



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

12/20/2016 10:35:28 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 4 -- NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Administrative Rules of the West Virginia State Athletic Commission		TITLE-SERIES 177-01

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-24

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-01



Rule Id: 10178



Document: 33166



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

12/20/2016 10:35:28 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Administrative Rules of the West Virginia State Athletic Commission		TITLE-SERIES 177-01

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-24

PRIMARY CONTACT

Sean M. Whelan
State Capitol Complex, Building 1, R. W-435
1900 Kanawha Blvd. E.
Charleston, STATE ZIP

SECONDARY CONTACT

Leon Ramsey
900 Pennsylvania Ave
Suite 623
Charleston, STATE SECONDARY ZIP SECONDARY

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-01



Rule Id: 10178



Document: 33166



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

12/20/2016 10:35:28 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes TITLE-SERIES 177-
RULE NAME	Administrative Rules of the West Virginia State Athletic Commission		01

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-24

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

The proposed changes to W. Va. Code R. § 177-1-1 et seq. are not anticipated to impact the cost and revenue of state government. The proposed rule includes authorization for the West Virginia State Athletic Commission to perform for cause drug testing of fighters governed under this rule and allocates the cost of these tests to the Commission. However, under the proposed rule, the number of drug tests the Commission will conduct is discretionary. Therefore, it will be possible for the Commission to conform the frequency of testing to its budgetary restrictions.

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-01



Rule Id: 10178



Document: 33166



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

12/20/2016 10:35:28 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Athletic Commission**
 RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **177-01**
 RULE NAME **Administrative Rules of the West Virginia State Athletic Commission**

CITE AUTHORITY **W. Va. Code 29-5A-1, 29-5A-24**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	\$0.00	\$0.00	\$0.00
PERSONAL SERVICES	\$0.00	\$0.00	\$0.00
CURRENT EXPENSES	\$0.00	\$0.00	\$0.00
REPAIRS AND ALTERATIONS	\$0.00	\$0.00	\$0.00
ASSETS	\$0.00	\$0.00	\$0.00
OTHER	\$0.00	\$0.00	\$0.00
ESTIMATED TOTAL REVENUES	\$0.00	\$0.00	\$0.00

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-01



Rule Id: 10178



Document: 33166



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

12/20/2016 10:35:28 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Administrative Rules of the West Virginia State Athletic Commission		TITLE-SERIES 177-01

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-24

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The proposed changes to W. Va. Code R. § 177-1-1 et seq. are not anticipated to impact the cost and revenue of state government.

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-01



Rule Id: 10178



Document: 33166



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

12/20/2016 10:35:28 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Administrative Rules of the West Virginia State Athletic Commission		TITLE-SERIES 177-01

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-24

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

The proposed changes to W. Va. Code R. § 177-1-1 et seq. are not anticipated to impact the cost and revenue of state government.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-01



Rule Id: 10178



Document: 33166

TITLE 177
LEGISLATIVE RULE
STATE ATHLETIC COMMISSION

SERIES 1
ADMINISTRATIVE RULES OF THE WEST VIRGINIA STATE ATHLETIC COMMISSION

§177-1-1. General.

1.1. Scope. -- This rule establishes the procedures to be followed for all events under the jurisdiction of the State Athletic Commission except for Mixed Martial Arts events which are regulated under Series 2 of this Title. It applies to any professional boxing match or event, any amateur boxing match or event or any showing exhibiting of any simultaneous telecast of any live, current or spontaneous boxing or sparring match, or a closed circuit telecast subscription television viewed within this State or any other state and for which an admission charge is made.

1.2. Authority. -- W. Va. Code §29-5A-24.

1.3. Filing Date. -- ~~May 5, 2010.~~

1.4. Effective Date. -- ~~July 1, 2010.~~

1.5. Sunset Date. -- This rule shall terminate and have no further force and effect upon the expiration of five (5) years from its effective date.

§177-1-2. Definitions.

The words used in this rule shall have the following meanings, unless the content indicates a different meaning:

2.1. "Amateur" -- means a boxer who competes for other than a money prize.

2.2. "Amateur Boxing Association Rules" -- means those rules promulgated by the amateur boxing association, USA Boxing, Inc.

2.3. "Amateur contests and exhibitions" -- means contests or exhibitions in which the participants are bona fide amateurs and receive no named compensation or reward for their participation in any contest or exhibition, except watches, medals, articles of jewelry, silverware, trophies or ornaments suitably inscribed to show that it is given for participation in an amateur boxing contest or exhibition. No other prize or reward shall be given or awarded or accepted by any amateur boxer unless authorized in writing by the Commission.

2.4. "Commission" -- means the West Virginia State Athletic Commission.

2.5. "Deputy" -- means an individual appointed by the Commission to represent the Commission in its absence.

2.6. "Promoter" -- means any individual, club, corporation or association incorporated if necessary under the laws of the State of West Virginia engaged in the promotion of regularly scheduled or individual boxing shows or contests.

2.7. "Professional" -- means a boxer who competes for money.

2.8. "Sanction" -- means permitting boxing events to occur and authorizing title matches.

2.9. "Semi Professional" -- means a boxer who competes in an elimination-style tournament as outlined in Section 45 of these rules. Semi-professional boxers may only compete in elimination-style tournaments and are prohibited from engaging in exhibition matches (demonstration events) with other boxers.

§177-1-2a. Classification of Boxers.

2a.1. Classification of Boxers. -- The categories of amateur boxer, semi-professional boxer, and professional boxer, shall be mutually exclusive categories except as allowed in Section 2a.2.

2a.2. General Application. -- A boxer who competes in any ~~Toughperson~~ Semi-Professional style elimination tournament as outlined in Section 45 of these rules shall be limited to competing as an amateur boxer in five subsequent events sanctioned by the ~~Athletic~~ Commission. --Any boxer who wins ~~two~~ three ~~Toughperson~~ Semi-Professional style elimination tournaments as outlined in Section 45 of these rules shall be prohibited from subsequently competing in additional ~~Toughperson~~ Semi-Professional style tournaments. --These prohibitions shall be effective regardless of whether the boxer attempts to subsequently compete in the same or a different weight class from the weight class in which he or she competed or won in the ~~Toughperson~~ Semi-Professional style tournaments.

2a.3. Waiver Permitted. -- The ~~Athletic~~ Commission shall have the discretion to waive the limitation of a ~~two~~ three championship limit for semi-professional boxers set forth Section 2a.2 for any ~~Toughperson~~ Semi-Professional style national championship or world championship event sanctioned by the Commission and to be conducted in this State.

§177-1-3. Press Relations.

The Commission may, in its discretion, after each meeting, issue a bulletin to the press of news items of interest to the public, and may, in its discretion, invite members of the press to attend meetings or hearings of the Commission.

§177-1-4. Licenses.

4.1. General. -- The Commission at its discretion may issue a license to promote, conduct or hold professional boxing or sparring matches and exhibitions to any individual, club, corporation or association eligible for a license under this chapter.

4.2. Application requirements.

4.2.a. All applications for a license shall be signed by the applicant and verified by an official of the Commission. In making application for such license, the applicant shall set forth such facts as this rule may require.

4.2.b. Each application for license of professional boxer shall be accompanied by two (2) passport size photographs of the applicant.

4.3. Requirements for granting or renewing license.

Before being granted a license or license renewal the applicant must establish to the satisfaction of the Commission that he or she:

- 4.3.a. Is skilled in the profession of boxing;
 - 4.3.b. Is of good moral character;
 - 4.3.c. Is physically fit and mentally sound;
 - 4.3.d. Has not been convicted of a felony or misdemeanor involving moral turpitude;
 - 4.3.e. Will conduct his business in the best interest and welfare of the public, preserving the safety and health of participants and the best interest of professional boxing;
 - 4.3.f. Will adhere to and comply with all rules;
 - 4.3.g. In the case of a corporate applicant, these factors shall pertain to its officers, directors, principal stockholders and employees; and
 - 4.3.h. Every license and licensee shall be subject to the provisions of W. Va. Code §29-5A-1 et seq.
- 4.4. Suspensions, revocation or probation of license or licensee. -- The Commission shall have the additional authority and power to suspend, revoke or place on probation the license of any licensee licensed under this rule, who in the discretion of the Commission:
- 4.4.a. Is guilty of failure to obey any lawful order of the Commission or any inspector thereof;
 - 4.4.b. Is guilty of gross immorality;
 - 4.4.c. Is unfit or incompetent by reason of negligence;
 - ~~4.4.d. Is insolent or disrespectful to any member of the Commission or representative thereof;~~
 - ~~4.4.e.~~ 4.4.d. Is guilty of violating any provision of this rule;
 - ~~4.4.f.~~ 4.4.e. Has committed fraud or deceit in securing a license for himself or another, or by falsifying application;
 - ~~4.4.g. Has failed to report to the commission his/her conviction of a felony or misdemeanor involving moral turpitude in any jurisdiction within ten (10) years preceding the suspension or revocation;~~
 - 4.4.f. Has been convicted of a felony or misdemeanor involving moral turpitude in any jurisdiction within one year preceding the suspension or revocation and such conviction not previously reported to the commission by said licensee;
 - ~~4.4.h.~~ 4.4.g. Is an habitual drunkard or addicted to the use of narcotics, as determined by a physician;
 - ~~4.4.i.~~ 4.4.h. Is or has become mentally incompetent, as determined by a physician;
 - ~~4.4.j.~~ 4.4.i. Is or has been guilty of unprofessional or unethical conduct or such conduct as to require a suspension or revocation of license in the best interest of the public;
 - ~~4.4.k.~~ 4.4.j. Has failed to furnish the proper party a copy of any contract or agreement required by this rule or has breached such contract;

