



GOV. MSG. NO. 1077

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 11, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: House Bill No. 1866 HD3 SD2 CD1

On July 10, 2007, House Bill No. 1866, entitled "A Bill for an Act Relating to Mixed Martial Arts" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish a new, comprehensive regulatory scheme for professional mixed martial arts contests and participants.

Mixed martial arts contests are growing in popularity throughout Hawaii with eight such events held in 2000 and 29 events held in 2005. Thus the need to regulate these contests is apparent and I have therefore allowed this bill to become law as a matter of public safety in order to *best protect those engaged in mixed martial arts activities.*

This bill is objectionable because it finances the start-up costs of mixed martial arts regulation from the Compliance Resolution Fund (CRF). General funds should be used to defray the start-up costs of implementing new professional or vocational regulatory programs. By using CRF funds, this bill forces licensees from other professional and vocational licensing programs who pay into the CRF (e.g., certified public accountants, nurses, emergency medical technicians, social workers) to subsidize the start-up costs of another profession.

The manner in which the source of funding in this bill was decided is also troubling. From its introduction in January through the end of April, the language in the first six versions of this bill was consistent in sourcing the appropriations for the start-up costs of the mixed martial arts regulatory scheme from the general fund. Only in Conference Committee was the source of funding switched from general funds to the CRF. While such legislative action is not unprecedented, it is nevertheless unfortunate.

The Honorable Colleen Hanabusa, President
and Members of the Senate
July 11, 2007
Page 2

Additionally, I am troubled that the regulations the Department of Commerce and Consumer Affairs develops to protect the participants of this sport will not be allowed to take effect until July 1, 2009.

For the foregoing reasons, I allowed House Bill No. 1866 to become law as Act 279, effective July 10, 2007, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle". The signature is fluid and cursive, with the first name "Linda" and last name "Lingle" clearly distinguishable.

LINDA LINGLE

1 which the mixed martial arts contestant is to
2 participate; provided that "manager" shall not include
3 an attorney licensed to practice in this state in the
4 attorney's legal representation of a mixed martial
5 arts contestant; or

6 (2) Directs or controls the mixed martial arts activities
7 of the mixed martial arts contestant.

8 "Mixed martial arts" means unarmed combat involving the
9 use, subject to any applicable limits set forth in this chapter
10 and any rules adopted to implement these limits, of a
11 combination of techniques from different disciplines of martial
12 arts, including grappling, kicking, and striking.

13 "Mixed martial arts contest" or "contest" means a contest
14 or exhibition in a mixed martial arts event in which a mixed
15 martial arts contestant competes with another mixed martial arts
16 contestant, using mixed martial arts, and in which any
17 contestant in the mixed martial arts event receives any money,
18 prize, purse, or other forms of compensation; provided that the
19 term does not include an amateur mixed martial arts contest.

20 "Mixed martial arts contestant" or "contestant" means a
21 person who is trained in mixed martial arts and competes in a
22 mixed martial arts contest.



1 "Mixed martial arts event" or "event" means one or more
2 mixed martial arts contests held at the same location on the
3 same date.

4 "No rules combat, extreme fighting, or similar contest"
5 means a contest or exhibition performed in this state in which
6 the contestants are permitted to use, with few or no rules or
7 restrictions, a combination of combative contact techniques,
8 including punches, kicks, chokes, joint locks, and other
9 maneuvers, with or without the use of weapons, that place
10 contestants at an unreasonably high risk of bodily injury or
11 death whether or not for any money, prize, reward, purse, or
12 other compensation, or promise thereof; provided that the term
13 does not include a contest involving the exclusive use of
14 boxing, wrestling, kickboxing, martial arts, or mixed martial
15 arts.

16 "Promoter" means an individual, corporation, joint venture,
17 partnership, limited liability corporation, limited liability
18 partnership, or any other type of business entity that promotes,
19 conducts, holds, or gives a mixed martial arts contest.

20 **§ -2 Assistants.** The director may appoint and remove
21 assistants to assist the director in carrying out the director's
22 activities, duties, and other obligations under this chapter.



