

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 6 BOXING, WRESTLING, AND MARTIAL ARTS
PART 4 DUTIES AND CONDUCT OF LICENSEES

15.6.4.1 ISSUING AGENCY: New Mexico Athletic Commission.
[15.6.4.1 NMAC - N, 03-23-2002]

15.6.4.2 SCOPE: The provisions in Part 4 apply to all licensees of the commission.
[15.6.4.2 NMAC - N, 03-23-2002]

15.6.4.3 STATUTORY AUTHORITY: Part 4 of Chapter 6 of Title 15 is promulgated pursuant to the Professional Athletic Competition Act, Sections 60-2A-1 through 60-2A-30, NMSA 1978 (1980 Repl. Pamp.); specifically Sections 60-2A-8, 60-2A-9, 60-2A-10, 60-2A-13, 60-2A-14, 60-2A-15, 60-2A-16, 60-2A-17, 60-2A-18, 60-2A-21, 60-2A-22, 60-2A-28, and 60-2A-29.
[15.6.4.3 NMAC - N, 03-23-2002]

15.6.4.4 DURATION: Permanent.
[15.6.4.4 NMAC - N, 03-23-2002]

15.6.4.5 EFFECTIVE DATE: March 23, 2002, unless a later date is cited at the end of a section.
[15.6.4.5 NMAC - N, 03-23-2002]

15.6.4.6 OBJECTIVE: The objective of Part 4 of Chapter 6 is to set forth notify all commission licensees of the duties and conduct expected by the commission and the consequences of not complying with the provisions.
[15.6.4.6 NMAC - N, 03-23-2002]

15.6.4.7 DEFINITIONS: [RESERVED]

15.6.4.8 DUTY TO SAFEGUARD BUILDING, PREMISES, AND SAFETY OF ATTENDEES:

A. Duty to safeguard premises: All promoters licensed by the commission are required to assure the commission that all necessary arrangements have been made to safeguard the premises where unarmed combat contests, wrestling or martial arts exhibitions are to be conducted in order to ensure that adequate protection is provided by state licensed uniformed security guards and companies, law enforcement agency or security guards exempt from licensure pursuant to the Private Investigations Act 61-27B-4 to prevent riot, stampede, or disorderly conduct on the premises.

(1) Any disorderly conduct, act of assault or breach of decorum on the part of any commission licensee is prohibited.

(2) Any violation of this section by a commission licensee shall subject the licensee to penalties as deemed appropriate by the commission.

B. Building equipment and safety requirements: All premises, buildings, or structures used or intended for use in holding or televising unarmed combat boxing, wrestling, or martial arts matches or exhibitions shall:

(1) be properly ventilated;

(2) [RESERVED]

(3) provide an adequate fire alert system, fire extinguishers, emergency and fire exits; and

(4) shall, in all manner, conform to the laws, ordinances, building codes and regulations

pertaining to buildings in the village, town, city or state where the building is situated.

C. Sale of alcoholic beverages on the premises: Alcoholic beverages may be sold at a match or event only by special permission of the commission.

(1) The commission may allow the sale of alcoholic beverages and limit the content of sales at each event.

(2) If sale of alcoholic beverages at an event is approved by the commission, there must be a valid license to sell alcohol in place issued by the proper state licensing agency.

(3) If an unruly crowd or incident occurs at any event where the sale of alcoholic beverages has been approved by the commission, the official in charge of the event may immediately suspend the sales of alcoholic beverages.

(4) No alcohol is allowed within the technical zone.

D. Ambulance at live events: The promoter shall ensure that there is an ambulance on stand-by or medical personnel with appropriate resuscitation equipment at ringside at all live unarmed combat, boxing, wrestling, or full contact karate or kickboxing events.

[15.6.4.8 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.4.9 [RESERVED]

15.6.4.10 DUTY TO PROVIDE INSURANCE FOR LICENSED CONTESTANTS:

A. Any person, party, or corporation holding a promoter's license issued by the commission shall continuously provide insurance protection for licensed unarmed combat, boxing, wrestling, or martial arts contestants appearing in unarmed combat, boxing contests, wrestling or martial arts exhibitions.

B. Insurance coverage shall provide the licensee reimbursement for medical, surgical, and hospital care for any injuries sustained while participating in a match.