~~4.4.l.~~ 4.4.k. Has loaned or permitted another person to use his license or has borrowed or used the license of another;

~~4.4.m.~~ 4.4.l. Has failed to maintain in force the bond required by this rule;

~~4.4.n.~~ 4.4.m. Has by act or omission conducted himself or herself in a manner which would tend to be detrimental to the best interests of boxing or to the public interest and general welfare;

~~4.4.o.~~ 4.4.n. Has been disciplined in any manner by the ~~Athletic~~-Commission or similar agency or body of any jurisdiction;

~~4.4.p.~~ 4.4.o. Has failed to pay a fine or forfeiture imposed by this rule;

~~4.4.q.~~ 4.4.p. Has ~~either within or without this State~~ by any act, threat, statement or otherwise, restrained, hindered, interfered with or prevented another applicant or promoter, club, corporation, association or booking agent from presenting any professional boxing or amateur boxing within the State of West Virginia; or

~~4.4.r.~~ 4.4.q. Has ~~either within or without this State~~ engaged directly or indirectly in restraints or monopolies, or taken any action tending to create or establish restraints or monopolies, or conspired with others to restrain any person or persons from participating or competing in any professional boxing or amateur boxing for any promoter, club, corporation, association or booking agent.

4.5. License fees.

4.5.a. Promoters (1 year) -- _____	\$125.00
4.5.b. Professional Boxer (1 year) -- _____	\$10.00 <u>\$25.00</u>
4.5.c. Semi-Professional Boxer -- _____	\$10.00
4.5.d. Seconds <u>and Trainers, Professional (no charge amateur)</u> -- _____	\$10.00 <u>\$20.00</u>
4.5.e. Managers, Professional (no charge amateur) -- _____	\$10.00 <u>\$50.00</u>
4.5.f. Referees and other Officials -- _____	\$10.00 <u>\$30.00</u>
4.5.g. Amateur Boxers --	No charge but they must register.

No fee for amateurs. -- Each amateur club must register one (1) manager and two (2) seconds, ~~however, there.~~ There will be no fees required from for an amateur contestant or a managers or seconds. However, each amateur contestant and manager of an amateur contestant must meet the requirements for a license and register with the Commission. There will only be two (2) people at ringside during an amateur boxing match.

§177-1-5. Bond Required.

Before any license is issued to any promoter regularly conducting boxing contests, he shall execute and file with the Commission a surety bond sufficient to cover all purses, awards and payments to be paid by the promoter. The bond shall be determined by the Commission. The minimum bond shall be ten thousand (\$10,000) dollars. The bond shall be available to cover any fees associated with fighters, managers, seconds, other fight related participants, medical expenses or deductible costs for injured

boxers, and fight official. The bond may not be available to cover expenses such as building rental, concession stand operations, advertisements, or other similar expenses.

§177-1-6. Individual Sanction and Permits for Professionals and Amateurs.

6.1. Application for sanction. -- Before any professional boxing or amateur boxing performance shall be authorized in the State of West Virginia, the promoter shall obtain an individual sanction and permit from the Commission at least thirty (30) days before the date of any such contest or exhibition.

6.1.a. Requirements of applicants. -- Each application for sanction or permit of a professional fight shall name all contestants, the number of rounds and the date and place of the contest.

6.1.b. Contracts made must be filed. -- All contracts made by the promoter with contestants who are to appear on the event must be filed at the same time. All signed contracts must be submitted to the ~~Athletic~~ Commission no later than noon of the day of the event. No boxer will be allowed to enter the ring unless he or she has signed a contract for the event. Fighters who are substituted to the bout card on the day of the event pursuant to Section 6.7, *infra*, must sign a contract for the event prior to entering the ring.

6.1.c. Books open for inspection. -- As a condition for issuance of a sanction, each applicant must agree to accord the Commission the right to examine the books, accounts and other records for which such sanction is issued.

6.2. Permits. -- Request for event permits shall be submitted to the Commission thirty (30) days in advance. Permits will be issued by the Commission five (5) days in advance of all contests. Permits for events must be exhibited in a conspicuous place at the box office.

6.3. Minimum round. -- The minimum number of rounds on a card shall not be less than thirty (30) rounds unless special written permission is obtained from the Commission at the time of granting the sanction to have a fewer number of rounds.

6.4. Pre-permit publicity. -- Under no conditions are the promoters permitted to give publicity to a card until the card has been approved by the Commission.

6.5. Changes or substitutions. -- All changes and substitutions must be sanctioned in writing by the chairman of the Commission.

6.5.a. Notice. -- Notice of any change in the announced or advertised programs for any contest must be filed with the Commission and with the press at least four (4) hours prior to the contest, conspicuously posted at the box office and announced from the ring before the opening contest.

6.5.b. Forfeitures. -- If a boxer who is under contract to appear at a club appears at the weigh-in time and is ready to fulfill his or her contractual obligations, but his or her opponent does not appear or his or her opponent is not able to compete due to a medical condition as determined by the examining physician and a substitute opponent is not provided, the club must pay the boxer his or her contract price unless a forfeit is provided.

6.5.c. Refunds. -- Whenever a substitution is made in an advertised contest, the official announcer shall advise the audience of the substitution prior to the opening bout. If any of the patrons desire to have the price of the ticket refunded, a refund will be given if the tickets are presented at the box office prior to the fight. The box office must remain open for at least twenty (20) minutes to redeem the tickets.

6.6. Substitutions - Main bout. -- Substitutions will not be permitted in the main bout unless made forty-eight (48) hours before weigh-in time of the day of the contest and then only when the substitution has been approved by the Commission. Public notice must be made in the local press of the substitutions.

6.7. Late changes to bout card. -- ~~The Athletic~~ Commission shall have the authority to allow changes to the bout card on the day of the event if a scheduled contestant fails to attend the match, fails to pass the physical examination, fails to make the required weight for the fight, or for other good cause as determined in its discretion.

§177-1-7. Insurance for Boxers.

7.1. General. -- All promoters, clubs, associations and corporations engaged in the presentation of boxing events, amateur or professional, will provide Accidental Death & Dismemberment insurance for the protection of boxers appearing and participating in such events. The minimum amount of Accidental Death & Dismemberment insurance shall be twenty thousand dollars (\$20,000).

7.2. Coverage. -- Insurance coverage shall provide for reimbursement to the athlete for medical, surgical and hospital care with a minimum coverage of twenty thousand dollars (\$20,000) per participant for injuries sustained while participating in any sanctioned boxing event under the control of a licensed promoter, club, corporation or association.

7.3. Policy Deductible. -- The boxers shall not be subject to payment of any deductible amount required under the insurance policy. The promoter may provide insurance coverage to the boxers under a policy which has no deductible amount or a "zero" dollar deductible amount. In the alternative, if the promoter provides insurance coverage to the boxers under a policy which requires a deductible payment from the boxer for medical treatment, then the promoter will be required to pay all deductible payments incurred on behalf of the athlete directly to the medical provider. No promoter will be permitted to require a boxer to pay the deductible amount to the medical provider and seek reimbursement from the promoter.

7.4. Penalty for nonpayment of premium. -- Failure to pay premiums on insurance required by this rule, shall be cause for suspension or revocation of the license of such promoter, club, corporation or association.

7.5. Certificate of insurance. -- The promoter must submit a valid certificate of insurance coverage to the ~~Athletic~~ Commission no later than seventy-two (72) hours prior to the start of the event.

§177-1-8. Promoters Report.

8.1. Report required. -- Every promoter, club, association or corporation holding a boxing event, professional or amateur, must complete and file the promoter's report in the format provided by the Commission. The report must be received by the ~~e~~Chairman of the ~~State Athletic~~ Commission within four (4) business days after the date of the event.