1 **§ -3 Authority to subpoena witnesses and administer**
2 **oaths and penalties.** The director may issue subpoenas for the
3 attendance of witnesses, with the same effect as if the
4 subpoenas were issued in an action in the circuit court, and may
5 administer oaths in all matters connected with the
6 administration of this chapter. Disobedience of a subpoena and
7 false swearing before the director shall be attended by the same
8 consequences and be subject to the same penalties as if
9 disobedience or false swearing occurred in an action in the
10 circuit court.

11 **§ -4 Powers and duties of the director.** (a) In
12 addition to any other powers and duties authorized by law, the
13 director shall have the following powers and duties:

14 (1) To adopt, amend, or repeal rules and forms necessary
15 to effectuate this chapter. All rules shall be
16 adopted pursuant to chapter 91 and shall have the
17 force and effect of law. The rules may include, but
18 not be limited to the following:

19 (A) An appropriate method of ensuring that all
20 financial obligations are met by a promoter who
21 conducts, holds, or gives a mixed martial arts
22 contest;



- 1 (B) A public record accounting for the distribution
- 2 of all tickets provided to the director by a
- 3 promoter and anything else of value that is
- 4 provided to the director;
- 5 (C) Clinics or seminars on health and safety for
- 6 licensees deemed necessary by the director;
- 7 (D) Criteria for a mandatory neurological and eye
- 8 examination of any mixed martial arts contestant;
- 9 (E) Criteria for and duration of an automatic medical
- 10 suspension from mixed martial arts contests;
- 11 (F) Procedures to evaluate the professional records
- 12 and physician's certification of each mixed
- 13 martial arts contestant participating in a mixed
- 14 martial arts contest in the state and to deny
- 15 authorization to a mixed martial arts contestant
- 16 to fight when the requirements of this chapter
- 17 are not met;
- 18 (G) Procedures to ensure that no mixed martial arts
- 19 contestant is permitted to compete while under
- 20 suspension from any entity that regulates mixed
- 21 martial arts due to:



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

- (i) A recent knockout or series of consecutive losses;
 - (ii) An injury, any required medical procedure, or a physician's denial of certification to compete;
 - (iii) Failure of any drug test; or
 - (iv) The use of false aliases or falsifying or attempting to falsify official identification cards or documents relating to mixed martial arts contests;
- (H) Procedures to review a suspension if appealed by a mixed martial arts contestant, including an opportunity for the contestant to present contradictory evidence;
- (I) Procedures to revoke a suspension if a mixed martial arts contestant furnishes proof of sufficiently improved medical or physical condition or furnishes proof that the suspension was not, or is no longer, warranted by the facts; and



1 (J) Procedures to require updated medical and
2 criminal background checks prior to a contest and
3 at license renewal;

4 (2) To enforce this chapter and the rules adopted pursuant
5 thereto;

6 (3) To discipline a person or entity who violates this
7 chapter or the rules adopted pursuant thereto; and

8 (4) To appoint an advisory committee to assist with the
9 implementation of this chapter and the rules adopted
10 pursuant thereto.

11 (b) The director may either establish a mixed martial arts
12 registry or data bank on mixed martial arts contestants or use
13 an established registry or data bank that is approved by the
14 director, and issue license cards to mixed martial arts
15 contestants.

16 **§ -5 Jurisdiction of director.** (a) The director is
17 vested with the sole jurisdiction, direction, management, and
18 control over all mixed martial arts contests to be conducted,
19 held, or given within the state; provided that this excludes
20 amateur mixed martial arts contests. No mixed martial arts
21 contest shall be conducted, held, or given within the state



1 except in accordance with this chapter and the rules adopted by
2 the director pursuant thereto.

3 (b) No mixed martial arts event shall take place unless
4 the director has granted a permit for the proposed event. In
5 addition, the director shall not allow any mixed martial arts
6 contest unless:

7 (1) The contest consists of not more than five rounds of a
8 duration of not more than five minutes each with an
9 interval of at least one minute between each round and
10 the succeeding round;

11 (2) Each contestant is at least eighteen years of age, is
12 not disqualified from competing in a similar mixed
13 martial arts contest in another jurisdiction at the
14 time of the contest, and does not use stimulants or
15 banned substances before or during the contest;

16 (3) Each mixed martial arts contestant is examined one
17 hour prior to the contest by at least one physician
18 licensed under chapter 453 or 460 who shall certify in
19 writing to the referee of the contest that the
20 contestant is physically fit to engage therein;

21 (4) Each contestant furnishes to the director:



