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SENATE BILL 5942

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State of Washington

56th Legislature

1999 Regular Session

By Senators Kline and Patterson

Read first time 02/17/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to employee noncompetition agreements in the  
2 broadcasting industry; and adding a new section to chapter 49.44 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW  
5 to read as follows:

6 (1) An employee noncompetition agreement entered into by an  
7 employer in the broadcasting industry after December 31, 1999, is  
8 against public policy and is void and unenforceable.

9 (2) An employer enforcing or attempting to enforce an employee  
10 noncompetition agreement in violation of this section is liable for  
11 economic damages suffered by an employee as a result of the violation,  
12 and for reasonable attorney fees and court costs related to the  
13 violation.

14 (3) Nothing in this section restricts the right of an employer to  
15 protect trade secrets or other proprietary information by lawful means  
16 in equity or under applicable law.

17 (4) Nothing in this section has the effect of terminating, or in  
18 any way modifying, any rights or liabilities resulting from an employee

1 noncompetition agreement that was entered into before December 31,  
2 1999.

3 (5) The definitions in this subsection apply throughout this  
4 section unless the context clearly requires otherwise.

5 (a) "Employee" means an employee who is employed in the business of  
6 an employer whether by way of manual labor or otherwise, and also  
7 includes professionals licensed, certified, or registered under Title  
8 18 RCW.

9 (b) "Employer" means any person, firm, corporation, partnership,  
10 business trust, legal representative, or other entity which engages in  
11 any business, industry, profession, or activity in this state and  
12 employs one or more employees, and includes the state, counties,  
13 cities, and all municipal corporations, public corporations, political  
14 subdivisions of the state, and charitable organizations.

15 (c) "Employee noncompetition agreement" means an agreement, written  
16 or oral, express or implied, between an employer and employee under  
17 which the employee agrees not to compete, either alone or as an  
18 employee of another, with the employer in providing services after  
19 termination of employment.

20 (d) "Broadcasting industry" means employers that distribute or  
21 transmit electronic signals to the public at large using television  
22 (VHF or UHF), radio (AM or FM), or cable television technologies, or  
23 which prepare, develop, or create programs or messages to be  
24 transmitted by electronic signal using television, radio, or cable  
25 technology.

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