
By: **Senators Klausmeier and Middleton**
Introduced and read first time: February 4, 2004
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Companies and Gas Companies - Use of Trade Names and**
3 **Trademarks**

4 FOR the purpose of prohibiting the use of the trade name or trademark of an electric
5 company or a gas company by certain persons for certain purposes under certain
6 circumstances; providing that this Act applies to certain persons engaged in
7 certain activities relating to heating, ventilation, air-conditioning, and
8 refrigeration services, plumbing services, appliances, and home improvements;
9 providing that existing obligations or contract rights may not be impaired by
10 this Act; providing for a delayed effective date; providing for the application of
11 this Act; and generally relating to the use of trade names and trademarks of
12 electric companies and gas companies.

13 BY adding to
14 Article - Public Utility Companies
15 Section 7-701 to be under the new subtitle "Subtitle 7. Miscellaneous
16 Provisions"
17 Annotated Code of Maryland
18 (1998 Volume and 2003 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Public Utility Companies**

22 SUBTITLE 7. MISCELLANEOUS PROVISIONS.

23 7-701.

24 (A) THIS SECTION APPLIES TO A PERSON THAT ENGAGES IN ONE OR MORE OF
25 THE FOLLOWING ACTIVITIES:

26 (1) PROVIDING HEATING, VENTILATION, AIR-CONDITIONING, OR
27 REFRIGERATION SERVICES, AS DEFINED IN § 9A-101 OF THE BUSINESS REGULATION
28 ARTICLE, TO RESIDENTIAL OR COMMERCIAL CUSTOMERS;

1 (2) PROVIDING PLUMBING SERVICES, AS DEFINED IN § 12-101 OF THE
2 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TO RESIDENTIAL OR
3 COMMERCIAL CUSTOMERS;

4 (3) PROVIDING HOME IMPROVEMENTS, AS DEFINED IN § 8-101 OF THE
5 BUSINESS REGULATION ARTICLE, TO RESIDENTIAL OR COMMERCIAL CUSTOMERS;

6 (4) INSTALLING, MAINTAINING, OR REPAIRING APPLIANCES, INCLUDING
7 WASHERS, DRYERS, REFRIGERATORS, DISHWASHERS, AND OTHER RELATED
8 MERCHANDISE, TO OR FOR RESIDENTIAL OR COMMERCIAL CUSTOMERS; OR

9 (5) SELLING OR MARKETING SERVICES OR MERCHANDISE LISTED IN
10 PARAGRAPH (1), (2), (3), OR (4) OF THIS SUBSECTION.

11 (B) UNLESS THE COMMISSION HAS MADE A FINDING THAT A COMPETING
12 BUSINESS THAT IS ENGAGED IN AN ACTIVITY DESCRIBED IN SUBSECTION (A) OF THIS
13 SECTION WOULD NOT BE PLACED AT A COMPETITIVE OR ECONOMIC DISADVANTAGE,
14 A PERSON MAY NOT USE, AS PART OF ITS OWN TRADE NAME OR TRADEMARK, THE
15 TRADE NAME OR TRADEMARK OF AN ELECTRIC COMPANY OR A GAS COMPANY IF THE
16 PERSON IS OWNED WHOLLY OR PARTLY, DIRECTLY OR INDIRECTLY, BY:

17 (1) THE ELECTRIC COMPANY OR THE GAS COMPANY; OR

18 (2) THE PARENT COMPANY OF THE ELECTRIC COMPANY OR THE GAS
19 COMPANY.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
21 any trade name or trademark used on or after the effective date of this Act, regardless
22 of whether the person used the trade name or trademark prior to the effective date of
23 this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That a presently existing
25 obligation or contract right may not be impaired in any way by this Act.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect May 1, 2005.