
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2366 Session of
2020

INTRODUCED BY MURT, HANBIDGE, ROWE, DeLUCA, HILL-EVANS AND
KEEFER, MARCH 13, 2020

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 13, 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.

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

18 "Employer." A person that engages in the transmission of

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

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

10 Section 3. Prohibition.

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

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

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

17 Section 4. Nonwaiver.

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

20 Section 5. Construction.

21 Nothing in this act shall be construed to:

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

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

26 Section 6. Effective date.

27 This act shall take effect in 60 days.