

2 **SB 6373** - S AMD 543  
3 By Senator Keiser

4 ADOPTED 02/16/02

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

13 (b) "Broadcasting industry" means television, radio, cable stations  
14 and networks, and other electronic platforms designed to distribute  
15 electronic signals normally containing news, entertainment, and/or  
16 informational programming.

17 (c) "Noncompetition clause" means a covenant not to compete,  
18 restrictive covenant, or any agreement in which the applicant,  
19 employee, or independent contractor agrees for a specific period of  
20 time within a specific geographic area to refrain from employment that  
21 competes with the broadcasting industry employer.

22 (2) Unless permitted in this subsection, no broadcasting industry  
23 employer shall require any applicant, employee, or independent  
24 contractor to enter an employment contract containing a noncompetition  
25 clause. This subsection does not prevent the enforcement of a  
26 noncompetition clause during the term of an employment contract in  
27 existence on the effective date of this act or against an employee who  
28 breaches an employment contract.

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

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

34 (5) Nothing in this section restricts the right of an employer to  
35 protect trade secrets or other proprietary information by lawful means  
36 in equity or under applicable law.

