

CHAPTER 184.

[S. B. 72.]

REGULATING BOXING, SPARRING AND WRESTLING
CONTESTS.

AN ACT authorizing and regulating boxing, sparring and wrestling contests or exhibitions, creating a commission to license and regulate such contests and the participants therein, providing revenue and making an appropriation therefor, providing a penalty for violation hereof and repealing sections 304 and 305, chapter 249, Session Laws of 1909.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is hereby created and established a state commission to be known and designated as the "state athletic commission" and in this act referred to as the commission. The commission shall be composed of three members who shall be appointed by the governor and shall be subject to removal at the pleasure of the governor. The members of the first commission to be appointed after the taking effect of this act shall be appointed for the terms beginning July 1, 1933, and expiring as follows: One commissioner for the term expiring January 31, 1934, one commissioner for the term expiring January 31, 1935, and one commissioner for the term expiring January 31, 1936. Each of the first commissioners appointed shall hold office until his successor is appointed and qualified. Upon the expiration of the terms of the three commissioners first appointed, each succeeding commissioner shall be appointed to hold office for a term of four years and until his successor shall have been appointed and qualified. In case of a vacancy, it shall be filled by the appointment by the governor for the unexpired portion of the term in which such vacancy occurs.

"State
Athletic
Commis-
sion."

Term of
office.

SEC. 2. Before entering upon the duties of his office, each of said commissioners shall enter into

Bond.

a surety bond, executed by a surety company authorized to do business in this state, payable to the State of Washington, to be approved by the governor, in the penal sum of two thousand dollars (\$2,000.00) condition upon the faithful performance of his duties which bond shall be filed with the secretary of state. Each member of the commission shall be reimbursed for the cost of his bond and receive his necessary actual traveling, restaurant and hotel expenses while in the active performance of his duties.

Expenses.

Organization.

SEC. 3. The first members of the commission shall meet at such time and place, not more than thirty days after their appointment as shall be designated by the governor and shall organize by electing a chairman and an executive secretary and adopt rules and regulations for the conduct of their meetings. A majority of the members of the commission shall constitute a quorum for the transaction of business. A general office for the transaction of business of the commission shall be designated. The commission may hold meetings and conduct business at such places as they may deem necessary.

Executive secretary.

SEC. 4. The commission shall have the power to appoint one of their members as executive secretary who shall receive a salary not to exceed one hundred fifty dollars (\$150.00) per month and his actual necessary traveling and restaurant and hotel expense while engaged in the actual performance of his duties. *Provided, further,* That the annual salary and expenses will not exceed twenty-four hundred dollars (\$2,400.00) per annum. The duties of the secretary shall be such as are prescribed by the commission and he shall at all times be subject to their direction and control.

SEC. 5. The commission shall keep full and correct minutes of its transactions and proceedings,

which shall at all times be open to the public inspection. The commission shall adopt and procure a seal and all process or certificates issued by it shall be attested under such seal. Copies of the record of said commission shall be certified by the secretary and attested with the seal of said commission. Any member of the commission, or any employee thereof, officially designated by said commission shall have the power to administer oaths in all matters pertaining to or concerning the proceedings or the official duties of the commission. The commission shall have power to summon witnesses to appear and testify on any matter deemed material to the proper discharge of its duties, such summons shall be served in like manner as a subpoena issued out of the superior court and shall be served by the sheriff of the proper county, and such service returned by him to said commission, without compensation therefor.

SEC. 6. The commission shall have power and it shall be its duty to direct, supervise and control all boxing contests or sparring and wrestling matches or exhibitions conducted within the state and no such boxing contest, sparring or wrestling match or exhibition shall be held or given within the state except in accordance with the provisions of this act. The commission may in its discretion issue and for cause revoke a license to conduct, hold or give boxing, sparring and/or wrestling contests, matches and exhibitions where an admission fee is charged to [by] any club, corporation, organization, association or fraternal society: *Provided, however,* That all boxing contests, sparring or wrestling matches or exhibitions which are conducted by any war veterans' organization chartered by congress or the war department of the United States or which are conducted by any bona fide athletic club which is a member of the Pacific northwest asso-

Records.

Vetoed.

