
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 442 Session of
2005

INTRODUCED BY ORIE, WOZNIAK, KITCHEN AND LOGAN, MARCH 22, 2005

REFERRED TO LABOR AND INDUSTRY, MARCH 22, 2005

AN ACT

1 Prohibiting noncompete provisions in certain broadcast
2 employment contracts; and prescribing a penalty.

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 Industry Free Market 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 employee of a broadcast industry
13 employer. The term does not include such employee whose primary
14 duties for the broadcasting industry employer involve sales or
15 management.

16 "Broadcasting industry employer." A television station,
17 television network, radio station, radio network, cable station,
18 cable network or any broadcast affiliate thereof.

1 Section 3. Prohibition.

2 (a) General rule.--Except as otherwise provided in
3 subsection (b), no broadcasting industry employer may require in
4 any employment contract with a broadcast employee that the
5 broadcast employee or prospective broadcast employee refrain
6 from obtaining employment:

7 (1) in a geographic area;

8 (2) for a specific period of time; or

9 (3) for any particular employer or in any particular
10 industry;

11 after termination of employment with the broadcasting industry
12 employer.

13 (b) Exception.--This section shall not apply to the
14 enforcement of any such requirement during the term of the
15 contract or against a broadcast employee who breaches any other
16 provision of the contract.

17 Section 4. Penalties.

18 (a) Civil liability.--A person who violates this act shall
19 be civilly liable for damages, including attorney fees and
20 costs, incurred by a broadcast employee as a result of such
21 violation.

22 (b) Criminal offense.--A person who violates this act
23 commits a misdemeanor of the first degree.

24 Section 5. Effective date.

25 This act shall take effect in 60 days.