
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-4401.1/02

ATTY/TYPIST: KB:ads

BRIEF DESCRIPTION:

2 HB 2469 - H AMD
3 By Representative

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW
8 to read as follows:

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

11 (a) "Competing stations" means radio stations within the same
12 standard radio market as defined by the arbitron company as the
13 standard market definition for radio markets; or television stations
14 within the same standard television market as defined by Nielsen media
15 research as the standard market definition for television markets; or
16 radio and television stations to the extent that the arbitron radio
17 market and Nielsen television market overlap forming a common broadcast
18 market.

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

21 (c) "Broadcasting industry" means television, radio, cable stations
22 and networks, and other electronic platforms designed to distribute
23 electronic signals normally containing news, entertainment, and/or
24 informational programming.

25 (d) "Noncompetition clause" means a covenant not to compete,
26 restrictive covenant, or any agreement in which the applicant,
27 employee, or individual independent contractor agrees for a specific
28 period of time within a specific geographic area to refrain from
29 employment that competes with the broadcasting industry employer.

30 (2) A noncompetition clause may prohibit an employee from working
31 in the broadcasting industry only:

32 (a) In a similar capacity to the work done at the employer's
33 station;

34 (b) For a period not to exceed six months;

35 (c) At competing stations in the broadcasting industry.

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

4 (4) 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 (5) Any person or entity violating subsection (2) of this section
9 is liable for civil damages and reasonable attorneys' fees and costs.

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

13 Correct the title.

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