
COLORADO REVISED STATUTES

Title 12 **Professions and Occupations**

Article 10 **Boxing**

Effective July 1, 2010

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Table of Contents

12-10-101. Short title. 1
12-10-102. Legislative declaration. 1
12-10-103. Definitions. 1
12-10-104. Office of boxing - creation. 2
12-10-105. Colorado state boxing commission - creation. 3
12-10-106. General powers and duties of the commission. 4
12-10-106.3. License required. 4
12-10-106.5. Renewal and reinstatement of licenses. 4
12-10-107. Director - appointment - qualification - powers and duties. 5
12-10-107.1. Grounds for discipline. 5
12-10-107.5. Toughperson fighting prohibited. 8
12-10-108. Immunity. 9
12-10-109. Fees - boxing cash fund - created. 9
12-10-110. Violations. 9
12-10-111. Repeal of article. 10

ARTICLE 10 BOXING

12-10-101. Short title.

This article shall be known and may be cited as the "Colorado Professional Boxing Safety Act".

12-10-102. Legislative declaration.

(1) The general assembly hereby finds, determines, and declares that the federal "Professional Boxing Safety Act of 1996" requires the state of Colorado to establish a state boxing commission. Because there is no state boxing commission, any professional boxing match held in Colorado has to be supervised by another state's boxing commission, using safety guidelines and procedures implemented by that state.

(2) The general assembly further finds and declares that it is in the best interests of the residents of Colorado, professional boxing participants, and the future of the sport of boxing in Colorado that the conduct of the sport be subject to an effective and efficient system of strict control designed by the general assembly. Such system shall, at a minimum:

- (a) Protect the safety of the participants; and
- (b) Promote the public trust and confidence in the conduct of professional boxing.

(3) To further public confidence and trust, this article and rules promulgated pursuant to this article shall regulate all persons, practices, and associations that relate to the operation of live professional boxing events, performances, or contests held in Colorado.

12-10-103. Definitions.

As used in this article, unless the context otherwise requires:

- (1) "Boxer" means an individual who participates in a boxing match.
- (2) "Boxing" means fighting, striking, forcing an opponent to submit, or disabling an opponent, including the disciplines of kickboxing and mixed martial arts.
- (3) "Commission" means the Colorado state boxing commission created in section 12-10-105.
- (4) "Contest" means a match in which the participants strive earnestly to win.
- (5) "Department" means the department of regulatory agencies.
- (6) "Director" means the director of the office of boxing created in section 12-10-104.
- (6.5) "Division" means the division of registrations within the department.

(7) "Exhibition" means a match in which the participants display their boxing skills and techniques without striving earnestly to win.

(8) (Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p. 432, § 5, effective July 1, 2010.)

(9) "Kickboxing" means engaging in martial arts fighting techniques using the hands and feet, the object of which is to win by a decision, knockout, or technical knockout.

(10) "Match" means a professional boxing contest or exhibition, the object of which is to win by a decision, knockout, or technical knockout, and includes an event, engagement, sparring or practice session, show, or program where the public is admitted and there is intended to be physical contact. "Match" does not include a training or practice session when no admission is charged.

(10.5) "Mixed martial arts" means the combined techniques of boxing and martial arts disciplines such as grappling, kicking, and striking, including the use of full, unrestrained physical force.

(11) "Office" means the office of boxing created in section 12-10-104.

(12) "Participant" means a person who engages in a match as a boxing contestant.

(13) "Physician" means an individual licensed to practice medicine pursuant to article 36 of this title.

(13.5) "Place of training" means a facility where alcohol beverages are not permitted, an admission fee is not charged for nonstudents, instructors of particular disciplines train students in the art of physical disciplines, and students pay a fee to be enrolled in classes and receive instruction.

(14) "Professional" means a participant who has received or competed for a purse or any other thing of value for participating in a match.

(15) "Toughperson fighting" means a physical contest, match, tournament, exhibition, or bout, or any activity that involves physical contact between two or more individuals engaging in combative skills using the hands, feet, or body, whether or not prizes or purses are awarded at the event or promised in future events or spectator admission fees are charged or received, and the contest, match, tournament, exhibition, bout, or activity is not recognized by and not sanctioned by any state, regional, or national boxing sanctioning authority that is recognized by the executive director of the department of regulatory agencies. "Toughperson fighting" does not mean activities occurring under a martial arts instructor at a place of training or other types of instructor-student or student-student contact occurring under the supervision of an instructor at a place of training. "Toughperson fighting" does not mean a sanctioned boxing event approved by the commission.

