

1                                   **Senate Bill No. 283**

2                                    (By Senator Wells)

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4 [Introduced January 8, 2014; referred to the Committee on Labor;

5                                    and then to the Committee on the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by

11         adding thereto a new section, designated §55-8-17, relating to

12         prohibiting certain noncompetition clauses in contracts

13         between broadcast industry employers and employees;

14         prohibiting waiver; and imposing civil liability on violators

15         for damages, attorney's fees and costs.

16 *Be it enacted by the Legislature of West Virginia:*

17         That the Code of West Virginia, 1931, as amended, be amended

18 by adding thereto a new section, designated §55-8-17, to read as

19 follows:

20 **ARTICLE 8. ACTIONS ON CONTRACTS.**

21 **§55-8-17. Protection of persons employed in the broadcast**

22                                    **industry.**

23         (a) For the purposes of this section:

1           (1) "Broadcasting industry employer" includes television  
2 stations or networks, radio stations or networks, cable stations or  
3 networks, Internet or satellite-based services similar to a  
4 broadcast station or network, any broadcast entities affiliated  
5 with any of these employers, or any other entity that provides  
6 broadcasting services such as news, weather, traffic, sports or  
7 entertainment reports or programming.

8           (2) "Broadcast employee" means any on-air employee or off-air  
9 employee of a broadcasting industry employer, excluding management  
10 employees.

11          (b) A broadcasting industry employer may not require as a  
12 condition of employment, whether in an employment contract or  
13 otherwise, that a broadcast employee or prospective broadcast  
14 employee, after the conclusion of employment with the broadcasting  
15 industry employer, refrain from obtaining employment:

16           (1) In any specified geographic area;

17           (2) For a specific period of time; or

18           (3) With any particular employer or in any particular  
19 industry.

20          (c) This section does not apply to preventing the enforcement  
21 of such a covenant during the term of an employment contract.

22          (d) The protections provided by this section may not be  
23 waived, and any clause, covenant or agreement to waive the  
24 prohibition is void and may not be enforced against the parties in

1 any court or other jurisdiction.

2 (e) Any person who violates this section is civilly liable to  
3 the broadcast employee for damages, attorney's fees and costs.

NOTE: The purpose of this bill is to prohibit most noncompetition clauses in contacts between broadcast industry employers and employees.

This section is new; therefore, strike-throughs and underscoring have been omitted.