- 1 (A) A medical report of a medical examination
2 completed not less than six months before the
3 contest, at the sole expense of the promoter,
4 including the results of HIV and hepatitis
5 testing; and
- 6 (B) Previous fight records that establish the
7 contestant's fitness to compete in the contest;
- 8 (5) The contest is under the control of a licensed referee
9 in the ring who has at least one year of experience in
10 refereeing a match or exhibition involving mixed
11 martial arts and who has passed a physical examination
12 by a physician licensed under chapter 453 or 460,
13 including an eye examination, within two years prior
14 to the contest;
- 15 (6) The promoter has complied with sections -6 and
16 -7; and
- 17 (7) All licensees have complied with the requirements of
18 this chapter and rules adopted in accordance with
19 chapter 91, including any rules or requirements that
20 protect the safety of the contestants to the extent
21 feasible.



1 **§ -6 Licenses; promoters.** (a) A promoter may apply to
2 the director for a license that shall be required to promote,
3 conduct, hold, or give mixed martial arts contests. The
4 application shall be in writing, on a form prescribed by the
5 director, and signed by the applicant, and shall include the
6 following:

7 (1) Evidence of financial integrity in accordance with
8 rules adopted by the director pursuant to chapter 91;
9 and

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

13 (b) The application shall contain a recital of the facts
14 as may be specified by the director for the director to
15 determine whether or not the applicant possesses the necessary
16 physical, mental, moral, and financial qualifications to entitle
17 the applicant to a license.

18 (c) The director shall not issue any license to conduct,
19 hold, or give mixed martial arts contests unless the director is
20 satisfied that the applicant has complied with the conditions of
21 this chapter, possesses the necessary qualifications for a
22 license, and is the real party in interest, and intends to



1 conduct, hold, or give the mixed martial arts contest itself.
2 The director shall not issue a promoter's license to an
3 applicant if the applicant or any of the applicant's officers,
4 directors, partners, members, or associates has been convicted
5 of any crime related to gambling or a crime that is directly
6 related to the person's performance in the sport of mixed
7 martial arts.

8 (d) A license may be revoked at any time if the director
9 finds after a hearing that:

10 (1) The licensee is not the real party in interest or has
11 not complied with this chapter or the rules of the
12 director; or

13 (2) The licensee or any of the licensee's officers,
14 directors, partners, members, or associates have been
15 convicted of any crime related to gambling or a crime
16 that is directly related to the person's performance
17 in the sport of mixed martial arts.

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

20 (f) The application for a license to promote mixed martial
21 arts contests shall be accompanied by a fee as provided in rules
22 adopted by the director pursuant to chapter 91.



1 **§ -7 Permit required to hold each mixed martial arts**
2 **event.** (a) No mixed martial arts event shall be held unless
3 the director issues a permit for the event. To obtain a permit
4 to conduct, hold, or give a mixed martial arts event, a promoter
5 shall:

- 6 (1) Provide proof of medical insurance for mixed martial
7 arts contestants in accordance with rules adopted by
8 the director. All promoters shall be responsible for
9 paying the medical insurance policy premiums and any
10 deductible or copay amount of the medical insurance
11 policy;
- 12 (2) Submit all contracts with managers, mixed martial arts
13 contestants, and venues, including any agreement of
14 pre-contest training funds advanced to any contestant
15 either by the promoter or manager or any party of
16 interest, to the director for the director's review
17 and approval;
- 18 (3) Submit to the director, for the director's review and
19 approval, all ring records of all mixed martial arts
20 contestants scheduled to participate in the event;
- 21 (4) Provide cashier's or certified checks made payable to
22 each mixed martial arts contestant for the amount due



1 the contestant or the contestant's manager, as the
2 case may be, in accordance with the contracts approved
3 by the director;

4 (5) Provide to the director written confirmation that an
5 ambulance with paramedics and appropriate security
6 have been obtained and will be present at all times at
7 the venue of the mixed martial arts event;

8 (6) Provide evidence to the director that security
9 personnel and resources will be present in sufficient
10 number and force to exercise crowd control and to
11 protect spectators at the mixed martial arts event;

12 (7) Provide to the director evidence that the mixed
13 martial arts event will be conducted in compliance
14 with municipal fire codes; and

15 (8) Maintain sanitary conditions at the site of the mixed
16 martial arts event.