12-10-104. Office of boxing - creation.

There is hereby created, within the division of registrations in the department of regulatory agencies, the office of boxing. The office of boxing and the Colorado state boxing commission,

created in section 12-10-105, shall exercise their respective powers and perform their respective duties and functions as specified in this article under the department of regulatory agencies as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

12-10-105. Colorado state boxing commission - creation.

(1) There is hereby created, within the office of boxing, the Colorado state boxing commission. The commission shall regulate matches in Colorado.

(2) (a) The commission shall consist of five voting members and two nonvoting advisory members. All members shall be residents of Colorado, be of good character and not have been convicted of any felony or match-related offense, notwithstanding the provisions of section 24-5-101, C.R.S., and be appointed as follows:

(I) Three voting members shall be appointed by the governor. One shall serve for an initial term of three years, one for an initial term of two years, and one for an initial term of one year.

(II) One voting member shall be appointed by the president of the senate for an initial term of one year.

(III) One voting member shall be appointed by the speaker of the house of representatives for an initial term of one year.

(IV) (A) Two nonvoting advisory members who are licensed physicians shall be appointed, one by the speaker of the house of representatives and one by the president of the senate. Both nonvoting members shall be appointed for an initial term of one year.

(B) The two nonvoting advisory members shall advise the commission on matters concerning the health and physical condition of boxers and health issues relating to the conduct of matches. The nonvoting members may prepare and submit to the commission for its consideration and approval any rules that in their judgment will safeguard the physical welfare of the participants engaged in boxing.

(b) The terms for all members except the initial appointees shall be three years.

(c) The commission shall designate by majority vote which member is to serve as chair. Any member may be removed from office by the person making the appointment for misfeasance, malfeasance, willful neglect of duty, or other cause.

(d) Members shall serve until their successors are appointed and have been qualified. Any vacancy in the membership of the commission shall be filled in the same manner as the original appointment. A vacancy in the membership of the commission other than by expiration of term shall be filled for the remainder of the unexpired term only.

(3) Meetings of the commission shall be held at least annually and shall be called by the chair or by any two members of the commission and shall be open to the public. Any three voting members shall constitute a quorum at any meeting. Action may be taken and motions and resolutions may be adopted at any meeting at which a quorum exists by the affirmative vote of a majority of the voting members present. Members may participate in a regular or special meeting

by, or conduct the meeting through the use of, any means of communication by which all members participating may simultaneously hear one another at all times during the meeting. A member participating in a meeting by this means is deemed to be present in person at the meeting.

12-10-106. General powers and duties of the commission.

(1) In addition to any other powers specifically granted to the commission in this article, the commission shall issue such rules as are necessary for the regulation of the conduct, promotion, and performance of live boxing matches in this state. Such rules shall be consistent with this article and applicable federal law and shall include:

- (a) Requirements for issuance of licenses and permits for boxers, seconds, inspectors, promoters, judges, and referees;
- (b) Regulation of ticket sales;
- (c) Physical requirements for participants, including classification by weight and skill;
- (d) Provisions for supervision of contests and exhibitions by referees and licensed physicians;
- (e) Requirements for insurance covering participants and bonding of promoters;
- (f) Guidelines for compensation of participants and licensees;
- (g) Guidelines for contracts and financial arrangements between promoters and participants;
- (h) Prohibition of dishonest, unethical, and injurious practices;
- (i) Guidelines for reports of fraud;
- (j) Responsibilities of participants, including female boxers; and
- (k) Regulation of facilities.

(2) No member shall receive compensation for serving on the commission; however, a member may be reimbursed for expenses incurred in the performance of such services.

(3) to (5) (Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p. 434, § 7, effective July 1, 2010.)

12-10-106.3. License required.

No person shall participate, officiate, judge, referee, promote, or second a professional boxing arts contest unless the person is licensed pursuant to this article.

12-10-106.5. Renewal and reinstatement of licenses.

All licenses shall expire pursuant to a schedule established by the director of the division of registrations within the department of regulatory agencies and shall be renewed or reinstated pursuant to section 24-34-102 (8), C.R.S. The director of the division of registrations within the department of regulatory agencies may establish renewal fees and delinquency fees for

reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director of the division of registrations, such license shall expire. Any person whose license has expired shall be subject to the penalties provided in this article or section 24-34-102 (8), C.R.S.