Vetoed.

ciation of the amateur athletic union of the United States or which are conducted by any school, college, Young Men's Christian Association or university within any building or upon any ground owned or occupied by said school, college, Young Men's Christian Association or university within the state shall not be subject to the provisions of this act: *Provided, however,* That every contestant in any boxing contest, sparring or wrestling match not conducted under the provisions of this act shall be examined within eight hours (8) prior to the contest by a practicing physician: *Provided, further,* That said organizations exempted from the provisions of this act shall be governed by section 14 of the act as said act applies to boxing contests, sparring or wrestling matches or exhibitions conducted by any organization exempted by this section from the general provisions of this act. The term "school, college, Young Men's Christian Association or university" as used herein shall not be deemed to include any school or institution whose principal purpose is giving of instruction in boxing, wrestling or sparring. No boxing contest or sparring and wrestling match or exhibition shall be conducted within the state except pursuant to a license issued in accordance with the provisions of this act and the rules and regulations of the commission except as hereinabove provided.

License to
conduct
boxing
contests.

SEC. 7. The commission shall have power to issue and for cause to revoke a license to conduct boxing contests or sparring or wrestling matches or exhibitions as herein provided under such terms and conditions and at such times and places as the commission may determine. Such licenses shall entitle the holder thereof to conduct boxing contests and sparring and/or wrestling matches and exhibitions under such terms and conditions and at such times and places as the commission may determine.

In case the commission shall refuse to grant a license to any applicant, or shall cancel any license, such applicant, or the holder of such cancelled license shall be entitled, upon application, to a hearing to be held not less than sixty days after the filing of such order at such place as the commission may designate: *Provided, however,* That if it has been found by a valid finding and such finding is fully set forth in such order, that the applicant or licensee has been guilty of disobeying any provision of this act, such hearing shall be denied.

SEC. 8. Any club, corporation, organization, association or fraternal society affected by this act may apply to the commission for a license. Such application shall be in writing and upon forms prescribed by said commission and shall be verified in such manner as the commission may require and shall be accompanied by an annual license fee of twenty-five dollars (\$25.00). Fee.

SEC. 9. Every licensee receiving a license as herein provided for shall file a good and sufficient bond in the sum of one thousand dollars (\$1,000.00) with the commission in cities of less than one hundred fifty thousand (150,000) inhabitants and of two thousand five hundred dollars (\$2,500.00) in cities of more than one hundred fifty thousand (150,000) inhabitants condition for the faithful performance by such licensee of the provisions of this act, the payment of the taxes provided for herein and the obedience of all rules and regulations of the commission, which bond shall be subject to the approval of the attorney general. Bond.

SEC. 10. Upon the approval by the commission of any application for a license, as hereinabove provided, and the filing of the bond the commission shall certify such fact to the state department of licenses which shall forthwith issue such license. Issue of license.

Report of
licensee.

SEC. 11. Any licensee as herein provided shall within three days prior to the holding of any boxing contest or sparring and/or wrestling match or exhibition file with the commission a statement setting forth the name of each contestant, his manager or managers and such other information as the commission may require, and shall, within seventy-two (72) hours after the termination of any contest file with the commission a written report, duly verified as the commission may require showing the number of tickets sold for such contest, the price charged for such tickets and the gross proceeds thereof, and such other and further information as the commission may require. Such licensee shall pay to the commission at the time of filing the above report a tax equal to five per centum (5%) of such gross receipts and said five per centum (5%) of such gross receipts shall be immediately paid by the commission into the state athletic fund of the State of Washington which is hereby created.

Tax.

Inspectors.

SEC. 12. The commission may appoint official inspectors at least one of which, in the absence of a member of the commission, shall be present at any boxing contest or sparring and/or wrestling match or exhibition held under the provisions of this act. Such inspectors shall carry a card signed by the chairman of the commission evidencing their authority. It shall be their duty to see that all rules and regulations of the commission and the provisions of this act are strictly complied with and to be present at the accounting of the gross receipts of any contest, and such inspector is authorized to receive from the licensee conducting the contest the statement of receipts herein provided for and to immediately transmit such reports to the commission. Each inspector shall receive a fee of not to exceed seven dollars and fifty cents (\$7.50) for each contest officially attended.