17 (b) Failure, refusal, or neglect of any licensed promoter
18 to comply with this section shall result in the automatic denial
19 of a permit to hold the mixed martial arts event.

20 (c) Licensed promoters may engage in promotions with other
21 licensed promoters as long as each promoter holds a valid,



1 unexpired license and has received the written approval of the
2 director prior to the promotion.

3 (d) In addition to the payment of other fees and moneys
4 due under this chapter, a licensed promoter shall pay:

5 (1) A license fee of three per cent of the first \$50,000
6 of the total gross receipts from admission fees to an
7 event, exclusive of federal, state, and local taxes;

8 (2) A license fee of two per cent of the total gross
9 receipts over \$50,000 from admission fees to an event,
10 exclusive of federal, state, and local taxes;

11 (3) Two per cent of the gross sales price for the sale,
12 lease, or other exploitation of broadcasting,
13 television, Internet, and motion picture rights for an
14 event, without any deductions for commission,
15 brokerage fee, distribution fees, advertising,
16 contestants' purses, or any other expenses or charges,
17 including federal, state, or local taxes; and

18 (4) Two per cent of the gross receipts from subscription
19 or admission fees, exclusive of federal, state, and
20 local taxes, charged for viewing within the state of a
21 simultaneous telecast of an event;



1 provided that payments under this subsection shall be deposited
2 into a separate account in the compliance resolution fund and
3 shall be used to cover the costs of administering this chapter.

4 (e) Within seven calendar days following a mixed martial
5 arts contest, the promoter shall provide the director with an
6 unedited video record of the contest in a format prescribed by
7 the director.

8 (f) No mixed martial arts event shall be commenced without
9 a permit from the director pursuant to this section.

10 **§ -8 Licenses, participants.** (a) Any person may apply
11 to the director for a license to act as a physician, referee,
12 judge, manager, second, or mixed martial arts contestant to
13 participate, either directly or indirectly, in any mixed martial
14 arts contest. The application shall be in writing, on a form
15 prescribed by the director, and signed by the applicant. The
16 application shall contain a recital of facts as specified by the
17 director for the director to determine whether or not the
18 applicant possesses the necessary licensure and physical,
19 mental, and moral qualifications to entitle the applicant to a
20 license. The director shall adopt rules for licensure in
21 accordance with chapter 91.



1 (b) In addition, the applicant for a referee, judge,
2 manager, or second license shall take and pass an examination or
3 evaluation as provided by the director. The director may exempt
4 an applicant for a manager, referee, judge, or second license
5 from taking the examination or evaluation, if the applicant
6 holds a valid manager, referee, judge, or second license in
7 another jurisdiction with comparable mixed martial arts
8 regulations.

9 (c) Any license to act as a physician, referee, judge,
10 manager, second, or mixed martial arts contestant may be
11 suspended or revoked, or the person otherwise disciplined by the
12 director after a contested case hearing held in accordance with
13 chapter 91.

14 (d) No license shall be granted to a promoter unless the
15 promoter has submitted a criminal abstract on the promoter to
16 the director.

17 **§ -9 License fees.** License fees shall be paid
18 biennially to the State by every applicant to whom a license is
19 issued to participate in the conduct of mixed martial arts in
20 any of the following capacities set forth in this chapter:
21 promoter, physician, referee, judge, manager, second, and mixed
22 martial arts contestant. The charge for a duplicate license and



1 all fees required by this chapter shall be as provided in rules
2 adopted by the director pursuant to chapter 91 and shall be
3 deposited with the director to the credit of the compliance
4 resolution fund.

5 **§ -10 Licenses, limitations, renewals.** (a) No mixed
6 martial arts contest shall be conducted, held, or given unless
7 all the parties participating, as designated in this chapter,
8 are licensed by the director, and it shall be unlawful for any
9 individual or promoter to participate in a contest in any
10 capacity designated in this chapter unless the person is
11 licensed to do so.

12 (b) The director may limit the number of licenses issued
13 for any purpose as specified in this chapter and may limit the
14 number of mixed martial arts contests conducted, held, or given
15 in any county.

16 (c) All licenses shall be for a period of not more than
17 two years and all licenses shall expire on June 30 of each
18 odd-numbered year.