12-10-107. Director - appointment - qualification - powers and duties.

(1) The director shall be appointed by the director of the division and shall be under the supervision of the director of the division.

(2) The director shall:

(a) Be of good character and not have been convicted of any felony or match-related offense, notwithstanding the provisions of section 24-5-101, C.R.S.; and

(b) Not be engaged in any other profession or occupation that could present a conflict of interest with the duties of director of the office.

(3) In addition to the duties imposed upon the director elsewhere in this article, the director shall:

(a) Direct and supervise the administrative and technical activities of the commission and supervise and administer the operation of matches in accordance with the provisions of this article and the rules of the commission;

(b) Attend meetings of the commission or appoint a designee to attend in the director's place;

(c) Repealed.

(d) (Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p. 434, § 9, effective July 1, 2010.)

(e) Repealed.

(f) Advise the commission and recommend to the commission such rules and other procedures as the director deems necessary and advisable to improve the conduct of boxing;

(g) Repealed.

(h) Furnish any documents of the commission that may be required by the state auditor in the performance of audits performed in conformance with part 1 of article 3 of title 2, C.R.S.;

(i) to (k) Repealed.

(l) Enforce this article and investigate allegations of activity that may violate this article.

12-10-107.1. Grounds for discipline.

(1) The director may deny, suspend, revoke, place on probation, or issue a letter of admonition against a license or an application for a license if the applicant or licensee:

(a) Violates any order of the commission or the director or any provision of this article or the rules established under this article;

(b) Fails to meet the requirements of this article or the rules of the commission;

(c) Is convicted of or has entered a plea of nolo contendere or guilty to a felony; except that the director shall be governed by the provisions of section 24-5-101, C.R.S., in considering such conviction or plea;

(d) Is addicted to or dependent upon alcohol or any controlled substance, within the meaning of part 3 of article 22 of this title, or is a habitual user of said controlled substance, if the use, addiction, or dependency is a danger to other participants or officials;

(e) Has incurred disciplinary action related to professional boxing in another jurisdiction. Evidence of such disciplinary action shall be prima facie evidence for denial of a license or other disciplinary action if the violation would be grounds for such disciplinary action in this state; or

(f) Uses fraud, misrepresentation, or deceit in applying for or attempting to apply for licensure.

(2) (a) Any proceeding to deny, suspend, revoke, or place on probation a license shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(b) Upon completing an investigation, the director shall make one of the following findings:

(I) The complaint is without merit and no further action need be taken.

(II) There is no reasonable cause to warrant further action.

(III) The investigation discloses an instance of conduct that does not warrant formal action and should be dismissed, but the director notices indications of possible errant conduct that could lead to serious consequences if not corrected. If this finding is made, the director shall send a confidential letter of concern to the licensee.

(IV) The investigation discloses an instance of conduct that does not warrant formal action but should not be dismissed as being without merit. If this finding is made, the director may send a letter of admonition to the licensee by certified mail.

(V) The investigation discloses facts that warrant further proceedings by formal complaint. If this finding is made, the director shall refer the complaint to the attorney general for preparation and filing of a formal complaint.

(c) (I) When a letter of admonition is sent by certified mail to a licensee, the director shall include in the letter a notice that the licensee has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(II) If the request for adjudication is timely made, the letter of admonition is vacated and the director shall proceed by means of formal disciplinary proceedings.

(d) (Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p. 435, § 10, effective July 1, 2010.)

(e) The director shall conduct all proceedings pursuant to this subsection (2) expeditiously and informally so that no licensee is subjected to unfair and unjust charges and that no complainant is deprived of the right to a timely, fair, and proper investigation of a complaint.

(3) (a) The director or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director pursuant to this article. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the commission or the director.

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(4) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

(5) (a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a licensee is acting in a manner that is an imminent threat to the health and safety of the public or a person is acting or has acted without the required license, the director may issue an order to cease and desist such activity. The order shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or unlicensed practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection (5), the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(6) (a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this article, then, in addition to any specific powers granted pursuant to this article, the director may issue to such person an order to show cause as to why the director should not issue a final order directing such person to cease and desist from the unlawful act or unlicensed practice.