8.2. Failure to submit report. -- Any licensee that fails to file a report of any contest within four (4) business days or makes an unsatisfactory report to the Commission shall be subject to penalties as set forth by this rule.

8.3. Report requirements. -- The promoter must file within four (4) business days after any event, a written report showing the number of tickets sold and the amount of the gross proceeds including sponsorships. ~~bout or bouts a list of all matches which shall include the name of each participant, weight of each participant, address of each participant, and all decisions rendered by the~~

~~judges.~~

8.4. Penalties. -- The ~~Athletic~~ Commission may impose an administrative penalty or suspend the license of any promoter for the failure to submit reports. The fine may not exceed \$100.00 per day for each day the report is not submitted after the fourth business day.

§177-1-9. Inspectors or Deputies.

9.1. General. -- The Commission shall appoint inspectors as the Commission may deem necessary. At least one (1) inspector shall be at all contests.

9.2. Inspector's report. -- At each boxing performance where an admission fee is charged, an official or inspector of the Commission shall attend. Upon its conclusion, the Chief Deputy or the deputy in charge shall sign a detailed report showing the results of bouts and the physician's report. The inspector shall be responsible for all details of the contest and shall file all necessary reports within forty-eight (48) hours after the event with the chairman of the Commission. The inspector may choose other inspectors to assist him with his duties with the approval of the Commission.

9.3. Duties of chief inspector or chief deputy.

9.3.a. General Duties. -- The deputy in charge of a show shall have complete charge of the licenses. It is his or her duty to see that this rule is carried out. The chief inspector or deputy in charge of a show shall be held accountable for the actions of every other deputy assigned to that particular show. The deputy in charge shall file, in addition to the official report, a detailed account of any violations of this rule and the law governing boxing particularly where a purse or gate has been ordered held.

9.3.b. Prohibition to act as judge or referee. -- The deputy in charge of a show and any additional deputies or inspectors may not act as a referee or a judge in any event sanctioned by the Commission: ~~Provided, that Deputies or inspectors may act as a referee or judge on an emergency basis due to the failure of the scheduled referee or judge to appear or the inability of the scheduled referee or judge to perform the designated duties at the event.~~

9.4. Cooperation with law-enforcement agencies. -- The inspectors shall work in cooperation and in conjunction with any police officers detailed for boxing contests.

9.5. Equipment. -- The inspector shall see that all necessary equipment is provided, that the contestants are ready on time, that the seconds are properly instructed in their duties, that the doctor's report and the statement of weights are delivered to the Commission and that all rules pertaining to the proper conduct of the bouts are enforced.

9.6. Participants.

9.6.a. Gloves. -- Boxers shall not be permitted to put on their gloves until the bandages are examined by a representative of the Commission.

9.6.b. Weights. -- Boxers will be suspended for a period not to exceed sixty (60) days if they come in over the weight contracted for unless authorized by the Commission.

9.6.c. Miscellaneous. -- Ring equipment must be approved by the Commission's inspector. Clubs must have dressing rooms set aside for the use of contestants and no person, except those specifically referenced in §24.2 of this Rule, shall be permitted in the room.

§177-1-10. Administrative Review.

10.1. Administrative Review. -- Any licensee subject to a suspension, penalty, or any enforcement action issued by the ~~Athletic~~ Commission, shall have a right to administrative review. The licensee must request the administrative review in writing within twenty (20) days of receipt of the notice of the suspension, penalty or enforcement action from the Commission. The request must be served on the ~~Athletic~~ Commission via certified mail, return receipt requested. The ~~Athletic~~ Commission may hear the appeal itself or appoint a hearing examiner to conduct an inquiry into the events which caused the suspension, penalty or enforcement action. The hearing shall be conducted -within twenty (20) days of the date on which the ~~Athletic~~ Commission received the request for administrative review unless good cause is shown to continue the hearing to a later date. Both the licensee and the Commission may agree to conduct the hearing at a later date.

10.2. Hearing Examiner. -- The hearing examiner must submit proposed findings of fact and conclusions of law to the ~~Athletic~~ Commission within twenty (20) days of conducting the hearing unless both parties agree otherwise. The ~~Athletic~~ Commission shall issue its final decision within ten (10) business days of receiving the hearing examiner's proposed findings of fact and conclusions of law. The ~~Athletic~~ Commission may accept the hearing examiner's proposed decision, modify hearing examiner's proposed decision, or make its own decision based upon the record from the hearing.

10.3. ~~Athletic~~ Commission. -- If the ~~Athletic~~ Commission decides to conduct the administrative hearing itself, it shall issue its decision within twenty (20) days of conducting the administrative hearing.

10.4. Judicial Review. -- Judicial review of the ~~Athletic~~ Commission's decision shall be subject to the contested cases provisions of the WV Administrative Appeals Act set forth in W. Va. Code §29-5A-4.

§177-1-11. Minimum Age Limit.

11.1. Professional boxers. -- No person under the age of eighteen (18) shall be licensed as a professional fighter.

11.2. Managers. -- No person under the age of ~~twenty (20)~~ eighteen (18) shall be licensed as a manager.

11.3. Seconds and Trainers. -- No person under the age of eighteen (18) shall be licensed as a second or trainer.

11.4. Amateur boxers. -- No person under the age of eighteen (18) shall be allowed to appear as an amateur boxer in any event sanctioned by the Commission. This age limit for amateur boxers shall not apply to any event sanctioned by USA Boxing or to any event sanctioned by any other amateur boxing governing body approved by the United States Olympic Committee.

11.5. Semi-professional boxers. -- No person under the age of eighteen (18) shall be allowed to appear as an semi-professional boxer in any event sanctioned by the Commission.

11.6. All professional boxers, managers, seconds, amateur boxers, and semi-professional boxers, shall be required to provide acceptable proof of age to the Commission upon request.

§177-1-11a. Testing for Older Fighters

11a.1. Persons over the age of forty (40) who apply for a license as a boxing contestant, in addition to the other requirements for a license under this rule, must also receive a Magnetic Resonance Angiogram (MRA) of the brain.

11a.2. If the results of this test is abnormal or suggests an increase risk following head trauma, the person's application for a license shall be denied.

11a.3. A person over the age of forty (40) who has previously been licensed by the Commission and seeks to renew his or her license shall receive the following testing on an annual basis:

11a.3.a. Magnetic Resonance Imaging (MRI) of the brain without contrast;

11a.3.b. Electrocardiogram (EKG);

11a.3.c. Blood work which includes a complete blood count and complete metabolic panel including hepatic tests, blood urea nitrogen, creatinine, and glucose.

11a.4. If any of the annual tests are abnormal or suggest deterioration that would increase the risk of head trauma, the person's license shall be suspended or revoked.

§177-1-12. Assumed Names.

In applying for a license, a contestant shall give his or her ~~correct~~ legal name, any ring name, address, social security number and date of birth, and any other names appearing on any license held by him or her under other boxing Commissions.

§177-1-13. Designation of Officials.

For all professional contests, the referee or referees, judges and timekeeper shall be designated by the Commission. Only the officials so designated have the authority to perform their respective functions. Examining physicians must be furnished by the promoter and approved by the Commission. All officials appointed by the Commission must be at least eighteen (18) years of age.

§177-1-14. Failure to Appear.

14.1. Automatic suspension. -- Any contestant who fails to appear at a show for which he or she ~~had~~ signed a contract or a contract has been signed by his or her duly licensed manager to appear, without a ~~valid~~ reasonable excuse or furnishing a doctor's certificate in case of physical disability, shall be automatically suspended for a period of sixty (60) days. The ~~Athletic~~ Commission may suspend the contestant for a period not to exceed twelve (12) months for good cause.

14.2. The automatic suspension shall not apply to an amateur contestant who fails to appear. However, the Commission shall have discretion to suspend or sanction an amateur contestant if he or she fails to appear and fight at two (2) approved contests within a six (6) month period.

14.23. Reporting requirements. -- Whenever a licensed contestant, because of injuries or illness, is unable to take part in a contest for which he or she is under contract, he or she (or his or her manager) must immediately report that fact to the Commission and submit to an examination by a physician designated by the Commission.

14.34. Investigation and final penalty. -- Any licensed contestant who is unable to take part in a contest shall submit to the Commission, in person or in writing his or her reasons for nonappearance. If such reasons are not satisfactory to the Commission, he or she shall forfeit the appearance, his or her license shall be canceled and notification of the Commission's action shall be forwarded to other boxing Commissions. His or her manager shall be held accountable in the same manner as the contestant, with the same penalty, unless the manager satisfies the Commission that he or she had no part in the contestant's nonappearance.

