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HOUSE BILL 1264

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Kenney, Wood, Chase, Sells, Dickerson, Kessler, Kirby, Conway, Morrell, Hunt, Hasegawa, Santos, Kagi and McIntire

Read first time 01/19/2005. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to noncompetition agreements involving the  
2 broadcasting industry; adding a new section to chapter 49.44 RCW; and  
3 declaring an emergency.

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

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

7 (1) The definitions in this subsection apply throughout this  
8 section unless the context clearly requires otherwise.

9 (a) "Employee" means an employee of a broadcasting industry  
10 employer other than a sales or management employee.

11 (b) "Broadcasting industry" means television, radio, cable stations  
12 and networks, and other electronic platforms designed to distribute  
13 electronic signals normally containing news, entertainment, and/or  
14 informational programming.

15 (c) "Noncompetition clause" means a covenant not to compete,  
16 restrictive covenant, or any agreement in which the applicant,  
17 employee, or independent contractor agrees for a specific period of  
18 time within a specific geographic area to refrain from employment that  
19 competes with the broadcasting industry employer.

1 (2) Unless permitted in this subsection, no broadcasting industry  
2 employer shall require any applicant, employee, or independent  
3 contractor to enter an employment contract containing a noncompetition  
4 clause. This subsection does not prevent the enforcement of a  
5 noncompetition clause during the term of an employment contract in  
6 existence on the effective date of this act or against an employee who  
7 breaches an employment contract.

8 (3) A noncompetition clause may not be enforced against an employee  
9 who is terminated without cause by the employer before the expiration  
10 of an employment agreement.

11 (4) Any person or entity violating subsection (2) of this section  
12 is liable for civil damages and reasonable attorneys' fees and costs.

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

16 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and takes effect  
19 immediately.

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