C. The minimum insurance limit shall be \$2500.00 for injuries sustained by the contestant while participating in any program, event, match, or exhibition operated under the control of the licensed promoter.

D. Failure by the licensed promoter to provide and pay premiums on insurance as provided in this section shall be cause for the suspension or the revocation of the promoter's license.

[15.6.4.10 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.4.11 DUTY TO INFORM COMMISSION OF CONTESTANT'S ILLNESS:

A. Licensed promoters, matchmakers, and managers have the duty to promptly inform and furnish the commission with all information concerning an unarmed combatant's, boxer's, wrestler's, or martial artist's illness or any other reason affecting his ability to safely compete, and for his failure to fulfill any contract.

B. Such information must be submitted to the commission before it is released to the media.

C. The contestant is in no way relieved from his contractual obligation until the commission has been properly informed, as provided in Subsection A of 15.6.4.11 NMAC.

D. Any unarmed combatant, boxer, wrestler, or martial artist who is reported ill to the commission may be placed on the "ill and unavailable list". He will not be reinstated until he has met the following conditions:

(1) he has been examined and given a medical release by the commission's appointed physician, and

(2) he fulfills all of the commitments pending at the time of his removal from the "available list" by the commission; or

(3) he is released from those commitments by the promoter.

[15.6.4.11 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.4.12 DUTY TO COMPENSATE EVENT PARTICIPANTS: The promoter of an event will be required to pay all fees due to event participants and personnel.

A. Fees set by the commission: The commission shall annually adopt a policy to set fees to be paid to referees, judges, deputy inspectors and timekeepers.

B. Fees set by the medical advisory board: With the approval of the commission, the medical advisory board shall determine fees to be paid to ringside physicians.

C. Negotiated fees: The promoter shall negotiate fees with other event personnel (e.g. security officers, announcers, ticket sellers, ticket takers, doormen, etc.) on an individual basis.

[15.6.4.12 NMAC - N, 03-23-2002; A, 08-26-2012; A, 01-15-2015]

15.6.4.13 [RESERVED]

15.6.4.14 DUTY OF MANAGER TO KEEP RECORDS: Managers shall keep accurate records of the receipts and expenses of the professional contestants under their management and control.

[15.6.4.14 NMAC - N, 03-23-2002]

15.6.4.15 DUTY TO REPORT OFFER TO CONDUCT SHAM OR COLLUSIVE CONTEST:

A. A licensee must immediately report to the commission any circumstance, situation, or occurrence where he has been approached with an offer, request, or suggestion to participate in, contribute, or aid and abet in any manner, a sham or collusive contest; or to participate in any contest that is not to be conducted honestly or

fairly.

B. Failure to report such activity to the commission shall subject the licensee to disciplinary action and such penalty as the commission may thereafter decide.

[15.6.4.15 NMAC - N, 03-23-2002]

15.6.4.16 DUTY TO PROVIDE A SURETY BOND:

A. A licensed promoter, whether a person, party or corporation, must furnish to the commission a surety bond to guarantee that he will pay all participants any rents, leasing amounts, utility bills, ticket printing invoices, advertising costs, and any other legitimate expenses incurred in conjunction with each program, event, match, exhibition, or televised viewing promoted by the promoter.

B. Before a promoter distributes the receipts of any contest or exhibition, he must first deduct all sums due for the privilege tax due to the state.

C. A licensed promoter, whether a person, party, or corporation, in default of any of its debts or obligations, shall be suspended by the commission.

D. The commission may reinstate the promoter if the promoter meets the following conditions:

(1) the promoter provides the commission with proof that all the subject debts and obligations have been paid in full; and

(2) the promoter must provide proof of a valid surety bond, in an amount to be determined by the commission.

[15.6.4.16 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.4.17 RESIDENT STATUS REQUIREMENT FOR PROMOTER: Promoters shall be responsible to the commission and shall have resident status in New Mexico preceding their application for an event permit.

A. Individual promoters shall have bonafide resident status in the state. However, the resident requirements may be waived by a majority order of the commission.

B. Corporate promoters shall maintain, in New Mexico, an agent authorized to accept the service of judicial process and other documents. A certified copy of such authorization shall be filed with the commission.

C. At least three trustees or managing directors of unincorporated clubs or associations shall be bonafide residents of the state, and their names shall be filed with the commission.