§177-1-15. Weigh-in.

15.1. General. -- Contestants shall be weighed on the Commission's scales in the presence of each other and an official of the Commission at such time and place prior to the bout as may be designated by the Commission. At the weigh-in of all contestants, duly accredited newspaper representatives shall, upon request, be admitted. Boxers performing at outdoor shows are required to weigh-in on the day they contract for their services. In the event of a twenty-four (24) hour postponement due to weather conditions, weights and physical examinations for the original date of the contract are valid. In the event of a postponement requiring the show to be held later than twenty-four (24) hours after original date, new weights and physical examinations will be required.

15.2. Time of completion. -- Weigh-in ceremonies must be completed no later than two (2) hours prior to the start of the contest. Boxers appearing late will not be weighed-in, will not be allowed the opportunity to box, and will be ~~indefinitely~~ suspended for up to sixty (60) days. The ~~Athletic~~ Commission shall have the discretion to conduct the weigh-in ceremonies on the day prior to the event or on the day of the event. If a weigh-in is conducted more than three (3) hours prior to the start of the contest, the promoter shall pay the official designated by the Commission to conduct the weigh-in a minimum of \$75.00 for each day of the early weigh-in.

15.3. Who must be present. -- Promoters or matchmakers must personally attend weigh-in ceremonies and are not permitted to delegate their duties to an assistant. Inspectors will not weigh-in boxers until the arrival of the promoters or matchmakers staging the contest. All equipment of contestants shall be approved by the inspector at weigh-in time.

§177-1-16. Weights and Classes.

16.1. Weight Classes. The ~~Athletic~~ Commission shall utilize the weight classes set forth in Appendix 1 for professional and semi-professional bouts and the weight classes in Appendix 2 for all amateur bouts. The Commission shall have the discretion to utilize different weight classes as necessary for the event.

16.2. General. -- Championship fights shall be a minimum of ~~10~~ 8 rounds.

§177-1-17. Contracts.

17.1. Contracts must be filed. -- The Commission shall be furnished with certified copies of all contracts between promoting corporations, contestants or managers. A copy of all contracts and agreements between a promoter, club, association or corporation, licensed under this rule and any person or persons not named in the license, who by virtue of the contract or agreement might gain financial benefit from the promotion and presentation of boxing events in West Virginia by a promoter, club, associations or corporation, must be placed on file with the Commission for approval.

17.2. When filed. -- An original copy of every contract between a manager and a boxer licensed in West Virginia must be filed when an application for license is made. The contracts shall be maintained in the archives of the ~~West Virginia State Athletic~~ Commission.

§177-1-18. Fake Contests.

Any promoting corporation, referee, second or contestant, who in the judgment of the Commission, is guilty of intentional conniving or participation in any prearranged or "Fake" contest shall be liable to suspension and other penalties provided for in this rule.

§177-1-19. No Pay Before Contest.

No contestant shall be paid for his services before a contest.

§177-1-20. Wagering.

Wagering on the contest is prohibited in any area under the jurisdiction of the Commission.

§177-1-21. Length of Rounds.

Rounds for professional boxing contests shall be of three (3) minutes' duration with a rest period of one (1) minute between rounds. The Commission in its discretion may limit the duration of rounds to two (2) minutes' duration with a rest period of one (1) minute between rounds.

§177-1-22. Reporting In.

Contestants shall report to the inspector in the dressing room at least one (1) hour before they are due in the ring.

§177-1-23. Interval Between Bouts.

In addition to any federal requirement, a contestant shall not be permitted to compete in a sanctioned contest if he or she has fought within six (6) days prior. ~~When a contestant competes in a bout of more than four (4) rounds, he will not be allowed to compete again until six (6) days have elapsed excluding the day of the first event. When a contestant competes in a bout of four (4) rounds or less, he will not compete again until four (4) days have elapsed excluding the day of the first event.~~ The Athletic Commission shall have the discretion to extend the interval between bouts up to a maximum of fifteen (15) days if the Commission determines that the health or safety of the contestant would otherwise be in jeopardy. The requirements of this section shall not apply to ~~Toughperson~~ Semi-Professional style events authorized under Section 45 of these rules.

§177-1-24. Dressing Room.

24.1. A Commission inspector shall be in charge of and supervise the conduct of the dressing room, see that contestants and seconds are dressed in accordance with the rules, that tape, gloves and ~~accouterments~~ accoutrements are as required and there is no delay between bouts. ~~He~~ The inspector shall see to it; that one (1) set of boxers is ready to enter the ring while the preceding bout is in progress.

24.2. No one shall be allowed in the contestant's dressing room except managers, seconds, representative of and the Commission, or the promoter's representatives.

§177-1-25. Managers.

25.1. General. -- ~~No~~ A manager shall neither attempt to select or insist upon the selection of any designated referee in a bout in which a boxer under his management is to appear, nor ~~shall he~~ have the name of any referee ~~written into~~ included in the official contract covering such bouts.

25.2. Assignments of interest. -- No assignment of a boxer's or manager's interest in a contract, or of any part thereof, shall be made without the written approval and consent of the Commission.

25.3. Contracts to be filed. -- All copies of the contracts entered into between managers and boxers must be placed on file with the Commission for approval. A contract becomes null and void if any time

during his term the manager is not duly licensed by the Commission.

25.4. Limitation on earnings. -- A boxer is permitted to have one (1) manager. That manager is not allowed to receive more than thirty-three and a third percent (33 1/3%) of the ring earnings of a boxer.

25.5. Limitation on supervision. -- Managers shall not have more than two (2) boxers under their management in any one (1) ~~show~~ contest without special permission from the Commission.

§177-1-26. Boxers with No Managers.

Any boxer not under contract to a manager may make his own matches and sign contracts and need not apply for a manager's license to handle his own affairs.

§177-1-27. Seconds.

27.1. Dress. -- Seconds and managers acting as seconds, must be neatly attired when in the ring and wear jerseys or shirts of plain colors with sleeves.

27.2. Demeanor. -- Seconds shall not coach or in any way assist a principal during a round, or by word or action attempt to heckle or annoy his principal's opponent. They shall remain seated in place and silent.

27.3. Conduct. -- Seconds shall not enter a ring until the bell indicates the end of the round and are prohibited from spraying or forcefully throwing water on a contestant. ~~they~~ Seconds shall leave the ring at the sound of the timer's whistle ten (10) seconds before a round is to begin, removing all obstructions, buckets, stools, etc., promptly at the sounding of the gong.

27.4. Throwing in the towel. -- Seconds are prohibited from throwing a towel in the ring as a token of defeat, however, the second may step upon the ring apron and indicate to the referee that his or her fighter should not continue, otherwise, the referee is the sole judge as to the ability of a boxer to continue.

27.5. Prohibition of certain dressings. -- No second will be permitted to use grease or any other substances on the body of a contestant. The use of Vaseline in corners is not allowed except in the use of stopping blood and on cuts. The use during a boxing match of any drugs or compounds for stopping hemorrhaging in the ring is prohibited. The use of drugs, alcohols or stimulants during a match by any contestant, second, trainer, or manager is adequate cause for revoking his license.

§177-1-28. Timekeepers.

28.1. Qualifications. -- Timekeepers shall be appointed by the Commission and shall be of recognized good standing and character.

28.2. Duties. -- The timekeeper shall be seated at the ringside close to the timer or bell. The timekeeper shall use an electronic timer or bell to indicate the beginning and end of each round so the contestants shall hear the timer or bell.

28.3. Equipment. -- The timekeeper shall provide himself with a whistle and an accurate stop watch that has been properly examined and certified by an inspector of the Commission before it is used.

28.4. Warnings. -- Ten (10) seconds before the beginning of each round the timekeeper shall give warning to the seconds of the contestants by blowing the whistle.

§177-1-29. The Announcer.

29.1. Responsibilities. ~~—The announcer shall be approved by the Commission and must be a bona fide resident of the State of West Virginia, except when specifically approved for any one performance by the Commission.~~

29.1.a. Announcing contestants. -- After contestants and their chief seconds are in the ring, the announcer shall announce the names of the contestants, their correct weights and such other matters as may be approved by the Commission. Promoters shall make provisions for the announcement of rounds.

29.1.b. Decisions. -- The announcer must get the judges' ~~verdicts~~ decision on paper, ~~and he must not reveal a judge's decision to another prior to the announcement.~~ ~~The announcer shall immediately after each bout turn these tally slips over to a representative of the Commission at the ringside. This official shall check the slips and inform the announcer of the decisions.~~ Once both opponents are center ring with the referee, the ~~The~~ announcer shall then announce ~~it~~ the decision to the crowd. He or she may announce whether or not the decision is unanimous, majority, or a split decision.

