

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**S. B. No. 228**

**Senator Williams**

---

**A BILL**

To enact section 4113.66 of the Revised Code to 1  
prohibit the use of noncompete provisions in 2  
employment contracts in the broadcasting 3  
industry. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4113.66 of the Revised Code be 5  
enacted to read as follows: 6

**Sec. 4113.66.** (A) As used in this section: 7

(1) "Broadcasting industry employer" includes any of the 8  
following: 9

(a) Television stations or networks, radio stations or 10  
networks, cable stations or networks, and internet or satellite- 11  
based services similar to a broadcast station or network; 12

(b) Any broadcast entities affiliated with any of the 13  
entities listed in division (A) (1) (a) of this section; 14

(c) Any other entity that provides broadcasting services 15  
such as news, weather, traffic, sports, or entertainment reports 16  
or programming. 17

(2) "Broadcast employee" means any on-air employee or off-air employee employed by a broadcasting industry employer. 18  
"Broadcast employee" does not include a management employee employed by a broadcasting industry employer. 19  
20  
21

(3) "Management employee" means an employee who formulates policy on behalf of the broadcasting industry employer, who responsibly directs the implementation of policy, or who may reasonably be required on behalf of the broadcasting industry employer to have a major role in personnel administration. 22  
23  
24  
25  
26

(B) No broadcasting industry employer shall require a broadcast employee or a prospective broadcast employee to agree, as a condition of employment with the broadcasting industry employer, that at the conclusion of the employment with the broadcasting industry employer, the employee will refrain from obtaining employment in a specified geographic area, for a specific period of time, with a particular employer, or in a particular industry. 27  
28  
29  
30  
31  
32  
33  
34

(C) This section does not prohibit a broadcasting industry employer from requiring a broadcast employee or a prospective broadcast employee to agree, as a condition of employment with the broadcasting industry employer, that during the term of a broadcast employee's employment contract with the broadcasting industry employer the employee refrain from obtaining employment in a specified geographic area, for a specific period of time, with a particular employer, or in a particular industry. 35  
36  
37  
38  
39  
40  
41  
42

(D) An agreement by a broadcast employee to waive the broadcast employee's rights under division (B) of this section shall be void and unenforceable. 43  
44  
45

(E) If a broadcast employee believes that a broadcasting 46

industry employer has violated division (B) of this section, the 47  
broadcast employee may bring a civil action against the 48  
broadcasting industry employer in a court of competent 49  
jurisdiction. A broadcasting industry employer who violates 50  
division (B) of this section is liable to a broadcast employee 51  
for damages and attorney's fees and costs. 52