
SENATE BILL 6504

State of Washington

62nd Legislature

2012 Regular Session

By Senators Keiser and Kohl-Welles

Read first time 01/26/12. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to noncompetition agreements for broadcasting
2 industry employees; and amending RCW 49.44.190.

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

4 **Sec. 1.** RCW 49.44.190 and 2005 c 176 s 1 are each amended to read
5 as follows:

6 (1) (~~(If an employee subject to)~~) An employee noncompetition
7 agreement is void and unenforceable:

8 (a) When the employee subject to the noncompetition agreement is
9 terminated without just cause or laid off by action of the employer(~~(~~
10 ~~the noncompetition agreement is void and unenforceable)~~); or

11 (b) Beyond the expiration of the employment contract containing the
12 noncompetition agreement when the employment relationship terminates
13 due to the expiration of the employment contract.

14 (2) Nothing in this section restricts the right of an employer to
15 protect trade secrets or other proprietary information by lawful means
16 in equity or under applicable law.

17 (3) Nothing in this section has the effect of terminating, or in
18 any way modifying, any rights or liabilities resulting from an employee

1 noncompetition agreement that was entered into before December 31,
2 2005.

3 (4) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "Employee" means an employee of a broadcasting industry
6 employer other than a sales or management employee.

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

13 (c) "Employee noncompetition agreement" means an agreement, written
14 or oral, express or implied, between an employer and employee under
15 which the employee agrees not to compete, either alone or as an
16 employee of another, with the employer in providing services after
17 termination of employment.

18 (d) "Broadcasting industry" means employers that distribute or
19 transmit electronic signals to the public at large using television
20 (VHF or UHF), radio (AM, FM, or satellite), or cable television
21 technologies, or which prepare, develop, or create programs or messages
22 to be transmitted by electronic signal using television, radio, or
23 cable technology.

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