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By: **Delegates Bromwell and Pendergrass**  
Introduced and read first time: February 21, 2005  
Assigned to: Rules and Executive Nominations

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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 7-801 to be under the new subtitle "Subtitle 8. Miscellaneous  
16 Provisions"  
17 Annotated Code of Maryland  
18 (1998 Volume and 2004 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 8. MISCELLANEOUS PROVISIONS.

23 7-801.

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 an obligation or contract  
25 right that exists before the effective date of this Act may not be impaired in any way  
26 by this Act.

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