Fees.

SEC. 13. It shall be unlawful to hold any boxing contest, sparring or wrestling match on Sunday, decoration day, or armistice day; or to bet or wager on any contest held under the provisions of this act. Violation of this section shall be a misdemeanor.

Sundays,
holidays,
etc.

Wagering.

SEC. 14. No boxing contest or sparring exhibition held in this state whether under the provisions of this act or otherwise shall be for more than ten (10) rounds and no one round of any such contest or exhibition shall be for a longer period than three (3) minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving national championships the commission may grant an extension of no more than five (5) additional rounds. No contestant in any boxing contest or sparring match or exhibition whether under this act or otherwise shall be permitted to wear gloves weighing less than five ounces for contestants weighing less than one hundred seventy-five (175) pounds, and six ounces for contestants weighing over one hundred seventy-five (175) pounds. The duration of rounds for wrestling matches whether held under the provisions of this act or otherwise and the number of such rounds shall be regulated by order of the commission. The commission shall promulgate rules and regulations to insure clean and sportsmanlike conduct on the part of all contestants and officials, and the orderly and proper conduct of the contest in all respects, but such rules and regulations shall apply only to contests held under the provisions of this act.

Rules
governing
contests.

SEC. 15. Each contestant for boxing, sparring or wrestling shall be examined within eight (8) hours prior to the contest by a competent physician appointed by the commission. The physician shall forthwith and before such contest report in writing and over his signature the physical condition of

Examina-
tion of
contestants.

each and every contestant to the commissioner or inspector present at such contest. No contestant whose physical condition is not approved by the examining physician shall be permitted to participate in any contest. Blank forms of physicians' report shall be provided by the commission and all questions upon such blanks shall be answered in full. The examining physician shall be paid a fee designated by the commission by the licensee conducting such match or exhibition. No boxing contest or sparring or wrestling match or exhibition shall be held unless a licensed physician of the commission or his duly appointed representative, shall be present throughout the contest.

Examining
physician.

Any practicing physician and surgeon may be selected by the board as the examining physician. Such physician present at such contest shall have authority to stop any contest when in his opinion it would be dangerous to a contestant to continue, and in such event it shall be his duty to stop such contest. If he has acted as examining physician he shall receive no fee for being present at such contest.

Annual
licenses.

SEC. 16. The commission may grant annual licenses upon application in compliance with the rules and regulations prescribed by the commission, and the payment of the fees herein prescribed to managers, referees, examining physicians, boxers, wrestlers, seconds and trainers. The following schedule of annual fees shall obtain: Managers, twenty-five dollars (\$25.00); referees, five dollars (\$5.00); examining physicians, five dollars (\$5.00); seconds, two dollars (\$2.00); trainers, two dollars (\$2.00); boxers, two dollars (\$2.00); wrestlers, two dollars (\$2.00): *Provided*, That the provisions of this section shall not apply to contestants or participants in strictly amateur contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the war department or

Amateur
contests.

any bona fide athletic club which is a member of the Pacific northwest association of the amateur athletic union of the United States, holding and promoting athletic contests or smokers and where all funds are used primarily for the benefit of their members. Any such license may be revoked by the commission for any cause which it shall deem sufficient. No person shall participate or serve in any of the above capacities unless licensed as herein provided. The referee for any contest shall be designated by the commission from among such licensed referees.

SEC. 17. Any person or any member of any group of persons or corporation promoting wrestling or boxing exhibitions or contests who shall participate directly or indirectly in the purse or fee of any manager of any boxers or wrestlers or any boxer or any wrestler and any licensee who shall conduct or participate in any sham or fake boxing contest or sparring or wrestling match or exhibition shall thereby forfeit its license and the commission shall declare such licensee [license] cancelled and void and such licensee shall not thereafter be entitled to receive another such, or any license issued pursuant to the provisions of this act.

Participa-
tion in fees.

SEC. 18. Any contestant who shall participate in any sham or fake boxing contest or sparring or wrestling match or exhibition or violate any rule or regulation of the commission shall be penalized in the following manner: For the first offense he shall be restrained by order of the commission for a period of not less than three (3) months from participating in any contest held under the provisions of this act, such suspension to take effect immediately after the occurrence of the offense; for any second offense such contestant shall be forever suspended from participation in any contest held under the provisions of this act.