[15.6.4.17 NMAC - N, 03-23-2002]

15.6.4.18 PROHIBITIONS OF SPECIFIC PROFESSIONAL RELATIONSHIPS OR ACTIVITIES:

A. Charitable organization promotions: Unarmed combats, boxing matches, wrestling programs, or martial arts exhibitions conducted under the auspices or in conjunction with any charitable organization are prohibited by the commission unless the commission grants approval for such activity. The promoter may apply for commission approval by submitting the agreement setting forth the terms and conditions of the program for the commission's review.

B. Licensed matchmaker forbidden to act as manager or assignee of unarmed combatant: Matchmakers are forbidden from acting as the manager or assignee of any unarmed combatant; or from participating in any way, directly or indirectly, in the ring earnings or management of any unarmed combatant. However, the commission shall license matchmakers as managers employed by licensed promoters, if acceptable to the commission. In such cases:

(1) the matchmaker and the promoter shall be jointly responsible to the commission for any matches conducted;

(2) matches shall be conducted only by a licensed promoter or licensed matchmaker;

(3) matchmakers will be held responsible by the commission if they arrange matches in which one of the principles is outclassed; and

(4) persistent lack of judgment in this matter will be regarded as cause for suspension or revocation of the matchmaker's license, and the matchmaker shall have no further connection with any unarmed combatant or stable of unarmed combatants.

C. Restrictions on promoter as employer of other commission licensees: Licensed promoters are prohibited from employing, or in any other way having any commercial connection to, any licensed unarmed combatant, wrestler, manager or second.

D. Restrictions on other principles with regard to commission licensees:

(1) The commission prohibits any director, officer, employee, or stockholder of any licensed promoter from serving or acting, either directly or indirectly, as the manager, assignee or second to any unarmed

combatant. Nor shall a promoter or matchmaker participate as an unarmed combatant in an event they are either promoting or matchmaking.

(2) The commission prohibits any director, officer, employee, or stockholder of any licensed promoter from being employed by, or in any other way being connected with, any other promoter, without the approval of the commission.

[15.6.4.18 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.4.19 [RESERVED]

15.6.4.20 DUTY TO OBTAIN EVENT PERMITS: A licensed promoter must obtain an event permit prior to each professional and amateur program, match, event, contest or exhibition.

A. The commission will issue a permit upon receipt from the promoter of a completed commission-approved application, and all other required documentation.

B. The application and attachments must be approved with the commission not later than 72 hours prior to the regularly scheduled meeting before the contest. The application must contain the following information and documentation:

- (1) evidence of a current promoter's license;
- (2) date of the contest;
- (3) copy of the contract for the event location;
- (4) proof of contest insurance;
- (5) name of the main event participants;
- (6) number of scheduled rounds of all unarmed combatant contests on the event card;
- (7) verification of adequate security;
- (8) verification of ambulance and medical technicians; and
- (9) report on all unarmed combatants from fightfax.com or mixedmartialarts.com, or other

nationally or industry recognized reporting service.

C. The promoter must provide the commission with the signed and witnessed formal contracts for the main event executed on forms supplied by the commission and executed in accordance with 15.6.2 NMAC.

D. Each applicant for an event permit agrees to grant the commission, or its authorized representative, the right to examine the books of accounts and other records of the applicant relating to each event for which an event permit application is made.

[15.6.4.20 NMAC - N, 03-23-2002; A, 08-26-2012; A, 01-15-2017]

15.6.4.21 APPROVAL OF EVENT PERMITS: Before approving any event permit, the commission, or the two commissioners acting under the commission's delegated authority, will consider the relative merits of the contestants, their past records, and whether or not they are suitable opponents. The commission reserves the right to disapprove any match or unarmed combatant contest on the grounds that it is not in the best interest of unarmed combatant boxing, wrestling, or martial arts, or of the health and safety of either of the contestants.

A. Each application for an event permit will be reviewed by the administrator or by commission staff to assure compliance with all application requirements of the commission.

B. When the application is complete, the events coordinator or commission staff will review the event permit request with two commission members to obtain their approval. The two commissioners have the authority to provide final approval. However, if they are unwilling to grant approval of the event permit application, the following shall occur:

(1) the event permit request will be considered at the next regularly scheduled commission meeting; or

(2) the commission reserves the right to not approve an event for failure to submit a timely application; the commission may approve an application that is untimely if the applicant demonstrates extenuating circumstances.

