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SENATE BILL 6373

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State of Washington 57th Legislature

2002 Regular Session

By Senators Keiser, Winsley, Prentice, Hochstatter, Franklin, Rasmussen, Kline and Spanel

Read first time 01/16/2002. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to noncompetition agreements involving the  
2 broadcasting industry; adding a new section to chapter 49.44 RCW; and  
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW  
6 to read as follows:

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

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

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

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

1 (2) Unless permitted in this subsection, no broadcasting industry  
2 employer shall require any applicant, employee, or independent  
3 contractor to enter a noncompetition agreement. This subsection does  
4 not prevent the enforcement of a noncompetition clause during the term  
5 of an employment contract in existence on the effective date of this  
6 act or against an employee who breaches an employment contract.

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

9 (4) 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 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and takes effect  
15 immediately.

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