

SENATE BILL NO. 422—COMMITTEE ON JUDICIARY

MARCH 25, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Establishes a civil cause of action against certain employers who condition certain employment on a noncompete clause. (BDR 3-1110)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to actions concerning persons; establishing a civil cause of action for a violation of certain employment practices; prohibiting certain employers from conditioning certain employment on an employee or potential employee agreeing to a noncompete clause; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for civil actions and proceedings in particular cases
2 concerning persons. (Chapter 41 of NRS) Existing law also establishes various
3 unlawful employment practices. (Chapter 613 of NRS) **Section 2** of this bill: (1)
4 prohibits a broadcast employer from conditioning the employment of an on-air
5 employee or prospective on-air employee on his or her agreeing to a noncompete
6 clause; and (2) prohibits a broadcast employer from taking certain employment
7 actions based on the refusal of the on-air employee or prospective on-air employee
8 to agree to a noncompete clause. **Section 1** of this bill establishes a civil cause of
9 action against a broadcast employer who violates any provision of **section 2** of this
10 bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 41 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *A person who has suffered an injury or damages as the*
4 *proximate result of a violation of the provisions of section 2 of this*
5 *act may bring a civil cause of action for the recovery of the*



1 *person's actual damages, costs and reasonable attorney's fees and*
2 *for any punitive damages that the facts may warrant.*

3 **Sec. 2.** Chapter 613 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 *It is unlawful for any broadcast employer in this State to:*

6 1. *Directly or indirectly require, request, suggest or cause any*
7 *on-air employee or prospective on-air employee to agree to a*
8 *noncompete clause as a condition of employment; or*

9 2. *Discharge, discipline, discriminate against in any manner*
10 *or deny employment or promotion to, or threaten to take any such*
11 *action against, any on-air employee or prospective on-air*
12 *employee who:*

13 (a) *Refuses, declines or fails to agree to a noncompete clause;*

14 (b) *Has filed any complaint or instituted or caused to be*
15 *instituted any legal proceeding pursuant to this section;*

16 (c) *Has testified or may testify in any legal proceeding*
17 *instituted pursuant to this section; or*

18 (d) *Has exercised his or her rights, or has exercised on behalf*
19 *of another person the rights afforded to him or her, pursuant to*
20 *this section.*

21 3. *As used in this section:*

22 (a) *"Broadcast employer" means an employer operating as a*
23 *radio station, television station, cable television system or other*
24 *radio network, television network or video service network.*

25 (b) *"Noncompete clause" means a clause in an employment*
26 *contract that prohibits an employee or prospective employee from*
27 *working in a specific geographic area for a specific period at the*
28 *conclusion of his or her current employment.*

29 (c) *"On-air employee" means an employee who performs live*
30 *or prerecorded on-camera or audio announcing duties for a*
31 *broadcast employer, including, without limitation, a news reporter,*
32 *news anchor, disc jockey or radio talk show host.*

