

House Bill 81

By: Representative Jones of the 25<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 8 of Title 13 of the Official Code of Georgia Annotated,  
2 relating to restrictive covenants in contracts, so as to prohibit certain restrictive covenants  
3 regarding information technology employees; to provide for applicability; to provide a  
4 related definition; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to  
9 restrictive covenants in contracts, is amended by adding a new paragraph to Code  
10 Section 13-8-51, relating to definitions regarding restrictive covenants in contracts, to read  
11 as follows:

12 "(7.1) 'Information technology employee' means a skilled worker who is employed as a  
13 computer and information scientist, systems analyst, computer programmer or developer,  
14 or computer professional, or any skilled worker who performs any function related to  
15 information technology, including the study, design, development, implementation,  
16 support, or management of computer-based information systems."

17 **SECTION 2.**

18 Said article is further amended by adding a new subsection to Code Section 13-8-53, relating  
19 to enforcement of covenants, writing requirement, determining competitive status, effect of  
20 failure to comply, and time and geographic limitations, to read as follows:

21 "(c.1) Any restrictive covenant in or ancillary to a contract between an employer and an  
22 information technology employee shall not be in compliance with the provisions of this  
23 article and thus shall be unlawful, void, and unenforceable unless such contract expressly  
24 provides for specific, reasonable additional consideration paid to the benefit of the  
25 information technology employee. Nothing in this subsection shall impair the obligation

26 of any contract entered into between an employer and an information technology employee  
27 prior to July 1, 2019, before the expiration or first renewal of such contract."

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.