

20:81:03:04. Terms and conditions of license -- Promoters. All promoters are subject to the following terms and conditions:

(1) All persons, clubs, corporations, associations, or entities acting as a promoter of a boxing, kickboxing, or mixed martial arts bout or contest must be licensed by the commission;

(2) The applicant must demonstrate financial responsibility, experience, character, and general fitness of the applicant, including in the case of corporations, its officers and stakeholders, are such that the applicant will be consistent with the public interest, convenience, or necessity and the safety of contestants, and with the best interests of the sport, generally;

(3) If a promoter is acting as a matchmaker, the promoter is responsible for working with the commission, or its designee, while the contest is in progress and must be available at all times to the commission, or its designee;

(4) Any person, party, or organization acting as a promoter of a bout or contest must obtain approval of the commission at least thirty business days prior to the date of the competition or exhibition. The promoter shall request approval on a form prescribed by the commission;

(5) The promoter shall ensure that all events are conducted in a safe and orderly manner and is responsible for ensuring the maintenance of adequate public safety at all contests;

(6) The promoter shall comply with all applicable state, city, municipal, and county laws and regulations including, but not limited to, any applicable fire and health laws. The promoter shall also comply with any directives from any governing state, municipal, city, or county law enforcement or regulatory agency or entity. Failure to abide by the provisions of this rule or to ensure adequate public safety may result in cancellation of a contest, discipline against a promoter's license, and denial of future contest permits by the commission;

(7) The promoter shall provide all materials necessary to conduct the contest, such as a ring, stools, water buckets, gloves, gauze, and tape for hand wraps. The promoter shall ensure that all the required equipment is in its place;

(8) Prior to an approved contest, the promoter must file with the commission proof of adequate insurance for the protection of the contestants, officials, and the attending public in an amount of at least one million dollars;

(9) Prior to an approved contest, the promoter must provide proof of health insurance for each contestant to provide coverage for any injuries sustained in the competition or exhibition. The minimum benefit shall be ten thousand dollars for health and ten thousand dollars in accidental death benefits. The promoter is responsible to pay any deductibles necessary, including the deductible of the contestant's primary insurance, if applicable;

(10) The promoter shall submit a completed notification of contest form to the commission at least five days before an approved event;

(11) The promoter must submit any change or substitution in the announced or advertised programs for any main event bout at least forty-eight hours before the weigh-in time of the contest. Such change or substitution must be approved by the commission. Notices of such change or substitution must also be included in any public announcement or advertisement relating to the contest and must be conspicuously posted at all box offices on the premises and announced from the ring before the opening contest. The promoter shall obtain prior approval from the commission for any change to the date or time of an approved contest;

(12) If requested, the promoter must provide the Commission with a surety bond payable to the State of South Dakota in the amount of at least twenty thousand dollars or an irrevocable letter of credit in at least the same amount from a lending institution approved to do business in the United States to guarantee payment of all fees and state taxes. The irrevocable letter of credit may only be released upon written approval of the commission. An additional bond or irrevocable letter of credit may be required in the amount specified by the commission where it may be reasonably expected that the twenty thousand dollars bond or irrevocable letter of credit will not provide sufficient protection to the state. It is the duty of each promoter to maintain all required bonds on a current status. All surety bonds or irrevocable letters of credit must be valid until the promoter's license expiration date. The commission may require the bond to pay unpaid fees for officials and purses based on the amounts stated in bout contracts;

(13) The promoter must provide proof of ability to pay the entire purse of the contest and all assigned officials at weigh-in;

(14) The promoter shall submit ticket information along with a financial report to the commission on a form prescribed by the commission within thirty days of the contest, along with any contest fee due;

(15) The promoter is responsible for making all financial arrangements with all event officials, except the Commission or its designee. The commission shall approve and assign all officials;

(16) The promoter must file all contracts between the promoter and the contestants with the commission prior to the weigh-in. The commission, or its designee, shall review all contracts to ensure compliance with applicable laws and rules; and

(17) Prior to an approved contest, the promoter shall provide the commission with a plan for security adequate to ensure the safety of the public, contestants and officials attending the event.

Failure to timely file any required report or form may result in the denial of a future contest.

Failure to meet any of these terms or conditions may result in the denial of the application for licensure.

A promoter licensed by the commission has an ongoing obligation to meet the requirements of registration and is subject to disciplinary action for failing to maintain any of these requirements. The first infraction of any provisions of this rule, the commission may issue a verbal warning. Following a second violation of any provision of this rule, a written warning may be issued. Following a third infraction of any provision of this rule, the promoter may be suspended for up to six months. The commission may suspend any promoter for any period of time for any serious violation of this rule without warning.

The lack of timely payments to any contestant, official, or the commission is cause for revocation of a promoter's license, denial of the renewal of a license, or denial of approval for a future event.

Source: 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

General Authority: SDCL 42-12-10(3).

Law Implemented: SDCL 42-12-10(3).