

1 S 932. BALANCING TEST. WITH RESPECT TO EMPLOYEES WHO, OR COVENANTS
2 WHICH, ARE OUTSIDE THE CATEGORIES DEFINED IN SECTION NINE HUNDRED THIR-
3 TY-ONE OF THIS ARTICLE, SUCH RESTRICTIVE COVENANTS SHALL BE ENFORCED
4 ONLY WHEN THE LEGITIMATE INTEREST OF THE EMPLOYER OUTWEIGHS THE EMPLOY-
5 EE'S OR INDEPENDENT CONTRACTOR'S INTEREST IN BEING ABLE TO PURSUE HIS OR
6 HER LIVELIHOOD AND THE PUBLIC INTEREST IN FREE AND OPEN COMPETITION; AND
7 SUCH RESTRICTIVE COVENANTS SHALL BE ENFORCED ONLY TO THE EXTENT NECES-
8 SARY TO PROTECT THE EMPLOYER'S LEGITIMATE INTEREST.
9 S 2. This act shall take effect immediately.