

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3118**

BY DELEGATES BARACH, BROWN, DOYLE, REYNOLDS,  
GRIFFITH, BATES, PUSHKIN, THOMPSON, WORRELL,  
HANSEN AND SKAFF

[Introduced March 12, 2021; Referred to the  
Committee on Workforce Development then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §21-5-19, relating to prohibiting certain noncompete or conflict of interest  
 3 provisions in employment contracts.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

**§21-5-19. Noncompete conflict of interest employments against public policy.**

1 A noncompete or conflict of interest provision in an employment contract or a similar  
 2 document or agreement that restricts the ability of an employee to enter into employment with a  
 3 new employer or to become self-employed in the same or similar business or trade shall be null  
 4 and void as being against the public policy of the state.

NOTE: The purpose of this bill is to prohibit noncompete or conflict of interest provisions in employment contracts that prohibits a person getting rehired or self-employed in the same or similar business is prohibited as being against public policy.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.