duties.** Every individual or club holding a license to conduct, hold, or give boxing contests shall have in attendance at every boxing contest at least two physicians licensed to practice medicine in the State and duly licensed hereunder, who shall observe the physical condition of the contestants and advise the referee with regard thereto, and one hour before each contestant enters the ring certify in writing as to the physical condition of the contestant to engage in the boxing contest. A report of the medical examination shall be filed with the commission not later than twenty-four hours after the termination of the boxing contest. In addition, at least one physician shall immediately examine every contestant who was knocked down or who has sustained a severe beating about the head during the contest and shall file a written medical opinion within twenty-four hours of the contest to the executive officer.

**§440-22 Sham boxing contest; forfeiture of license.** Any individual or club who conducts, holds, or gives or participates in any sham or fake boxing contest, knowing the same to be a sham or fake, shall forfeit the license issued in accordance with this chapter, and the license



shall be canceled and declared void by the commission. The individual or club and any officers, partners, or members of the club shall not thereafter be entitled to receive and shall not be given another license.

**§440-23 Sham boxing contest; penalty against contestant.** Any contestant who knowingly participates in any sham or false boxing contest shall be suspended by the boxing commission for not less than twelve months from the date of the offense from further participation in any boxing contest held or given under this chapter and may be permanently disqualified from further participation in any boxing contest held or given under this chapter.

**§440-24 Number of rounds.** The commission with respect to any boxing contest or with respect to any class of contestants, may limit the number of rounds of a boxing contest within the maximum of twelve rounds.

**§440-25 REPEALED.**

**§440-26 REPEALED.**

**§440-27 Financial interest in contestant prohibited.** (a) No commission member or staff, appointee, or any individual or club holding a license to conduct, hold, or give boxing contests, nor any officer, partner, or member, may receive any compensation from any person who sanctions, arranges, or promotes professional boxing contests; nor shall they have, either directly or indirectly, any financial interest in any contestant competing in any boxing contest that they conduct, hold, or give.

(b) For purposes of this section, the term "compensation" shall not include funds held in escrow for payment to another person in connection with a professional boxing contest. The prohibition set forth in this section shall not apply to any contract entered into, or any reasonable compensation received, by the commission to supervise a professional boxing contest in this State or another state.

**§440-28 Wages of contestant; prepayment prohibited.** All moneys paid to a contestant for services, as money prize, reward, compensation, or otherwise, shall be considered wages. No contestant shall be paid for services before a boxing contest, provided that with the approval of the commission, a promoter may advance sums of money for training purposes.

**§440-29 Limit of weight difference between contestants.** No boxing contest shall be allowed in which the difference in weight between the respective contestants exceeds the limits which the boxing commission prescribes in its rules.

**§440-30 Control and supervision of amateur boxing contest.** Amateur boxing contests may be placed by the boxing commissioner under the control and supervision of any recognized national amateur athletic association whose standing has first been approved by the commission, subject, however, to the rules as may be prescribed by the commission.

**440-31 Persons barred as amateur contestants.** No person shall appear as a contestant in amateur boxing contests who prior thereto has received any compensation or monetary reward in any form for displaying, exercising, or giving any example of the person's boxing skill or for rendering services to any athletic organization or to any person or persons as a boxing trainer, coach, instructor, or otherwise, or who has been employed in any manner professionally by reason of the person's boxing skill or knowledge.

**§440-32 Amateur contestants entitled to medals and trophies only.** A medal or trophy may be awarded to each contestant in an amateur boxing contest not to exceed in value the sum of \$35 each. The medal or trophy shall have engraved thereon the name of the winner and the date of the event.

No other or additional prize, reward, or remuneration shall be given or awarded to any contestant unless authorized in writing by the boxing commission.

Every contestant in an amateur boxing contest or sparring match shall be registered with the commission or its amateur representative and subject to an annual physical examination. Each amateur contestant shall be examined by a physician immediately before the contest.

**§440-33 Disposition of receipts.** All moneys received by the boxing commission shall be deposited by the director of commerce and consumer affairs with the director of finance to the credit of the general fund of the State.

**§440-34 Violations; penalty.** Any individual or club in violation of this chapter or the rule of the commission shall be fined not more than \$5000 for each violation or imprisoned not more than one year, or both.

**[§440-34.5] Summary disciplinary action.** The commission may fine, withhold purse money or fees, and issue immediate temporary suspensions of not more than sixty days against a licensee for violations of this chapter or commission rules. The commission shall notify the licensee in writing of any temporary suspension, fine, or withholding of purse money within five days of the commission's action. The licensee shall have a right to a hearing in accordance with chapter 91; provided that the licensee notifies the commission in writing of the request for a hearing within thirty days after the commission notifies the licensee in writing, by mail or by personal service, of the commission's order.

**§440-35 Not to apply to army, air force, navy, national guard, or police activities league.** This chapter shall not apply to any boxing contest held as a recreational activity by army, air force, navy, or national guard personnel, or the police activities league, when the contest is held under the supervision of a recreational officer of the army, air force, navy, or national guard, or a police activities league staff member.

**§440-36 Revocation; suspension; fine.** (a) In addition to any other actions authorized by law, the commission shall have the power to revoke or suspend the license of any individual or club licensed under any of the classifications designated in this chapter, or fine the licensee, or both, for any cause authorized by law, including but not limited to the following:

- (1) Violation of any provision of this chapter or the rules adopted pursuant thereto or any other law, or rule that applies to those persons licensed under this chapter;
- (2) Manifest incapacity, professional misconduct, or unethical conduct;
- (3) Making any false representations or promises through advertising or other dissemination of information;
- (4) Any fraudulent, dishonest, or deceitful act in connection with the licensing of any individual or club under this chapter or in connection with any boxing contest;
- (5) Making any false or misleading statement in any application or document submitted or required to be filed under this chapter;
- (6) Revocation or suspension of a license or other disciplinary action against the licensee by another state or boxing commission;
- (7) Failure to report any disciplinary action, including medical and mandatory suspensions, or revocation or suspension of a license in another jurisdiction within fifteen days preceding any boxing match in which the licensee participates; or
- (8) Participation in any sham or false boxing contest.

(b) The manager and second may be held responsible for all violations of this chapter by a boxer whom they manage, second, train, or serve as an agent for and may be subject to license revocation or suspension, or a fine, or any combination thereof, irrespective of whether any disciplinary action is taken against the boxer.

(c) Any individual or club in violation of this chapter shall be fined not more than \$5,000 for each violation.

(d) In addition to the penalties provided in this chapter, any individual or club found in violation of any of the above may be prohibited from engaging in any boxing activities in the State for a period in conformity with that set forth in section 92-17.

**[§440-37] Cumulative penalties.** Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State.