29.2. Conduct. -- The announcer in boxing contests shall be neatly dressed. His or her conduct is subject to the supervision of the Commission.

§177-1-30. Physician; Medical Requirements.

30.1. Physical examination required. -- Every contestant shall, at weighing-in time or at any other time on the day of the contest that may be designated by the Commission, be subjected to a physical examination by a duly licensed physician approved by the Commission. The physician must be a duly licensed medical doctor (MD) –or a doctor of osteopathy (DO). ~~duly licensed by the State of West Virginia.~~

30.2. Inspectors to enforce. -- Inspectors are charged with the duty of enforcing compliance with ~~seeing that this provision is, in every case, complied with.~~

30.3. Fitness certification required. -- No contestant shall take part in a contest until pronounced fit to do so by the physician approved by the Commission. The facts of physical examinations and of the physical fitness of contestants shall be certified over the signature of the physician as a part of the inspector's report submitted after each set of bouts. In addition to other findings, the physician shall find specifically that the contestant shows no obvious symptoms of a severe brain concussion.

30.4. Attendant required. --A physician shall attend at ringside until the conclusion of the final bout. In addition, the promoter shall have at least one (1) ambulance plus two (2) Emergency Medical Technicians -- Intermediate (EMT I's) or individuals with greater medical qualifications present until the conclusion of the final bout. The physician, attending EMT's, and oxygen bottles shall be at ring side at all times. In the event that the physician, attending EMT's, or oxygen bottles are not at ringside, the match shall be stopped immediately and shall not resume until the physician, attending EMT's, and oxygen bottles return to ring side.

30.5. Oxygen bottles required. -- The promoter must ensure that oxygen bottles are kept at ringside for the duration of all boxing events.

§177-1-31. Decisions.

31.1. By judges. -- Three (3) judges, appointed by the Commission, shall render a decision at the termination of each boxing contest. Judges shall be of recognized good standing and character.

31.2. Special judges. -- Licensed referees, members of the Commission, or designated officials of

the Commission may, in an emergency, act as judge.

31.3. Location of judges. -- The three (3) judges shall be stationed at opposite sides of the ring.

31.4. Basis of decision. -- The decision of the judges shall be based primarily on effectiveness, taking into account the following points:

31.4.a. A clean, forceful hit, landed on any vulnerable part of the body above the belt should be credited in proportion to its damaging effects.

31.4.b. Aggressiveness is next in importance and points should be awarded to the contestant who sustains the action or a round by the greatest number of skilled attacks.

31.4.c. Defensive work is relatively important and points should be given for cleverly avoiding or blocking a blow.

31.4.d. Points should be awarded where ring generalship is conspicuous. This comprises such points as the ability to quickly grasp the advantage of every opportunity offered; the capacity to cope with all kinds of situations which may arise; to foresee and neutralize an opponent's methods of attack; and to force an opponent to adopt a style of boxing at which he is not particularly skillful.

3.4.e. It is advisable to deduct points when a contestant persistently delays the action of a contest by clinching and lack of aggressiveness.

3.4.f. A contestant should be given credit for sportsmanlike actions in the ring, close adherence to the spirit as well as the letter of the rules and for refraining from taking technical advantage of a situation which is unfair to an opponent.

3.4.g. A boxer will be charged with the loss of a round in which the referee gives him a third (3rd) warning for a minor foul. Any such penalty, however, shall not be imposed by the judges on their cards until they are advised by the referee.

3.4.h. In scoring a contest the elements of offense, defense, clean hitting, ring generalship and sportsmanship shall be carefully considered. Minor fouls shall count against an opponent. Foul blows, no matter how damaging, count against the contestant responsible for their delivery.

31.5. Scoring. -- Scoring shall be by the "10 Point Must System" in professional bouts and the "20 Point System" in amateur bouts unless approved or changed by the Commission. There will be no even rounds. The requirements of this section shall not apply to events sanctioned by USA Boxing.

31.6. Mandatory eight (8) count. -- When a contestant is knocked down he shall be required to take a count of eight (8) seconds, whether or not he rises before the count of eight (8) has been reached. The count is for the benefit of the fallen contestant. The knockdown is scored against him regardless of the length of the count. Taking the "8" count is regarded as a display of ring generalship.

§177-1-32. Fouls.

32.1. Hitting below the belt.

32.2. Hitting an opponent who is down or rising after being down.

32.3. Holding an opponent with one (1) hand and hitting with the other.

32.4. Holding or deliberately maintaining a clinch.

32.5. Wrestling or roughing at the ropes.

32.6. Pushing an opponent about the ring or into the ropes or striking an opponent who is helpless as a result of blows and supported by the ropes, so that he does not fall.

32.7. Butting with the head or shoulder or using the knees or elbows.

32.8. Hitting with the open glove, with the butt or inside of the hand, the elbow, the wrist and all backhand blows.

32.9. Purposely going down without being hit.

32.10. Striking deliberately at the part of the body over the kidneys.

32.11. The use of the pivot blow or the rabbit punch.

32.12. Jabbing opponent's eyes with the thumb of the gloves.

32.13. The use of abusive language in the ring.

32.14. Any unsportsmanlike trick or action causing injury to an opponent.

§177-1-33. Referee's License.

33.1. Qualifications. -- Referees shall be appointed by the Commission and shall be licensed after first satisfying the Commission of their professional and physical qualifications.

33.2. Prohibitions. -- No person who is, directly or indirectly, interested in the management of a contestant, or who is an individual promoter, or stockholder in, or an employee of a corporation, or interested in an unincorporated club or association engaged in the promotion of contests, shall be granted a referee's license.

33.3. Powers of the referee. -- After a contest starts, the referee has power to declare a bout "No Contest," and order the purse held, pending the decision of the Commission. The referee shall immediately make a report to the Commission. The referee may stop a contest if, in his opinion, one (1) of the contestants is badly outclassed or injured or the referee may temporarily stop a contest and consult the examining physician on the advisability of stopping the contest in case a contestant appears injured. The referee is empowered to enforce discipline and the rules pertaining to the conduct and behavior of contestants and seconds.

33.4. Duties of referee.

33.4.a. General. -- Subject to the supervision of Commission members or Deputy Commissioners, the chief official of the contest shall be the referee who shall have general supervision over bouts and take his place in the ring.

33.4.b. Ascertainment of seconds. -- The referee shall, before starting a contest, ascertain from each contestant the name of his chief second and shall hold the chief second responsible for the conduct of his assistant seconds during the progress of the contest.

33.4.c. Instructions. -- The referee shall call contestants together in the ring before each bout for

the final instructions at which time each contestant shall be accompanied by only his chief second. The principals after receiving instructions shall be required to shake hands at the beginning of the first round.

33.5. Referee's inspection. -- The referee shall inspect the bandages and the gloves and make sure that no grease or other foreign substances have been applied to either the gloves or the bodies of the contestants to the detriment of the opponent.

33.6. Referee's uniform. -- Referees shall wear official uniforms as authorized by the Commission.

§177-1-34. "Down" Without Being Struck; Counted Out.

34.1. General. -- A contestant who goes down without being struck and stays down shall be disqualified.

34.2. Absence of fighter. -- Should a contestant leave the ring during the one (1) minute period between rounds and fail to be in the ring when the gong rings the signal to resume boxing or should a contestant fail to rise from his chair at the beginning of a round, the referee shall start counting immediately and unless the contestant is on his feet in the ring at the end of ten (10) seconds, he shall declare him counted out.

§177-1-35. Withholding Purse.

As counting a contestant out, or disqualifying one (1) of the contestants for fouling, is held to be, in effect, giving a decision, should the referee decide that one (1) or both the contestants are not honestly competing, or that the knockdown is "A Dive" or the found prearranged termination of the bout, the referee shall stop the bout and order the purses or trophies of both boxers held pending investigation by the Commission notwithstanding the referee may have completed the count of ten (10).

§177-1-36. Counting.

36.1. General. -- When a contestant is knocked down, the referee shall order the opponent to retire to the corner farthest removed from the fallen contestant, pointing to the corner, and he shall immediately begin the count over the contestant who is down. He shall audibly announce the passing of the seconds, accompanying the count with motions of his arm, the downward motion indicating the end of each second.

36.2. Opponent's actions. -- Should the opponent fail to stay in the farthest corner, the referee shall cease counting until he has returned to it, and then go on with the count from the point at which it was interrupted.

36.3. Mandatory count and disqualification. -- A contestant who is knocked down must take the mandatory "Eight (8) Count" and any contestant who is knocked down three (3) times in any round shall be disqualified by the referee.