(b) A person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (6) shall be promptly notified by the director of the issuance of the order, along with a copy of the order, the factual and legal basis for the order, and the date set by the director for a hearing on the order. Such notice may be served by personal service, by first-class United

States mail, postage prepaid, or as may be practicable upon any person against whom such order is issued. Personal service or mailing of an order or document pursuant to this subsection (6) shall constitute notice thereof to the person.

(c) (I) The hearing on an order to show cause shall be commenced no sooner than ten and no later than forty-five calendar days after the date of transmission or service of the notification by the director as provided in paragraph (b) of this subsection (6). The hearing may be continued by agreement of all parties based upon the complexity of the matter, number of parties to the matter, and legal issues presented in the matter, but in no event shall the hearing commence later than sixty calendar days after the date of transmission or service of the notification.

(II) If a person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (6) does not appear at the hearing, the director may present evidence that notification was properly sent or served upon such person pursuant to paragraph (b) of this subsection (6) and such other evidence related to the matter as the director deems appropriate. The director shall issue the order within ten days after the director's determination related to reasonable attempts to notify the respondent, and the order shall become final as to that person by operation of law. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(III) If the director reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required license or has or is about to engage in acts or practices constituting violations of this article, a final cease-and-desist order may be issued directing such person to cease and desist from further unlawful acts or unlicensed practices.

(IV) The director shall provide notice, in the manner set forth in paragraph (b) of this subsection (6), of the final cease-and-desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) to each person against whom the final order has been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall be effective when issued and shall be a final order for purposes of judicial review.

(7) If it appears to the director, based upon credible evidence presented to the director, that a person has engaged in or is about to engage in any unlicensed act or practice, any act or practice constituting a violation of this article, any rule promulgated pursuant to this article, any order issued pursuant to this article, or any act or practice constituting grounds for administrative sanction pursuant to this article, the director may enter into a stipulation with such person.

(8) If any person fails to comply with a final cease-and-desist order or a stipulation, the director may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested such attorney shall bring, suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the final order.

12-10-107.5. Toughperson fighting prohibited.

(1) Toughperson fighting is prohibited in the state of Colorado. No person or entity shall promote, advertise, conduct, or compete or participate in toughperson fighting. No license or permit shall be issued for toughperson fighting or for any contests or exhibitions of a similar nature.

(2) Any violation of this section is a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

12-10-108. Immunity.

Any member of the commission, the director, the commission's staff, the director's staff, any person acting as a witness or consultant to the commission or director, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as commission member, director, staff, consultant, or witness, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any civil or criminal liability that may result from such participation.

12-10-109. Fees - boxing cash fund - created.

(1) The director of the division shall establish and collect nonrefundable license fees and may establish and collect surcharges and other moneys as the director of the division deems necessary; except that such fees and surcharges shall not exceed the amount necessary to implement this article.

(2) Moneys collected under this article other than civil penalties shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund created in section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for expenditures of the office incurred in the performance of its duties under this article. Such expenditures shall be made from such appropriations upon vouchers and warrants drawn pursuant to law. Civil penalties collected under this article shall be transferred to the state treasurer and credited to the general fund.

12-10-110. Violations.

(1) **Civil penalties.** The director may issue an order against any person who willfully violates this article, after providing prior notice and an opportunity for a hearing pursuant to section 24-4-105, C.R.S. The director may impose a civil penalty in an amount up to five thousand dollars for a single violation or twenty-five thousand dollars for multiple violations in a proceeding or a series of related proceedings.

(2) **Criminal penalties.** Any person who engages in or offers or attempts to engage in the conduct, promotion, or performance of live boxing matches without an active license or permit issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

(3) **Injunction.** Whenever it appears to the director that a person has engaged or is about to engage in an act or practice that violates this article or a rule or order issued under this article, the

director may bring an action to enjoin the acts or practices and to enforce compliance with this article or any rule or order.

(4) **Enforcement.** The commission and director may assist local law enforcement agencies in their investigations of violations of this article and may initiate and carry out such investigations in coordination with local law enforcement agencies.

(5) **Judicial review.** Final director actions and orders appropriate for judicial review may be judicially reviewed in the court of appeals in accordance with section 24-4-106 (11), C.R.S.

12-10-111. Repeal of article.

(1) This article is repealed, effective July 1, 2017.

(2) Prior to such repeal, the office and the commission shall be reviewed as provided for in section 24-34-104, C.R.S.