19 (d) The director, at the director's discretion and upon
20 application and payment of fees by the licensee, may renew a
21 license for the following biennium. Failure to timely apply for
22 renewal of any license shall result in the automatic forfeiture



1 of the license. Any applicant whose license has been forfeited
2 shall file an application for a new license and meet all current
3 requirements, including successful passage of the examination,
4 as the case may be, for the license.

5 (e) Every individual or promoter licensed under this
6 chapter shall be subject to the rules adopted by the director.

7 **§ -11 Receipts and reports from promoters.** (a) Within
8 three business days after the conclusion of every contest for
9 which admission fees are charged and received, every promoter
10 holding a license to conduct, hold, or give mixed martial arts
11 contests, shall furnish to the director a written report, duly
12 verified, showing the number of tickets sold for the contest,
13 the amount of the gross receipts or proceeds thereof, and other
14 matters as the director prescribes in rules adopted in
15 accordance with chapter 91.

16 (b) For purposes of this chapter, "gross receipts"
17 includes income received from the sale of print, internet,
18 broadcasting, television, and motion picture rights.

19 **§ -12 Failure to report receipts.** Whenever any promoter
20 holding a license to conduct, hold, or give mixed martial arts
21 contests fails to timely submit a report of any contest or
22 comply with the requirements of this chapter, or whenever the



1 report is unsatisfactory to the director, the director at the
2 licensee's expense, may examine or cause to be examined, the
3 books and records of the promoter.

4 **§ -13 Admission tickets.** All tickets of admission to
5 any mixed martial arts contest for which admission fees are
6 charged and received shall have printed clearly upon the face
7 thereof the purchase price of same, and no ticket shall be sold
8 for more than the price as printed thereon.

9 **§ -14 Inspectors; duties.** The director shall appoint
10 inspectors, each of whom shall receive from the director a card
11 or badge authorizing the person to act as inspector whenever the
12 director may designate the person to so act.

13 **§ -15 Judges; duties.** The director, in the director's
14 discretion may appoint two licensed judges to act with the
15 referee in rendering a decision, or three licensed judges to act
16 with a nonvoting referee in rendering a decision.

17 **§ -16 Physician; duties.** Every promoter holding a
18 license to conduct, hold, or give mixed martial arts contests
19 shall have in attendance at every contest at least two
20 physicians licensed to practice medicine in the state under
21 chapter 453 or 460, who shall observe the physical condition of
22 the mixed martial arts contestants and advise the referee with



1 regard thereto and, one hour before each contestant enters the
2 ring, certify in writing as to the physical condition of the
3 contestant to engage in the contest. A report of the medical
4 examination shall be filed with the director not later than
5 forty-eight hours after the conclusion of the contest. If a
6 contestant is knocked down or severely injured during a contest,
7 or for any other reasons as provided in rules adopted by the
8 director pursuant to chapter 91, at least one physician shall
9 immediately examine the contestant and file a written medical
10 opinion with the director within forty-eight hours of the
11 contest.

12 **§ -17 Referees; duties.** (a) At each mixed martial arts
13 contest there shall be in attendance a duly licensed referee
14 designated by the director, who shall direct and control the
15 contest. The referee shall render a decision for each contest,
16 except as otherwise provided under this section.

17 (b) The referee may recommend and the director, in the
18 director's discretion, may terminate the mixed martial arts
19 contest or order the forfeiture of any prize, purse, or
20 remuneration, or any part thereof, to which one or both of the
21 mixed martial arts contestants may be entitled, or any part of
22 the gate receipts for which the contestants are competing, if in



1 the director's judgment one or both of the contestants are not
2 honestly competing.

3 (c) Each referee shall warn contestants of the referee's
4 power to terminate the contest or to recommend the forfeiture of
5 any purse or purses, should there be any violation of contest
6 rules.

7 (d) In any case where the referee decides that the
8 contestants are not honestly competing and that under the law
9 the contest should be terminated or that the prize, purse, or
10 remuneration of one or both of the contestants should be
11 forfeited, the contest shall be stopped before the end of the
12 last round, and no decision shall be given. A contestant earns
13 nothing and shall not be paid for a contest in which there is
14 stalling, faking, dishonesty, or collusion. The director,
15 independently of the referee or the referee's decision, may
16 determine the merits of any contest and take whatever action the
17 director considers proper. In any case, the director may order
18 the purse of the contestant violating any rules or statutes held
19 up for investigation and action.

