

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5720

Chapter 176, Laws of 2005

59th Legislature
2005 Regular Session

NONCOMPETITION AGREEMENTS--BROADCASTING

EFFECTIVE DATE: 7/24/05

Passed by the Senate March 16, 2005
YEAS 26 NAYS 22

BRAD OWEN

President of the Senate

Passed by the House April 13, 2005
YEAS 56 NAYS 40

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5720** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved April 22, 2005.

FILED

April 22, 2005 - 4:39 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5720

Passed Legislature - 2005 Regular Session

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.

Passed by the Senate March 16, 2005.

Passed by the House April 13, 2005.

Approved by the Governor April 22, 2005.

Filed in Office of Secretary of State April 22, 2005.