

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

846B0341

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 120** - 2/12/2019

Introduced by: Senators Greenfield (Brock), Langer, Maher, and Nesiba and Representatives Peterson (Sue), Brunner, Greenfield (Lana), Johnson (David), and Rasmussen

1 FOR AN ACT ENTITLED, An Act to modify the time period allowable for certain covenants
2 not to compete.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 53-9-11 be amended to read:

5 53-9-11. An employee may agree with an employer at the time of employment or at any time
6 during his the employment not to engage directly or indirectly in the same business or profession
7 as that of his the employer for any period not exceeding ~~two years~~ one year from the date of
8 termination of the agreement and not to solicit existing customers of the employer within a
9 specified county, first or second class municipality, or other specified area for any period not
10 exceeding ~~two years~~ one year from the date of termination of the agreement, if the employer
11 continues to carry on a like business therein.

12 Section 2. This Act does not affect any contract entered into before the effective date of this
13 Act.

