
HOUSE BILL 2406

State of Washington

64th Legislature

2016 Regular Session

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

Read first time 01/13/16. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to employment noncompetition agreements; and
2 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
5 RCW to read as follows:

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

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

10 (b) As a drywall applicator;

11 (c) As a musician; or

12 (d) In a fast-food establishment.

13 (2) For purposes of this section:

14 (a) "Drywall applicator" means an individual installing
15 plasterboard or other wallboards to ceilings and interior walls of
16 buildings, using hand tools and portable power tools. The work
17 includes, but is not limited to, installing metal studs for
18 attachment of wallboard on interior walls, cutting angle iron and
19 channel iron to specified size and suspending angle iron grid and
20 channel iron from the ceiling using wire, cutting wallboard to size,
21 cutting openings for electrical and other outlets, nailing wallboard

1 to wall and ceiling supports, trimming rough edges from wallboard to
2 maintain even joints, and nailing prefabricated metal pieces around
3 windows and doors and between dissimilar materials to protect drywall
4 edges.

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

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

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

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

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

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

--- END ---