36.4. Examination after eight (8) count. -- If the count of "Eight" (8) is reached and the contestant who was down is on his feet, the referee, if he deems it advisable, may examine the contestant long enough to assure himself that the contest should continue. If so assured, the referee shall without loss of time order the contest to continue.

36.5. Knockout. -- If the contestant taking the count is still down when the referee calls the count of "Ten," (10) the referee shall wave both arms to indicate that he has been knocked out and shall raise the right hand of the opponent as the winner or hold that the bout be declared no contest. The referee's count is the official count.

36.6. Saved by the bell. -- If the round ends during the count, the timekeeper shall not sound the gong indicating the termination of the round; however, the referee shall continue the count. Any contestant who fails to rise before the conclusion of the count shall be declared to be defeated and the opponent shall be declared the winner of the contest. A contestant may only be saved by the bell at the conclusion of the final scheduled round of the bout.

36.7. Weak knees. -- Should a contestant who is "Down" arise before the count of "Ten" (10) is reached and go down again immediately without being struck, the referee shall resume the count where it left off.

36.8. Knockout victim. -- When a boxer has been knocked out he shall not be touched or moved except at the direction of the ringside physician.

36.9. Helpless boxer is down. -- If a contestant is helpless on the ropes, the referee shall instantly intervene, declare the helpless boxer "Down" and proceed with the count as in case of a knockdown.

§177-1-37. A Contestant is Down.

A contestant is down when any part of his body but his feet is on the floor or when he is hanging helplessly over the ropes and the referee has begun to count over him.

§177-1-38. Gloves.

38.1. Weight. -- Gloves in all professional weight classes must be ten (10) ounces. Gloves in all amateur weight classes must be sixteen (16) ounces. ~~over 154 weight classes must be at least ten (10) ounces. Weight class under 154 may use eight (8) ounce gloves.~~

38.2. Examination. -- Gloves shall be examined by the inspector. If padding is found to be misplaced or lumpy or if gloves are found to be imperfect, other gloves shall be substituted therefore before the contest starts.

38.3. Condition. -- No breaking, roughing or twisting of gloves shall be permitted.

38.4. Main events. -- Gloves for all main events shall be new and furnished by the promoting corporation.

38.5. Cleanliness. -- If gloves used in any bouts have been used before, they must be whole, clean and in sanitary condition.

38.6. Inspected. -- Gloves for the main event must be put on in the ring after the referee has first inspected the bandaged hands of both contestants.

§177-1-39. Bandages.

39.1. Bandages for boxers shall conform to the following restrictions.

39.2. One (1) winding of surgeon's adhesive tape not over 1 ½ inches wide placed directly on the hands to protect that part of the hand near the wrist. This may cross the back of the hand twice but not extend within 1 inch of the knuckles.

39.3. Soft surgical bandages not over 2 inches in width held in place by not more than 2 feet of surgeons adhesive tape 1 inch wide for each hand. One 10-yard roll of bandage shall make the wrapping

for each hand.

39.4. The use of any wrap by a professional fighter other than gauze or surgical wrap as prescribed in this section is prohibited.

§177-1-40. Contestant's Costumes.

40.1. General. -- Contestants shall box in proper costume, including protection cup, which shall be firmly adjusted before leaving the dressing room.

40.2. Trunks. -- Each contestant shall supply himself with a pair of trunks, loose fitting and made of light cloth, similar to an athlete's "Running Pants." The contestants shall not wear the same colors in the ring. The wearing of tights is prohibited.

40.3. Belt. -- The belt of the trunks shall not extend above the waistline.

40.4. Shoes. -- Shoes shall be soft material and not be fitted with spikes, cleats, hard soles or hard heels. Socks, rolled down to the tops of the shoes, may be of any color.

40.5. Mouthpiece. -- Every boxer shall wear a mouthpiece.

40.6. Female boxers. -- In addition to the above requirements, female boxers shall also wear an abdominal guard, foul proof cup, and a body shirt. Breast protectors are optional.

40.7. Miscellaneous. -- No apparel other than as specified above may be worn in the ring except a bathrobe. The ~~Athletic~~ Commission shall have the discretion to alter the costume requirements as necessary.

§177-1-41. ~~The Ring~~ Combat Area.

41.1. The ring shall be not less than 16 nor more than 24 feet square within the ropes, the ring floor to extend beyond the ropes not less than 18 inches. The ring posts shall not be nearer to the ring ropes than 18 inches. The ring shall be padded with felt, corrugated paper, matting or other soft material to a thickness of not less than 1 inch padding extending 1 foot beyond the ring ropes, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used.

41.2. The ring shall not be more than 4 feet above the floor of the building or ground of an outdoor arena and shall be provided with suitable steps for the use of contestants. Ring posts shall not be more than 3 inches in diameter, extending from the floor of the building or ground to a height of 58 inches above ring floor.

41.3 The ~~Athletic~~ Commission shall determine all seating arrangements at ringside necessary to effectuate the match. A promoter may submit a proposed seating arrangement to the Commission one week before the event.

41.4. Matches may also take place in a cage that has been approved by the Commission. The cage shall meet the requirements set forth by the Commission and is subject to inspection prior to each match by a Commission representative such as a referee.

41.4.a. Cages. -The cage specifications shall meet the following requirements.

41.4.a.1. The fighting area floor shall be no smaller than 18 feet by 18 feet and no larger than 32 feet by 32 feet. The fighting area floor shall be padded in a manner as approved by the Commission, with at least one inch layer of foam padding. Padding shall extend beyond the fighting area and over the edge of the platform. The floor must be covered with canvas, vinyl or other plastic rubberized material. The Commission shall have discretion to approve the flooring materials prior to use at the event. The fighting area floor shall not be more than four feet above the floor of the building and shall have suitable steps or ramp for use by the participants.

41.4.a.2. Post shall be made of metal not more than six inches in diameter, extending from the floor of the building to a minimum height of 58 inches above the fighting area floor and shall be properly padded in a manner approved by the Commission. The fighting area floor shall be enclosed by a fence made of such material as will not allow a contestant to fall out or break through it onto the floor or spectators, including, but not limited to, vinyl coated chain link fencing. All metal parts shall be covered and padded in a manner approved by the Commission and shall not be abrasive to the contestants. The fence shall provide two separate entries onto the fighting area floor.

§177-1-42. Ring Ropes.

Ring ropes shall be at least ~~three (3)~~ four (4) in number, not less than 1 inch in diameter; the lower rope ~~12-18~~ inches above the ring floor, the second rope ~~23-35~~ inches above the floor; the third rope ~~34-52~~ inches above floor; and the fourth rope 45 inches above the floor. Ropes shall be wrapped in soft material.

§177-1-43. Obstructions.

The entire ring platform shall be cleared of all obstructions, including buckets, stools, etc.; the instant the gong indicates the beginning of a round, none of these articles shall be placed on the ring floor until the gong has ended the round.

§177-1-44. Water Buckets, etc.

There shall be provided by the promoting corporation a sufficient number of water buckets for the use of all contestants. Promoters shall also provide fans, powdered resin for canvas, stools for seconds and such other articles as are required in the conduct of a contest. A bucket used by a contestant shall not be used again until it has been washed and sterilized.

~~§177-1-45. Semi-Professional Fights, also known as "Tough pPerson" style elimination tournaments.~~ Rules for Semi-Professional Elimination Style Tournaments.

~~45.1. Toughperson style contests shall be considered semi professional events. Due to the unique nature of these events, the following rules shall apply. The following Section shall apply to all semi-professional, elimination style contests held in the State of West Virginia. All other rules and regulations under this Series shall apply to semi-professional contests and licensees unless indicated under this Section. Participants are not to be considered professional boxers.~~

45.2. Qualification of contestants:

45.2.a. All contestants shall be at least 18 years of age or older.

45.2.b. Contestants cannot have any previous professional ~~boxing-fighting~~ experience and cannot have won over five sanctioned, amateur boxing, kickboxing, or MMA bouts.

45.2.c. Contestants must also pass a physical examination.

45.3. Format:

45.3.a. All semi-professional bouts are two night events with fighters paired by blind draw.

45.3.b. All contestants shall fight once the first night.

45.3.c. The final night shall be elimination tournament where bouts will be set up by item 45.4 below.

45.3.d. Bouts shall be staggered to allow for adequate rest time between bouts and to all contestants.

45.3.e. Each fight will be scheduled for three (3) rounds of sixty (60) seconds each.

45.3.f. There shall be one (1) minute rest period between rounds.

45.3.g. Winners who cannot participate the second night because of medical disqualification or who do not wish to continue for other reasons forfeit to the contestant they defeated. The defeated contestant has the right to refuse to resume fighting in the tournament. If a fighter refuses to continue in the tournament the promoter may pick any other defeated contestant to continue with the tournament.