[15.6.4.21 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.4.22 [RESERVED]

15.6.4.23 DUTIES REGARDING SCHEDULING OR CANCELING OF EVENTS:

A. Scheduled events may not be cancelled or adjourned without the consent of the commission.

B. If the commission, for any reason, does not approve an event for which any tickets have been sold,

the promoter shall cause all ticket holders to receive a full refund.
[15.6.4.23 NMAC - N, 03-23-2002; A, 08-26-2012; A, 01-15-2015]

15.6.4.24 LICENSE CARD REQUIRED:

A. Unless otherwise approved by the commission or its designee, all participants, whether including but not limited to a promoter, corporation, referee, judge, matchmaker, timekeeper, corporation treasurer, unarmed combatant, professional boxer, wrestler, kick boxer or martial artist, manager, trainer, second or announcer, must be licensed by the commission no later than 96 hours prior to the event before they may participate, either directly or indirectly, in any unarmed combating, boxing, sparring, wrestling match or kick boxing exhibition.

B. Upon request, any participant must allow inspection of his license and federal identification card by the commission or its delegated representative.

C. Any participant denying inspection of his license card by the commission, or its delegated representative, shall be prohibited by the commission from participating in the event.

[15.6.4.24 NMAC - N, 03-23-2002; A, 08-26-2012; A, 01-15-2017]

15.6.4.25 PROTOCOL FOR USING ASSUMED NAMES:

A. An unarmed combatant, boxer or wrestler may use, but not be licensed under, an assumed name, provided the commission has approved the use of the assumed name.

B. An unarmed combatant, boxer or wrestler may not assume or be licensed under a name deceptively similar to the name of any other boxer or wrestler.

[15.6.4.25 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.4.26 [RESERVED]

15.6.4.27 SUSPENSIONS REPORTED NATIONALLY:

A. The commission shall report all suspensions nationally, except those imposed locally for minor infractions of local rules.

B. The commission shall report any suspensions to championship sponsoring organizations within ten (10) days of the suspension.

[15.6.4.27 NMAC - N, 03-23-2002]

HISTORY of 15.6.4 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

NMAC 80-1, The Commission, Its Powers and Procedures, filed 9-24-80.

Those relevant portions of NMAC Rule 92-2, The Commission, Its Powers and Procedures, filed 8-17-92.

NMAC 80-2, Contracts, filed 9-24-80.

Those relevant portions of NMAC 92-4, Contracts, filed 8-17-92.

NMAC 80-4, Conduct of Licensees, filed 9-24-80.

NMAC Rule 92-6, Conduct of Licensees, filed 8-17-92.

NMAC 80-5, Rules to Safeguard Health, filed 9-24-80.

Those relevant portions NMAC Rule 92-7, Rules to Safeguard Health, filed 8-17-92.

History of Repealed Material:

NMAC Rule 92-2 (aka 15 NMAC 6.1), The Commission, Its Powers and Procedures, filed 8-17-92; repealed effective 03-23-2002.

NMAC Rule 92-4 (aka 15 NMAC 6.2), Contracts, filed 8-17-92; repealed effective 03-23-2002.

NMAC Rule 92-7 (aka 15 NMAC 6.5), Requirements To Safeguard Health, filed 8-17-92; repealed effective 03-23-2002.

NMAC Rule 92-6 (aka 15 NMAC 6.4), Conduct of Licensees, filed 8-17-92, repealed effective 03-23-2002.

Other History:

NMAC Rule 92-2 was recompiled into the first version of the New Mexico Administrative Code as 15 NMAC 6.1 and named General Provisions.

NMAC Rule 92-4 was recompiled into the first version of the New Mexico Administrative Code as 15 NMAC 6.2

and named Contracts.

NMAC Rule 92-6 was recompiled into the first version of the New Mexico Administrative Code as 15 NMAC 6.4 and named Conduct of Licensees.

NMAC Rule 92-7 was recompiled into the first version of the New Mexico Administrative Code as 15 NMAC 6.5 and named Requirements To Safeguard Health.

15.6.4 NMAC, Duties and Conduct Of Licensees, replaced 15 NMAC 6.4, Conduct of Licensees, effective 03-23-2002.