H-3323.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 2406**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Manweller, Sells, Stanford, Magendanz, Tarleton, Moscoso, Ormsby, and S. Hunt

AN ACT Relating to employment noncompetition agreements; and adding a new section to chapter 49.44 RCW.

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

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

(1) A noncompetition agreement is void and unenforceable if the individual subject to the noncompetition agreement works:

(a) As a hair designer, cosmetologist, barber, manicurist, or esthetician, as defined in RCW 18.16.020;

(b) As a drywall applicator;

(c) As a musician; or

(d) In a fast-food establishment.

(2) For purposes of this section:

(a) "Drywall applicator" means an individual installing plasterboard or other wallboards to ceilings and interior walls of buildings, using hand tools and portable power tools. The work includes, but is not limited to, installing metal studs for attachment of wallboard on interior walls, cutting angle iron and channel iron to specified size and suspending angle iron grid and channel iron from the ceiling using wire, cutting wallboard to size, cutting openings for electrical and other outlets, nailing wallboard to wall and ceiling supports, trimming rough edges from wallboard to maintain even joints, and nailing prefabricated metal pieces around windows and doors and between dissimilar materials to protect drywall edges.

(b) "Employee" means an employee of an employer.

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

(d) "Fast-food establishment" means any establishment that dispenses food for consumption on or off the premises, and that has the following characteristics: A limited menu, items prepared in advance or prepared and heated quickly, no table orders, and food served in disposable wrapping or containers.

(e) "Musician" means any individual who performs music as sole performer or member of a group for a specific engagement or engagements.

(f) "Noncompetition agreement" means an agreement between an employer and an employee, or a company or person and their independent contractor, that is specifically designed to impede the ability of the individual subject to the noncompetition agreement to compete with the party imposing the noncompetition agreement upon the termination of the employment relationship or independent contractor relationship.

(3) This section applies to noncompetition agreements entered into on or after the effective date of this section.

**--- END ---**