45.4. Sequence of events:

45.4.a. All contestants are selected and paired based on experience, height, weight and condition.

45.4.b. No one shall be aware of who they fight until the matches are posted prior to the fight.

45.4.c. The first night fighters shall fight one time.

45.4.d. The second night fight in bouts, again based on experience, height, weight and condition, and will then eliminate down to the winners.

45.4.e. Three (3) knockdown and standing eight count rules shall apply.

45.5. Safety and equipment:

45.5.a. All contestants shall wear ~~headgear~~, cups and mouth pieces at all times.

45.5.b. All contestants shall utilize proper and approved hand wraps and 16 oz. boxing gloves.

45.5.c. Proper clothing and shoes as set forth in section 177.1.40 shall be worn by contestants.

45.6. Option for Boxing or Kickboxing:

45.6.a. At the selection of the promoter, semi-professional tournaments or any portion of the tournament maybe conducted under either the current rules of boxing as adopted by the Association of Boxing Commissions or the Kickboxing Rules as set forth in Section 45a of this Series.

45.6.b. If a promoter selects to conduct a tournament or any portion of the tournament under the Kickboxing Rules, contestants competing under the Kickboxing Rules shall comply with the equipment,

attire, and technique rules set forth under Subsection 45a.1(a)-(b) or Subsection 45a.2(a)-(b) depending on whether the contest is conducted under the American Full Contact or International Rules.

45.6.c. Semi-professional contestants competing under either the American Full Contact or International Rules are required to wear sixteen (16) ounce gloves as specified under Subsection 45a.1(a) and 45a.2(a).

§177-1-45a. Kickboxing Rules.

45a.1. The following section shall apply to professional and amateur kickboxing contests regulated by the Commission. All previous rules and regulations shall apply to kickboxing contests unless indicated under this section. Kickboxing contests may be conducted, with the approval of the Commission, under either American Full Contact Rules or International Rules.

45a.2. The following subsection shall apply to kickboxing contests conducted under American Full Contact Rules.

45a.2.a. Equipment and Attire.

45a.2.a.1. Contestants are recommended to wear long pants, but shorts maybe permitted at the discretion of the Commission.

45a.2.a.2. Contestants shall wear foot pads. Footpads are required to cover the toes and heel. Footpads are required to be secured by athletic or medical tape.

45a.2.a.3. Contestants are required to wear hand wraps, mouth guards, groin protectors which are approved by the Commission.

45a.2.a.4. Contestants are prohibited from wearing shoes during a contest.

45a.2.a.5. Professional contestants are required to wear ten (10) ounce gloves. Amateur contestants are required to wear sixteen (16) ounce gloves.

45a.2.b. Technique.

45a.2.b.1. All kicks and punches must be above an opponent's waist except that boot to boot sweeps are permitted to the front foot. Sweeps that make contact higher than the ankle are not permitted. If an opponent's rear is square to the ropes, a contestant is permitted to sweep either foot.

45a.2.b.2. Contestants are strongly urged to perform a minimum number of kicks per round. Although there is no mandatory kick requirement, the referee may choose to give a warning or deduct a point for a contestant who fails to perform enough kicks for American Full Contact style. For a professional contest, a contestant should attempt a minimum of eight (8) strongly thrown kicks per round. For an amateur contest, a contestant should attempt a minimum of six (6) strongly thrown kicks per round.

45a.2.b.3. Spinning backhands are legal.

45a.2.b.4. Elbow and knee strikes are not permitted.

45a.2.c. Rounds.

45a.2.c.1. Professional bouts shall be a minimum of four (4) rounds of two (2) minutes' duration.

45a.2.c.2. Professional Championship bouts shall be a minimum of seven (7) rounds of two (2) minutes' duration.

45a.2.c.3. United States Title bouts shall be a minimum of ten (10) rounds of two (2) minutes' duration.

45a.2.c.4. World Title bouts must be a minimum of twelve (12) rounds of two (2) minutes' duration.

45a.2.c.5. An amateur contestant's first three bouts shall consist of three (3) rounds or two (2) minutes' duration. An amateur contestant's fourth and each subsequent amateur bout shall consist of three (3) rounds or three (3) minutes' duration.

45a.3. The following subsection shall apply to kickboxing contests conducted under International Kickboxing Rules.

45a.3.a. Equipment.

45a.3.a.1. Professional contestant are required to wear gloves weighing ten (10) ounces. Amateur contestants are required to wear gloves weighing sixteen (16) ounces.

45a.3.a.2. Contestants are required to wear hand wraps, mouth guards, and groin protectors which are approved by the Commission.

45a.3.a.3. Contestants are required to wear shorts. Pants are not allowed.

45a.3.b. Technique.

45a.3.b.1. Kicks above the waist, to the head, and to the legs are permitted. There is no minimum kick requirement under International Rules.

45a.3.b.2. Boot to boot sweeps are permitted to the front foot. Sweeps that make contact higher than the ankle are not permitted. If an opponent's rear is square to the ropes, a contestant is permitted to sweep either foot.

45a.3.b.3. Leg kicks to the shin or foot are permitted to the inside and outside of the legs. Leg kicks to the knees are not permitted.

45a.3.b.4. Spinning backhands are legal.

45a.3.b.5. Direct sidekicks to the legs are not permitted.

45a.3.b.6. Clinching is not permitted. Contestants who engage in clinching will be asked to break.

45a.3.b.7. Elbow and knee strikes are not permitted.

45a.3.c. Length of Rounds.

45a.3.c.1. Professional bouts shall be a minimum of four (4) rounds of three (3) minutes' duration.

45a.3.c.2. Professional Championship bouts shall consist of five (5) rounds of three (3) minutes' duration.

45a.3.c.3. An amateur contestant's first three bouts shall consist of three (3) rounds or two (2) minutes' duration. An amateur contestant's fourth and each subsequent amateur bout shall consist of three (3) rounds or three (3) minutes' duration.

§177-1-46. Amateur Boxing Rules.

46.1. General. -- The rules to be followed in all amateur boxing contests held in the State of West Virginia shall be the Rules of the Amateur Boxing Association and the Rules of the ~~State Athletic~~ Commission. Any local boxing club, association or any group that desires to make requirements, local rules or any other restrictions other than those rules mentioned above, must first submit those rules to the ~~State Athletic~~ Commission for approval.

46.2. Other rules, requirements or restrictions. -- No organization, association, group or club shall impose any additional rules, local rules, requirements or restrictions without first having those proposed rules, requirements or restrictions approved by the ~~State Athletic~~ Commission: Provided, That no rule within this Series removing the requirement of head gear for amateur or semi-professional contestants shall be read to affect any event sanctioned by U.S.A. Boxing or to any event sanctioned by any other amateur boxing governing body approved by the United States Olympic Committee.

46.3. Procedure for approval.

46.3.a. Prior to any local rule, requirements or restrictions being imposed or put into effect, the proponent must submit an original and three (3) copies of the proposed rule to the ~~State Athletic~~ Commission.

46.3.b. No rule, local rule, requirement or restriction shall be valid or enforceable unless first approved by the ~~State Athletic~~ Commission.

46.3.c. In addition to the original and three (3) copies of the proposals, a proponent must also furnish a written rationale justifying the use of the proposed rules.

46.3.d. The ~~State Athletic~~ Commission will notify the proponent of its decision to approve or reject any proposals within forty-five (45) days of the first meeting of the Commission after the receipt of the proposal.

§177-1-47. National Anthem.

At the beginning of each boxing program the National Anthem shall be played.

~~§177-1-48. "Ultimate Fight".~~

~~48.1. General. — The State of West Virginia DOES NOT recognize, nor will license any full contact boxing or fighting event, commonly referred to as an "Ultimate Fight", "Extreme Fight" or "No Holds Barred Fight" event or any facsimile thereof by whatever name called.~~

~~48.2. Definition. The terms “ultimate fight”, “Extreme Fight” or “No Holds Barred Fight ” mean and include, but are not limited to, any full contact boxing event or other boxing event that follows nontraditional rules, and which includes or permits any one or more of the following:~~

~~48.2.a. Use of other than authorized boxing weight classes;~~

~~48.2.b. Rounds in excess of three minutes in length;~~

~~48.2.c. Rest periods of less than one minute between rounds;~~

~~48.2.d. Gloves of less than eight ounces in weight;~~

~~48.2.e. Use of a caged arena instead of an authorized boxing ring;~~

~~48.2.f. Use of kicks without the use of foot and instep padding;~~

~~48.2.g. Use of respiratory restraints or respiratory chokes;~~

~~48.2.h. Use of elbow strikes;~~

~~48.2.i. Use of strikes, whether punches, kicks or elbow strikes, to the head while a participant is on the ground; or,~~

~~48.2.j. Use of biting, eye gouging, fish hooking, groin strikes, head butting, or direct blows to the spine.~~

~~Provided, That the prohibition set forth herein is not intended to abrogate or otherwise supercede any current rules promulgated by the Commission. Provided, However, that the prohibition set forth herein is not intended to prohibit any boxing, sparring match or exhibition sanctioned by organizations recognized by the United States Olympic Committee.~~

~~§177-1-49. §177-1-48. Minimum Officials Fees.~~

48.1. The following amounts, at a minimum, shall be paid by the promoter to the officials designated by the Commission to officiate an event.

