HOUSE DOCKET, NO. 2332 FILED ON: 1/15/2015

HOUSE . . . . . No. 1701

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the judicial enforcement of noncompetition agreements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Lori A. Ehrlich	*8th Essex*	*1/15/2015*
William N. Brownsberger	*Second Suffolk and Middlesex*	*1/28/2015*
David M. Rogers	*24th Middlesex*	*1/28/2015*
Jay D. Livingstone	*8th Suffolk*	*1/20/2015*
Jennifer E. Benson	*37th Middlesex*	*9/27/2019*
Kenneth I. Gordon	*21st Middlesex*	*1/22/2015*
Tricia Farley-Bouvier	*3rd Berkshire*	*9/27/2019*
Jason M. Lewis	*Fifth Middlesex*	*9/27/2019*
James R. Miceli	*19th Middlesex*	*9/27/2019*
Colleen M. Garry	*36th Middlesex*	*9/27/2019*
Dennis A. Rosa	*4th Worcester*	*9/27/2019*
Cory Atkins	*14th Middlesex*	*9/27/2019*
Marjorie C. Decker	*25th Middlesex*	*9/27/2019*
Ruth B. Balser	*12th Middlesex*	*9/27/2019*
James M. Cantwell	*4th Plymouth*	*9/27/2019*
Alice Hanlon Peisch	*14th Norfolk*	*9/27/2019*
Tom Sannicandro	*7th Middlesex*	*9/27/2019*
Daniel A. Wolf	*Cape and Islands*	*9/27/2019*

Patricia D. Jehlen	*Second Middlesex*	*9/27/2019*
Kay Khan	*11th Middlesex*	*9/27/2019*
Edward F. Coppinger	*10th Suffolk*	*9/27/2019*
Louis L. Kafka	*8th Norfolk*	*9/27/2019*
Carlos Gonzalez	*10th Hampden*	*9/27/2019*
James B. Eldridge	*Middlesex and Worcester*	*9/27/2019*
Chris Walsh	*6th Middlesex*	*9/27/2019*
Diana DiZoglio	*14th Essex*	*9/27/2019*
Elizabeth A. Malia	*11th Suffolk*	*9/27/2019*
Sean Garballey	*23rd Middlesex*	*9/27/2019*

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By Ms. Ehrlich of Marblehead, a petition (accompanied by bill, House, No. 1701) of Lori A. Ehrlich and others for legislation to limit the time that former employees must wait before being employed by a competitor. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1715* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the judicial enforcement of noncompetition agreements.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 149 of the General Laws of Massachusetts shall be amended by inserting the following as Section 19D:

Section 19D. Noncompetition Agreements

Any written or oral agreement arising out of an employment or independent contractor relationship that prohibits, impairs, restrains, restricts, or places any condition on a person's ability to seek, engage in, or accept any type of employment or independent contractor work, for any period of time after an employment or independent contractor relationship has ended, shall, to that extent, be void and unenforceable. This section does not render void or unenforceable the remainder of the agreement containing the unenforceable noncompetition agreement, nor does it

preclude the imposition by a court, through a temporary restraining order, preliminary injunction, permanent injunction, or otherwise, of a noncompetition restriction as a provisional or permanent remedy for a breach of another contractual obligation or violation of a statutory or common law duty. Nor shall this section affect (i) covenants not to solicit or hire employees or independent contractors of the employer; (ii) covenants not to solicit or transact business with customers, clients, or vendors of the employer; (iii) nondisclosure agreements; (iv) noncompetition agreements made in connection with the sale of a business or partnership or substantially all of the assets of a business, when the party restricted by the noncompetition agreement is an owner of, or partner with, at least a ten percent interest of the business who received significant consideration for the sale; (v) noncompetition agreements outside of an employment or independent contractor relationship; (vi) forfeiture agreements; or (vii) agreements by which an employee agrees to not reapply for employment to the same employer after termination of the employee.

This section shall apply to all contracts and agreements executed after the effective date of this act.