

Amendment No. 492

Senate Amendment to Senate Bill No. 422

(BDR 3-1110)

Proposed by: Senate Committee on Commerce, Labor and Energy**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

VMS/DY



Date: 4/17/2013

S.B. No. 422—Establishes a civil cause of action against certain employers who condition employment on a noncompete clause. (BDR 3-1110)



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.

~

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:

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

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

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

A person who has suffered an injury or damages as the proximate result of a violation of the provisions of section 2 of this act may bring a civil cause of action for the recovery of the person's actual damages, costs and reasonable attorney's fees and for any punitive damages that the facts may warrant.

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

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

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

4 2. Discharge, discipline, discriminate against in any manner or deny
5 employment or promotion to, or threaten to take any such action against, any on-
6 air employee or prospective on-air employee who:

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

8 (b) Has filed any complaint or instituted or caused to be instituted any legal
9 proceeding pursuant to this section;

10 (c) Has testified or may testify in any legal proceeding instituted pursuant to
11 this section; or

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

14 3. As used in this section:

15 (a) "Broadcast employer" means an employer operating as a radio station,
16 television station, cable television system or other radio network, television
17 network or video service network.

18 (b) "Noncompete clause" means a clause in an employment contract that
19 prohibits an employee or prospective employee from working in a specific
20 geographic area for a specific period at the conclusion of his or her current
21 employment.

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