

2017 -- S 0839

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - NONCOMPETE AGREEMENTS -
BROADCAST EMPLOYEES

Introduced By: Senators Nesselbush, P Fogarty, Lombardi, Quezada, and Crowley

Date Introduced: April 27, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR
2 RELATIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 57

4 NONCOMPETE AGREEMENTS - BROADCAST EMPLOYEES

5 **28-57-1. Definitions.**

6 (1) "Associated broadcast entities" means entities that provide reporting services to
7 broadcast television or radio stations, including, without limitation, subcontractors that provide
8 weather, sports, traffic, and other reports for broadcast or cablecast;

9 (2) "Broadcast employee" means any employee of a broadcast industry employer, except
10 those employees whose services primarily include sales or management functions;

11 (3) "Broadcast industry employer" means the owner or operator of one or more broadcast
12 television or radio stations, including any associated broadcast entity, but excluding cable stations
13 or cable networks;

14 (4) "Broadcast television or radio station" means an entity that is owned or operated
15 either by holding a Federal Communications Commission television or radio license for the
16 station, or by operating a station through a local service, sales, marketing, or outsourcing
17 agreement;

18 (5) "Cable network" means an entity that distributes programming to two (2) or more

1 local cable systems;

2 (6) "Cable station" means an entity that produces or transmits programming to one or
3 more local cable systems; and

4 (7) "Local cable system" means a cable system, as defined in 47 U.S.C. 522, as from time
5 to time amended, operating in the state.

6 **28-57-2. Noncompete agreements – Broadcast employees.**

7 (a) No broadcast industry employer employment contract for the services of a broadcast
8 employee may contain a provision requiring that such broadcast employee:

9 (1) Refrain from obtaining employment in a specified geographical area for a specified
10 period of time after termination of employment with that broadcast industry employer;

11 (2) Disclose the terms or conditions of an offer of employment, or the existence of any
12 such offer, from any other broadcast industry employer following the expiration of the term of the
13 employment contract; or

14 (3) Agree to enter into a subsequent employment contract with the broadcast industry
15 employer, or extend or renew the existing employment contract, upon the same terms and
16 conditions offered by a prospective employer.

17 (b) Any person who is aggrieved by a violation of this section may bring a civil action in
18 the superior court to recover damages, together with court costs and reasonable attorneys' fees.

19 (c) The provisions of this section shall apply to employment contracts entered into,
20 renewed, or extended on or after January 1, 2018.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - NONCOMPETE AGREEMENTS -
BROADCAST EMPLOYEES

- 1 This act would prohibit the inclusion of noncompete agreements in broadcast industry
- 2 employment contracts that are entered into after January 1, 2018.
- 3 This act would take effect upon passage.

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