Sham or
fake
contests.

Penalties.

Failure to
make
report.

SEC. 19. Whenever any licensee shall fail to make a report of any contest within the time prescribed by this act or when such report is unsatisfactory to the commission, the secretary shall examine the books and records of such licensee; he may subpoena and examine under oath any officer of such licensee and such other person or persons as he may deem necessary to a determination of the total gross receipts from any contest and the amount of tax thereon. If, upon the completion of such examination it shall be determined that an additional tax is due, notice thereof shall be served upon the licensee, and if such licensee shall fail to pay such additional tax within twenty (20) days after service of such notice such delinquent licensee shall forfeit its license and shall forever be disqualified from receiving any new license and in addition thereto such licensee and the members thereof shall be jointly and severally liable to this state in the penal sum of one thousand dollars (\$1,000.00) to be collected by the attorney general by civil action in the name of the state in the manner provided by law.

Additional
tax.

Penalty.

Period of
license.

SEC. 20. The licenses provided for in section 8 and in section 16 of this act shall be issued for a six (6) months or twelve (12) months period and shall expire on July 1st and January 1st of each year.

Appropriation.

SEC. 21. There is hereby appropriated from the state athletic fund out of the revenues collected under the provisions of this act for the purpose of paying the expenses of the commission and the salaries of its officers and employees as herein provided, the sum of ten thousand dollars (\$10,000.00) or so much thereof as may be necessary to carry out the provisions of this act. All surplus on hand in the state athletic fund at the completion of the

biennium shall revert to the old age pension fund of the state treasury.

Old age pension fund.

SEC. 22. Any person, club, corporation, organization, association or fraternal society conducting within this state boxing, sparring or wrestling contests or exhibitions without having first obtained a license theretor in the manner provided by this act shall be guilty of a misdemeanor excepting such contests excluded from the operation of this act by section 6 hereof.

Conducting contests without a license.

SEC. 23. Nothing in this act shall be construed as prohibiting any municipal corporation within the state from establishing by ordinance rules and regulations governing the conduct of boxing contests, sparring or wrestling matches held within the limits of such municipal corporation, by organizations exempted from the regulations of this act; and municipal corporations in this state are hereby granted the right to establish municipal boxing commissions to control and regulate such boxing contests, sparring or wrestling matches within the municipal limits of said municipal corporation: *Provided, however,* That any such commission established by such municipal corporation shall have no power or control over boxing contests, sparring or wrestling exhibitions held under the provisions of this act.

Vetoed.

SEC. 24. Any person, firm or corporation violating any of the provisions of this act for which no penalty is herein provided shall be guilty of a misdemeanor.

Violations.

SEC. 25. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

Partial invalidity.

Repeals
 §§ 304, 305,
 Ch. 249,
 Laws of
 1909.

SEC. 26. That sections 304 and 305, chapter 249 of the Session Laws of 1909 are hereby repealed.

Passed the Senate January 24, 1933.

Passed the House February 14, 1933.

Approved by the Governor March 20, 1933, with the exception of sections 6 and 23, which are vetoed.

CHAPTER 185.

[S. B. 143.]

DOMESTIC AND FOREIGN CORPORATIONS.

AN ACT to provide for the incorporation, regulation, merger, consolidation and dissolution of certain corporations for profit, and to make uniform the law with relation thereto, and to repeal all acts and parts of acts in conflict herewith.

Be it enacted by the Legislature of the State of Washington:

Definitions:

SECTION 1. As used in this act,

"Corporation."

I. "Corporation" means a corporation formed under this act.

"Domestic corporation."

II. "Domestic corporation" means a corporation formed under the laws of this state, and the term "foreign corporation" includes every other corporation.

"Foreign corporation."

"Articles of incorporation."

III. "Articles of incorporation" includes both the original articles of incorporation and any and all amendments thereto, except in those instances where the context expressly refers to the original articles of incorporation only.

"Incorporator."

IV. An "incorporator" is one of the signers of the original articles of incorporation.

"Subscriber."

V. A "subscriber" is one who subscribes for shares in a corporation, whether before or after incorporation.