
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1288 Session of
2020

INTRODUCED BY BARTOLOTTA, J. WARD, TARTAGLIONE AND IOVINO,
SEPTEMBER 8, 2020

REFERRED TO LABOR AND INDUSTRY, SEPTEMBER 8, 2020

AN ACT

1 Prohibiting enforcement of covenants not to compete in broadcast
2 employment agreements.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Broadcast
7 Freemarket Agreement Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Broadcast employee." An individual who provides services
13 under an agreement with an employer. The term does not include
14 an individual who sells broadcast and digital advertising.

15 "Covenant not to compete." An agreement between an employer
16 and a broadcast employee that is designed to impede the ability
17 of the broadcast employee to compete with the employer when a
18 separating event occurs.

1 "Employer." A person that engages in the transmission of
2 radio or television programming and employs individuals under an
3 agreement to perform service relating to the transmission. The
4 term includes a television station or network, radio station,
5 cable station or network, internet or satellite-based service,
6 new media, interactive media or any method that transmits or
7 otherwise offers news, weather, traffic, sports or entertainment
8 reports or programming.

9 "Separating event." A broadcast employee's voluntary or
10 involuntary discontinuance of employment with an employer.

11 Section 3. Prohibition.

12 A covenant not to compete is deemed contrary to public policy
13 and is void and unenforceable to the extent the covenant not to
14 compete restricts:

15 (1) Movement of a broadcast employee to a new employer.

16 (2) A broadcast employee from performing services to an
17 employer within a geographic area.

18 Section 4. Nonwaiver.

19 A purported waiver of the prohibition in section 3 of this
20 act shall be void and unenforceable.

21 Section 5. Construction.

22 Nothing in this act shall be construed to:

23 (1) Limit the period of time for which a party may agree
24 to maintain information as confidential or as a trade secret.

25 (2) Limit the geographic area within which the
26 information must be kept confidential or as a trade secret.

27 Section 6. Effective date.

28 This act shall take effect in 60 days.