

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 6 BOXING, WRESTLING, AND MARTIAL ARTS
PART 14 FEE SCHEDULE

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

15.6.14.2 SCOPE: The provisions in Part 14 of Chapter 6 apply to all persons seeking licensure by the New Mexico athletic commission and provides for a regulatory and supervisory fee.
[15.6.14.2 NMAC - N, 03-23-2002; A/E, 10-11-2005]

15.6.14.3 STATUTORY AUTHORITY: Part 14 of Chapter 6 is promulgated pursuant to the Professional Athletic Competition Act, Sections 60-2A-1 through 60-2A-30 NMSA 1978 (1980 Repl. Pamp.); specifically Section 60-2A-4; 60-2A-4; 60-2A-8; 60-2A-9; 60-2A10; 60-2A-11; 60-2A-12, 60-2A-23, 60-2A-24, 60-2A-25, 60-2A-26, 60-2A-27 and 60-2A-28.
[15.6.14.3 NMAC - N, 03-23-2002; A/E, 10-11-2005]

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

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

15.6.14.6 OBJECTIVE: The objective of Part 14 of Chapter 6 is to establish the fees to generate sufficient revenues required by the commission to carry out its administrative functions and recover its costs of regulating professional contests and supervising exhibitions.
[15.6.14.6 NMAC - N, 03-23-2002; A/E, 10-11-2005]

15.6.14.7 DEFINITIONS: [RESERVED]
[15.6.14.7 NMAC - N, 03-23-2002]

15.6.14.8 FEES:

- A.** All fees are non-refundable.
- B.** Annual licensing fees are set as follows:
 - (1) promoters license: \$250.00
 - (2) foreign co-promoters: \$500.00
 - (3) referees: \$25.00
 - (4) timekeeper: \$25.00
 - (5) announcers: \$25.00
 - (6) seconds: \$25.00
 - (7) trainers: \$25.00
 - (8) managers: \$25.00
 - (9) professional boxer: \$25.00
 - (10) professional wrestlers: \$35.00
 - (11) booking agent: \$35.00
 - (12) matchmaker: \$35.00
 - (13) judges: \$25.00
 - (14) judge-trainee: \$10.00
 - (15) professional mixed martial arts: \$25.00
 - (16) amateur mixed martial arts: \$ 25.00
- C.** Regulatory fee: In an amount established semi-annually by the commission sufficient to cover the costs of regulating professional contests, up to four percent (4 %) of the total gross receipts derived by the promoter from any professional contest conducted live in New Mexico.
- D.** Supervisory fee: In an amount established semi-annually by the commission sufficient to cover the costs of supervising the exhibition of professional contests on a closed-circuit telecast, podcast or webcast or motion picture, up to five percent (5 %) of the total gross receipts derived from the exhibition.

[15.6.14.8 NMAC - N, 03-23-2002; A/E, 10-11-2005; A, 08-26-2012; A, 01-15-2015]

15.6.14.9 REGULATORY FEE:

A. A regulatory fee is imposed upon every promoter for the privilege of promoting a professional contest conducted live in New Mexico. The commission shall at a regular or special meeting for which notice has been duly and properly published, establish the amount of the regulatory fee on a semi-annual basis in an amount sufficient to cover the costs of regulating all professional contests during that period of time. The amount of the regulatory fee shall not exceed four percent (4 %) of the total gross receipts of any professional contest conducted live in New Mexico.

B. In establishing the regulatory fee, the commission shall consider its actual and projected revenues and expenses for the current fiscal year, and during the semi-annual period in question in connection with the regulation of professional contests, as well as historical revenues and expenses of the commission, the number and nature of scheduled and projected professional contests during the semi-annual period, alternate funding that may be available to the commission, historical information bearing upon projected revenues and expenses for the semi-annual period and such other factors as the commission may deem relevant to its determination.

C. As used in this section, "total gross receipts of any professional contest" includes, but is not limited to:

(1) the gross price charged by the promoter for the sale, lease or other exploitation of broadcasting, television or motion picture rights of the professional contest without any deductions for commissions, brokerage fees, distribution fees, advertising or other expenses or charges;

(2) the face value of all tickets sold and complimentary tickets issued; and

(3) any sums received by the promoter as consideration for holding a professional contest at a particular location.

D. The regulatory fee is non-refundable and is due from the promoter within seventy-two (72) hours after the completion of the professional contest.

E. Any person upon whom the regulatory fee is imposed shall furnish to the commission a written report on forms prescribed by the commission showing:

(1) the number and face value of all tickets sold and complimentary tickets issued for the professional contest;

(2) the amount of total gross receipts generated by the promoter from the professional contest, including the value of all complimentary tickets issued;

(3) the amount of gross receipts derived by the promoter from the sale, lease or other exploitation of broadcasting, motion picture or television rights of the professional contest, without any deductions for commission, brokerage fees, distribution fees, advertising or any other expenses or charges; and

(4) such other matters as the commission may prescribe.

