

(PRE-FILED)

By: **Senator Klausmeier**
Requested: July 28, 2005
Introduced and read first time: January 11, 2006
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 7-801 to be under the new subtitle "Subtitle 8. Miscellaneous
16 Provisions"
17 Annotated Code of Maryland
18 (1998 Volume and 2005 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:

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

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

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

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

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

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

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

21 (2) THE PARENT COMPANY OF THE ELECTRIC COMPANY OR THE GAS
22 COMPANY.

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That an obligation or contract
28 right that exists before the effective date of this Act may not be impaired in any way
29 by this Act.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 November 1, 2006.