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ENGROSSED SUBSTITUTE SENATE BILL 5720

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State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Labor, Commerce, Research & Development  
(originally sponsored by Senators Keiser, Franklin and McAuliffe)

READ FIRST TIME 03/02/05.

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) If an employee subject to an employee noncompetition agreement  
7 is terminated without just cause or laid off by action of the employer,  
8 the noncompetition agreement is void and unenforceable.

9 (2) Nothing in this section restricts the right of an employer to  
10 protect trade secrets or other proprietary information by lawful means  
11 in equity or under applicable law.

12 (3) Nothing in this section has the effect of terminating, or in  
13 any way modifying, any rights or liabilities resulting from an employee  
14 noncompetition agreement that was entered into before December 31,  
15 2005.

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

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

1 (b) "Employer" means any person, firm, corporation, partnership,  
2 business trust, legal representative, or other entity which engages in  
3 any business, industry, profession, or activity in this state and  
4 employs one or more employees, and includes the state, counties,  
5 cities, and all municipal corporations, public corporations, political  
6 subdivisions of the state, and charitable organizations.

7 (c) "Employee noncompetition agreement" means an agreement, written  
8 or oral, express or implied, between an employer and employee under  
9 which the employee agrees not to compete, either alone or as an  
10 employee of another, with the employer in providing services after  
11 termination of employment.

12 (d) "Broadcasting industry" means employers that distribute or  
13 transmit electronic signals to the public at large using television  
14 (VHF or UHF), radio (AM, FM, or satellite), or cable television  
15 technologies, or which prepare, develop, or create programs or messages  
16 to be transmitted by electronic signal using television, radio, or  
17 cable technology.

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