~~49.1~~ 48.1.a. Day of show Chief Deputy or Deputy in Charge — _____ \$75.00.

~~49.2~~ 48.1.b. Judges — _____ \$50.00 per day.

~~49.3~~ 48.1.c. Time Keeper — _____ \$50.00 per day.

~~49.4~~ 48.1.d. Referee — _____ \$75.00 per day.

~~49.5~~ 48.1.e. Inspectors — _____ \$50.00 per day.

~~§177-1-50. §177-1-49. Medical Testing Requirements.~~

50.1. 49.1 Every professional boxer must submit evidence to the Commission that the boxer is free of Human Immunodeficiency Virus (HIV) and proof of passing a Hepatitis B and a Hepatitis C virus test. The ~~Athletic~~ Commission will only accept laboratory results that are no older than twelve (12) months.

49.2. Upon seeing blood, the referee will take the contestant to a neutral corner and wipe off the blood. If the bleeding stops, the fight will continue. If, in the referee's discretion, the bleeding cannot be stopped, the fight will be stopped.

~~50.2.~~ 49.3. Every female boxer must submit a negative pregnancy test to the Athletic Commission. The test must be no older than 14 days prior to the date of the boxing match. Female boxers who participate in USA Boxing sanctioned events must also submit a negative pregnancy test to the Athletic Commission.

~~50.3.~~ 49.4 The Athletic Commission shall have the discretion to require additional medical testing of any athlete contestant in order to protect the his or her health and safety of athletes. Additional testing may include an electrocardiogram (EKG), neurological exam, ~~eat~~ CAT scan (CT), cardiovascular stress test, or any other examination, which the Commission deems necessary.

49.5. A contestant who fails a medical test provided for under this Section shall not participate in the next subsequent match and the contestant's license shall be subject to suspension or revocation if the Commission determines that a suspension or revocation is required to protect the health and safety of the contestant, other boxing contestants, or the public.

§177-1-50. Drug Testing.

50.1. In order to ensure the safety of all contestants and to protect the integrity of professional, semi-professional, and amateur boxing, the Commission herein prohibits the use of alcohol and any "controlled substance" as defined under Chapter 60A of the West Virginia Code by any licensed contestant while participating in an event regulated by the Commission unless the contestant has a legal prescription for the controlled substance.

50.2. During an event regulated by the Commission, a contestant shall not be under the influence of alcohol or a controlled substance for which he or she does not have a legal prescription.

50.2.a. While under the influence of alcohol or a controlled substance for which he or she does not have a legal prescription, a contestant shall not be permitted to participate in any bout sanctioned by the Commission.

50.3. Acting with good cause, a member of the Commission, deputy commissioner, or inspector may direct any contestant to submit a sample of his or her urine for testing. Samples or tests pursuant to the requirement of this rule may be requested at any time on the day of the bout or event in which the contestant is participating.

50.3.a. Initial Test – if a contestant is selected by good cause for a test on the day of the bout or event, the person designated by the Commission shall perform an initial urinalysis.

50.3.b. If the initial test results are negative or inconclusive for a controlled substance, no action shall be taken.

50.3.c. If the initial test is positive for a controlled substance, the contestant shall not be permitted to participate in a bout unless the contestant can demonstrate at the time of the initial test that he or she has a legal prescription for the controlled substance.

50.4. A positive result in the initial test for any controlled substance, for which – at the time of the test – the contestant does not have a legal prescription shall constitute cause for the Commission to revoke, suspend, or place on probation the license of any fighter licensed under this Title. Following a decision by the Commission which revokes, suspends, or gives probation based on a violation under this

section, the licensee affected by the decision has the right to a review of the decision under the procedures set out in Section 177-1-10 of this Rule.

50.5. Refusal of any contestant to supply a urine sample when requested by a person designated by the Commission shall constitute a failed test and subject the contestant to a suspension of not more than one year. A second and all subsequent failures or refusals to provide a requested urine or blood sample shall be considered grounds for license revocation.

APPENDIX 1

WEIGHT CLASSES FOR PROFESSIONAL BOXERS

Male and Female Professional Boxers utilize the same weight classes.

Weight Class	Boxers Weights	Weight Difference Allowed
Mini Flyweight	up to and including 105 lbs.	not more than 3 lbs.
Light Flyweight	over 105 to 108 lbs.	not more than 3 lbs.
Flyweight	over 108 to 112 lbs.	not more than 3 lbs.
Super Flyweight	over 112 to 115 lbs.	not more than 3 lbs.
Bantamweight	over 115 to 118 lbs.	not more than 3 lbs.
Super Bantamweight	over 118 to 122 lbs.	not more than 4 lbs.
Featherweight	over 122 to 126 lbs.	not more than 4 lbs.
Super Featherweight	over 126 to 130 lbs.	not more than 4 lbs.
Lightweight	over 130 to 135 lbs.	not more than 5 lbs.
Super Lightweight	over 135 to 140 lbs.	not more than 5 lbs.
Welterweight	over 140 to 147 lbs.	not more than 7 lbs.
Super Welterweight	over 147 to 154 lbs.	not more than 7 lbs.
Middleweight	over 154 to 160 lbs.	not more than 7 lbs.
Super Middleweight	over 160 to 168 lbs.	not more than 7 lbs.
Light Heavyweight	over 168 to 175 lbs.	not more than 7 lbs.
Cruiserweight	over 175 to 200 lbs.	not more than 12 lbs.
Heavyweight	over 200 lbs. to	no limit

SEMI-PROFESSIONAL BOXERS

Male and Female Semi-Professional Boxers utilize the same weight classes.

Weight Class	Boxers Weights
Bantamweight	up to 139 lbs.
Welterweight	over 139 to 159 lbs.
Middleweight	over 159 to 184 lbs.
Heavyweight	over 184 lbs.

APPENDIX 2

WEIGHT CLASSES FOR AMATEUR BOXERS

MALE BOXERS

Weight Class	Maximum Weight
Light Flyweight	106 lbs.
Flyweight	112 lbs.
Bantam Weight	119 lbs.
Featherweight	125 lbs.
Lightweight	132 lbs.
Light Welterweight	141 lbs.
Welterweight	152 lbs.
Middleweight	165 lbs.
Light Heavyweight	178 lbs.
Heavyweight	201 lbs.
Super Heavyweight	over 201 lbs.

The requirements of this section shall not apply to events sanctioned by USA Boxing.

APPENDIX 2 -- continued

WEIGHT CLASSES FOR AMATEUR BOXERS

FEMALE BOXERS

Weight Class	Maximum Weight
Light Flyweight	101 lbs.
Flyweight	106 lbs.
Bantam Weight	112 lbs.
Featherweight	119 lbs.
Lightweight	125 lbs.
Light Welterweight	132 lbs.
Welterweight	141 lbs.
Middleweight	152 lbs.
Light Heavyweight	165 lbs.
Heavyweight	178 lbs.
Super Heavyweight	over 178 lbs.

The requirements of this section shall not apply to events sanctioned by USA Boxing.

APPENDIX 3**WEIGHT CLASSES FOR PROFESSIONAL****AND AMATEUR KICKBOXERS**

<u>Weight Class</u>	<u>Maximum Weight</u>
<u>Flyweight</u>	<u>117 lbs.</u>
<u>Bantamweight</u>	<u>127 lbs.</u>
<u>Featherweight</u>	<u>137 lbs.</u>
<u>Welterweight</u>	<u>147 lbs.</u>
<u>Middleweight</u>	<u>157 lbs.</u>
<u>Super Middleweight</u>	<u>169 lbs.</u>
<u>Light Heavyweight</u>	<u>182 lbs.</u>
<u>Cruiserweight</u>	<u>195 lbs.</u>
<u>Super Cruiserweight</u>	<u>210 lbs.</u>
<u>Heavyweight</u>	<u>235 lbs.</u>
<u>Super Heavyweight</u>	<u>over 235 lbs.</u>