F. The commission or any of its authorized employees may inspect the books, ticket receipts or manifests or any other records necessary for the proper enforcement of the regulatory fee and or the supervisory fee imposed pursuant to the Professional Athletic Competition Act (Section 60-2A-23 NMSA 1978).

G. The commission may impose other limitations or conditions as necessary to ensure compliance with the provisions of the Professional Athletic Competition Act (Section 60-2A-23 NMSA 1978).

H. The regulatory fee is in addition to any other fees imposed by the Professional Athletic Competition Act (Section 60-2A-23 NMSA 1978).

[15.6.14.9 NMAC - N/E, 10-11-2005]

15.6.14.10 SUPERVISORY FEE:

A. A supervisory fee is imposed upon any person who charges and receives an admission fee for the privilege of exhibiting any live professional contest by a "closed-circuit telecast" as defined elsewhere in these regulations. The commission shall at a regular or special meeting for which notice has been duly and properly published, establish the amount of the supervisory fee on a semi-annual basis in an amount sufficient to cover the costs of supervising all such exhibitions during that period of time. The amount of the supervisory fee shall not exceed five percent (5 %) of the gross receipts derived from any such exhibition.

B. In establishing the supervisory fee, the commission shall consider its actual and projected revenues and expenses in connection with the supervision of live professional contest by closed circuit telecast, podcast or webcast for the current fiscal year, and during the semi-annual period in question, as well as historical revenues and expenses of the commission, the number and nature of scheduled and projected professional contests that will be telecasted or exhibited during the semi-annual period, alternate funding that may be available to the

commission, historical information bearing upon projected revenues and expenses for the semi-annual period and such other factors as the commission may deem relevant to its determination.

C. Any person who charges and receives an admission fee for exhibiting any live amateur or professional contest on a closed circuit telecast, podcast or webcast shall comply with all requirements for closed circuit telecasts, podcast or webcast contained elsewhere in these regulations.
[15.6.14.10 NMAC - N/E, 10-11-2005; A, 08-26-2012]

15.6.14.11 TIME OF PAYMENT OF REGULATORY FEE AND REPORTS:

A. Any person upon whom the regulatory fee is imposed by the Professional Athletic Competition Act (Section 60-2A-23 NMSA 1978) shall, within seventy-two (72) hours after completion of any professional contest for which an admission fee is charged and received or a contribution is requested and received, furnish to the commission a written report, on forms prescribed by the commission, showing:

- (1) the number of tickets sold and issued or sold or issued for such professional contest;
- (2) the amount of the gross receipts or value thereof;
- (3) the amount of gross receipts derived from the sale, lease or other exploitation of broadcasting, motion picture or television rights of such professional contest and without any deductions for commissions, brokerage fees, distribution fees, advertising or any other expenses or charges; and
- (4) such other matters as the commission may prescribe.

B. The commission or any of its authorized employees may inspect the books, tickets stubs or any other data necessary for the proper enforcement of the supervisory fee imposed in the Professional Athletic Competition Act (60-2A-1 to 60-2A-30 NMSA 1978).
[15.6.14.11 NMAC - N/E, 10-11-2005]

15.6.14.12 TIME OF PAYMENT OF SUPERVISORY FEE AND REPORTS: Any person upon whom the supervisory fee is imposed by the Professional Athletic Competition Act (Section 60-2A-26 NMSA 1978) for exhibiting any live professional contest on a closed-circuit telecast or motion picture shall, within seventy-two (72) hours after completion of the event, furnish to the commission a verified written report, on forms prescribed by the commission, showing the number of tickets or subscriptions sold or the amount of fees collected for the exhibition without any deductions.
[15.6.14.12 NMAC - N/E, 10-11-2005]

15.6.14.13 FAILURE TO COMPLY:

A. Any person who willfully attempts to evade or defeat any regulatory fee or supervisory fee imposed pursuant to the Professional Athletic Competition Act (60-2A-1 to 60-2A-30 NMSA 1978) is guilty of a fourth degree felony.

B. In the case of failure due to negligence or disregard of rules and regulation of the commission, but without intent to defraud, a civil penalty shall be imposed for failure to pay, when due, any amount of the regulatory fee or supervisory fee. A two percent (2 %) per month shall be added to the amount, or a fraction of a month from the date the fee was due or from the date the report was required to be filed, not to exceed ten percent of the fee due.
[15.6.14.13 NMAC - N/E, 10-11-2005]

HISTORY of 15.6.14 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 Rule 92.3, Fee Schedule, filed 8-17-92.

History of Repealed Material:

NMAC Rule 92-3 (aka 15 NMAC 6.14), Fee Schedule, filed 8-17-92; repealed 03-23-2002.

Other History:

NMAC Rule 92-3 was recompiled into the first version of the New Mexico Administrative Code as 15 NMAC 6.14 and named Fee Schedule.

15.6.14 NMAC, Fee Schedule, replaced 15 NMAC 6.14, Fee Schedule, effective 03-23-2002.