20 (e) The referee shall stop the contest when, in the
21 referee's judgment, either of the contestants shows a marked
22 superiority or is apparently outclassed.



1 **§ -18 Drug test; withholding of wages; penalty.** (a) On
2 the advice of one or both of the physicians in attendance at
3 every contest, a post-contest drug test may be administered to
4 any contestant, at the sole expense of the promoter, to
5 determine whether the contestant has consumed any illegal drugs
6 or drugs banned by the director.

7 (b) Any money, prize, purse, or other form of compensation
8 due to a contestant shall be withheld by the director until the
9 director, in consultation with the two attending physicians, is
10 satisfied that the contestant did not have the presence of any
11 illegal or banned drugs in the contestant's system.

12 (c) Any contestant who fails a drug test shall have the
13 contestant's license suspended by the director for not less than
14 twelve months from the date of the offense and, in the
15 discretion of the director, may have the contestant's license
16 permanently revoked.

17 **§ -19 Sham mixed martial arts contest; forfeiture of**
18 **license.** Any promoter who conducts, holds, gives, or
19 participates in any sham or fake mixed martial arts contest,
20 knowing the same to be a sham or fake, shall forfeit the license
21 issued in accordance with this chapter, and the license shall be
22 automatically terminated by the director. The promoter and any



1 officers, partners, or members of the promoter shall not
2 thereafter be entitled to receive and shall not be given another
3 license.

4 **§ -20 Sham mixed martial arts contest; penalty against**
5 **contestant.** The license of any mixed martial arts contestant
6 who knowingly participates in any sham or false mixed martial
7 arts contest shall be automatically suspended and the mixed
8 martial arts contestant shall be suspended from further
9 participation in any contest held or given under this chapter
10 for not less than twelve months from the date of the offense and
11 may be permanently disqualified from further participation in
12 any contest held or given under this chapter.

13 **§ -21 Financial interest in mixed martial arts**
14 **contestant prohibited.** (a) The director shall not receive any
15 compensation from any person who sanctions, arranges, promotes,
16 conducts, holds, or gives mixed martial arts contests; nor shall
17 the director have, either directly or indirectly, any financial
18 interest in any contestant competing in any mixed martial arts
19 contest.

20 (b) For the purposes of this section, "compensation" shall
21 not include funds held in escrow for payment to another person
22 in connection with a mixed martial arts contest. The



1 prohibition set forth in this section shall not apply to any
2 contract entered into, or any reasonable compensation received,
3 by the director to supervise a mixed martial arts contest in
4 this state or another state.

5 **§ -22 Wages of contestant; prepayment prohibited.** All
6 moneys paid to a mixed martial arts contestant for services, as
7 money prize, reward, compensation, or otherwise, shall be
8 considered wages. No contestant shall be paid for services
9 before a mixed martial arts contest; provided that with the
10 approval of the director, a promoter may advance sums of money
11 for training purposes.

12 **§ -23 No rules combat, extreme fighting, or similar**
13 **contest; prohibited.** No person shall promote, conduct, hold,
14 give, or participate in any no rules combat, extreme fighting,
15 or similar contests. The director shall enforce the prohibition
16 on no rules combat, extreme fighting, or similar contests, and
17 may adopt rules, pursuant to chapter 91, to enforce the
18 prohibition. In addition to any applicable judicial remedy, a
19 person who violates this section shall be subject to the
20 penalties, fines, and other disciplinary provisions of this
21 chapter.



1 **§ -24 Disposition of receipts.** Except as otherwise
2 provided for in this chapter, all fees and other moneys received
3 by the director shall be deposited into the compliance
4 resolution fund.

5 **§ -25 Summary disciplinary action.** In addition to other
6 disciplinary actions provided in this chapter, the director may
7 fine, withhold purse money or fees, and issue immediate
8 temporary suspensions of not more than sixty calendar days
9 against a licensee for violations of this chapter or rules
10 adopted pursuant thereto. The director shall notify the
11 licensee in writing of any temporary suspension, fine, or
12 withholding of purse money within five calendar days of the
13 director's action. The licensee shall have a right to a hearing
14 in accordance with chapter 91; provided that the licensee
15 notifies the director in writing of the request for a hearing
16 within thirty calendar days after the director notifies the
17 licensee in writing, by mail or personal service, of the
18 director's order.

