

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 165 Department or Agency Alabama Athletic Commission

Rule No. 165-X-4-.03

Rule Title: Bonds

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? YES

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Joseph Mills

Date 4/14/18

(DATE FILED)
(STAMP)

ALABAMA ATHLETIC
COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Athletic Commission

RULE NO. & TITLE:

165-X-4-.03: Bonds

INTENDED ACTION:

Amend the AAC Rules and Regulations.

SUBSTANCE OF PROPOSED ACTION:

Amends Match Permit requirements and fees, fixes heading labeling, and adds a complaint process.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

The Rules Amendment was voted on by the AAC at the Regularly Scheduled Meeting on Friday, April 13, 2018. The amendment passed Unanimously

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

June 4, 2018

CONTACT PERSON AT AGENCY:

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JOSEPH B. MCCORMICK, II
EXECUTIVE DIRECTOR

165-X-4-.03 Bonds.

(1) Promoter's License Surety Bond.

(a) Before any promoter's license is issued authorizing the promotion of toughman matches in Alabama, the applicant shall make and deliver to the commission a security bond executed by a surety corporation authorized to transact business in this state.

(b) Any and all bond applications shall be on a form provided by the Commission, and shall be accompanied by an enforceable power of attorney. The Commission may also require certificate of "good standing" issued by the Commissioner of Insurance.

(c) If any company issuing a bond shall be removed from doing business in this state, it shall be the duty of the Commissioner of Insurance to notify the Alabama Athletic Commission within 30 days.

(d) The bond shall be in such amount as the commission may determine based upon the payment of officials' fees, fees necessary to secure the proper medical supervision of any toughman show in Alabama, and/or the estimated potential damages, penalties, taxes or expenses resulting from promotional activities contemplated in Alabama.

(e) Whenever the commission shall determine that a previously approved bond has for any cause become insufficient, the commission may require an additional bond or bonds to be given, conforming with the requirements of these rules.

1. Unless the additional promoter's license bond or bonds are given within the time fixed by written demand therefore, or if the promoter's license bond of a licensee is canceled, the license of such person shall be summarily suspended without notice or hearing.

(2) Match Permit Bond.

(a) Before any match permit is issued authorizing the sale of tickets and the ancillary contracting necessary to promote a toughman contest in Alabama, the applicant shall make and deliver to the commission a security bond executed by a surety corporation authorized to transact business in this state. The purpose of the bond is to ensure that each Contestant competing in Alabama is paid their entire purse, and that full payment of other contractual liabilities is made.

(b) Any and all bond applications shall be on a form provided by the commission, and shall be accompanied by an enforceable power of attorney. The commission may also require a certificate of 'good standing' issued by the Commissioner of Insurance.

(c) If any company issuing a bond shall be removed from doing business in this state, it shall be the duty of the Commissioner of Insurance to notify the Alabama Athletic Commission within 30 days.

5. Each match permit application should be accompanied with copies of all contracts with all participants and officials, and any other contracts which the promoter has entered into for the match, contest, or exhibition.

6. Applicants for a match permit will be notified of the date, time, and place of documents submitted by the applicant will be reviewed by the Commission.

(i) Applicants or their designated and licensed representative(s) may attend the meeting and answer any questions the Commission has concerning the proposed event.

(ii) The Commission shall notify the applicant that his or her application has been approved or denied within seven (7) days of the Commission's decision.

(3) (4) Complaints and Actions To Recover Damages.

(a) Any person claiming that he or she has been damaged by a breach of the conditions of a bond given by a licensee as provided in these rules shall notify the Commission.

(b) The Commission may take disciplinary action against the licensee.

(c) Reports of unsanctioned events shall be logged on a complaint database and given a claim number. The Executive Director or other Commission appointed representative(s) may work with the Attorney General's Office and federal, state, and/or local law enforcement agencies to terminate illegal event.

(d) Complaint against a bout result.

1. A petition to change a decision or the ruling of the chief official shall be in writing and filed by a contestant or the contestant's manager within five (5) business days from the date the decision was rendered.

2. The Commission may hold a hearing to change the decision or the ruling of the chief official at any time within fourteen (14) days from the date the decision was written. A majority of the Commissioners shall be required prior to holding a hearing.

3. If the Commission determines that any of the above occurred with regards to any contest then the decision rendered shall be changed as the Commission may direct, and shall notify the national registry of the change.

(e) Complaints against a licensee. Finality of the Decision. A decision rendered at the end of any event is final and shall not be changed unless the Commission determines that any of the following occurred:

1. There was collusion or fraud affecting the result of any contest, or,

2. The compilation of the score cards of the referee and judges reveals a clerical or mathematical error which caused the decision to be given to the wrong mixed martial artist.

3. There was a violation of the laws or rules and regulations governing toughman events in this state which affected the results of any contest.

4. The chief official may in his or her discretion change a referee's decision if, in his or her judgment, a palpable and self-evident error has been committed.

5. Video Instant-Replay. When available, video instant-replay may be used to ensure the accuracy of a fight ending sequence and at no other point in the bout. Once video instant-replay is employed, the bout, match, or exhibition is over. When used, the Chief Inspector shall review whether the cause of the bout's end was by means of legal or illegal striking. Bouts ending due to illegal (intentional or unintentional foul) shall be resolved in the manner listed in chapter 165-X-4-.08 for each distinct type of foul. The secondary referee, outside the ring, may consult with the Chief Inspector on the correct outcome of the bout, but the decision rests solely with the Chief Inspector.

Authors: Matt Bledsoe; Brandon Owens

Statutory Authority: Code of Ala. 1975, §41-9-1020.

History: New Rule: Filed December 27, 2013; effective January 31, 2014.