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H02296 Filed By: Harrington	An Act relative to the prohibition of noncompetition agreements By Ms. Harrington of Groton, a petition (accompanied by bill, House, No. 2296) of Provost and Harrington relative to the prohibition of noncompetition business agreements Joint Committee on Labor and Workforce Development.	<i>(NEW)</i>
H02293 Filed By: Ehrlich Brownsberger	An Act relative to noncompetition agreements By Representatives Ms. Ehrlich of Marblehead and Mr. Brownsberger, a petition (accompanied by bill, House, No. 2293) of DiNatale and others relative to employment agreements concerning engaging in activities directly or indirectly competitive with the employer Joint Committee on Labor and Workforce Development.	<i>(one we have been watching)</i>
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Bill H02296

Sponsors, Sheila Harrington

Bill text

SECTION 1, Chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding, after section 24K, the following new section: "Section 24I. (a) As used in this section, the following words shall have the following meanings: "Business entity", any (a) partnership, including a limited partnership or a limited liability partnership, (b) limited liability company, or, (c) corporation. "Owner of a business entity", any (a) partner, in the case of a business entity that is a partnership, or, (b) member, in the case of a business entity that is a limited liability company, or, (c) any owner of capital stock, in the case of a business entity that is a corporation. "Ownership interest", a (a) partnership interest, in the case of a business entity that is a partnership, including a limited partnership or a limited liability partnership, or, (b) membership interest, in the case of a business entity that is a limited liability company, or, (c) capital stockholder, in the case of a business entity that is a corporation. "Subsidiary", any business entity over which the selling business entity has voting control, or from which the selling business entity has a right to receive a majority share of distributions upon dissolution or other liquidation of the business entity, or has both voting control and a right to receive these distributions. (b) Except as provided in this section, any contract that serves to restrict an employee or former employee from engaging in a lawful profession, trade, or business of any kind is deemed unlawful. (c) Any person who sells the goodwill of a business, or any owner of a business entity selling or otherwise disposing of all interest in the business entity, or any owner of a business entity that sells (a) all or substantially all of its operating assets together with the goodwill of the business entity, or; (b) all or substantially of the operating assets of a division or a subsidiary of the business entity together with the goodwill of that division or subsidiary, or; (c) all of the ownership interest of any subsidiary, may agree with the buyer to refrain from carrying on a similar business within a specified geographic area in which the business so sold, or that of the business entity, division, or subsidiary has been carried on, so long as the buyer, or person deriving title to the goodwill or ownership interest from the buyer, carries on a like business therein. (d) In the case of a dissolution of partnership or a dissociation of the partner from the partnership, any partner may, upon or in anticipation, agree to refrain from carrying on a similar business within a specified geographic area where the partnership business has been transacted, so long as any other member of the partnership, or any person deriving title to the business or its goodwill from any such other member of the partnership, carries on a like business therein. (e) In the case of a dissolution of a limited liability company, any member may, upon or in anticipation of the termination of his interest in the limited liability company, agree to refrain from carrying on a similar business within a specified geographic area where the limited liability company business has been transacted, so long as any other member of the limited liability company, or any person deriving title to the business or its goodwill from any such other member of the limited liability company, carries on a like business therein. (f) Nothing in this section shall serve to limit the creation or application of non-disclosure agreements intended to prohibit the sharing of certain information, including but not limited to, trade secrets, and proprietary or confidential information. "



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