19 **§ -26 Chapter does not apply to active duty armed**
20 **forces, national guard, armed forces reserve, or Police**
21 **Activities League.** This chapter shall not apply to any mixed
22 martial arts contest held as a recreational activity by active



1 duty armed forces, armed forces reserve, or national guard
2 personnel, or the Police Activities League, when the contest is
3 held under the supervision of a recreational officer of the
4 active duty armed forces, armed forces reserve, national guard,
5 or a Police Activities League staff member.

6 **§ -27 Revocation; suspension.** (a) In addition to any
7 other acts or conditions provided by law, the director may
8 refuse to renew, reinstate, or restore or may deny, revoke,
9 suspend, fine, reprimand, or condition in any manner, the
10 license of any person or entity issued for this chapter, for any
11 cause authorized by law, including but not limited to the
12 following:

- 13 (1) Violation of any provision of this chapter or the
14 rules adopted by the director, or any other law or
15 rule that applies to those persons licensed under this
16 chapter;
- 17 (2) Manifest incapacity, professional misconduct, or
18 unethical conduct;
- 19 (3) Making any false representations or promises through
20 advertising or other dissemination of information;
- 21 (4) Any fraudulent, dishonest, or deceitful act in
22 connection with the licensing of any promoter under



1 this chapter or in connection with any mixed martial
2 arts contest;

3 (5) Making any false or misleading statement in any
4 application or document submitted or required to be
5 filed under this chapter;

6 (6) Revocation or suspension of a license or other
7 disciplinary action against the licensee by any other
8 regulatory entity over mixed martial arts contests;

9 (7) Failure to report any disciplinary action, including
10 medical and mandatory suspensions, or revocation or
11 suspension of a license in another jurisdiction not
12 less than fifteen calendar days preceding any mixed
13 martial arts match in which the licensee participates
14 or within thirty calendar days following the
15 disciplinary decision, whichever is earlier; or

16 (8) Participation in any sham or false mixed martial arts
17 contest.

18 (b) A manager may be held responsible for all violations
19 of this chapter by a mixed martial arts contestant whom the
20 manager manages and may be subject to license revocation or
21 suspension, or a fine, or any combination thereof, irrespective



1 of whether any disciplinary action is taken against the mixed
2 martial arts contestant.

3 **§ -28 Penalties.** (a) Any person in violation of this
4 chapter or the rules adopted pursuant thereto shall be fined not
5 more than \$5,000 for each violation. Each day's violation or
6 failure to comply shall be deemed a separate offense.

7 (b) In addition to the penalties provided in this chapter,
8 any person in violation of this chapter may be prohibited from
9 engaging in any mixed martial arts activities in the state for a
10 period in conformity with that set forth in section 92-17.

11 **§ -29 Cumulative penalties.** Unless otherwise expressly
12 provided, the remedies or penalties provided by this chapter are
13 cumulative to each other and to the remedies or penalties
14 available under all other laws of this State.

15 **§ -30 Injunctive relief.** The director may, in addition
16 to any other remedies available, bring an action in any court of
17 this State to enjoin a person from continuing any violation of
18 this chapter or doing any acts in furtherance thereof, and for
19 any other relief that the court deems appropriate."

20 SECTION 2. Chapter 440D, Hawaii Revised Statutes, is
21 repealed.



1 SECTION 3. There is appropriated out of the compliance
2 resolution fund the sum of \$130,000 or so much thereof as may be
3 necessary for fiscal year 2007-2008 and the sum of \$205,000 or
4 so much thereof as may be necessary for fiscal year 2008-2009 to
5 fund the operational and administrative expenses in implementing
6 this Act and regulating mixed martial arts contests.

7 The sums appropriated shall be expended by the department
8 of commerce and consumer affairs for the purposes of this Act,
9 which shall include the hiring of a regulatory boards and
10 commissions administrative assistant, secretary, and clerks.

11 SECTION 4. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 5. This Act shall take effect on July 1, 2009;
15 provided that:

- 16 (1) Section -4 in section 1 of this Act shall take
17 effect upon its approval; and
18 (2) Section 3 of this Act shall take effect on July 1,
19 2007.

