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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: S-4266.1/02

ATTY/TYPIST: KB:ads

BRIEF DESCRIPTION:

2 **SB 6373** - S AMD  
3 By Senator

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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."

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16 On page 1, line 2 of the title, after "industry;" strike the  
17 remainder of the title and insert "and adding a new section to chapter  
18 49.44 RCW."

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