

# HOUSE BILL 127

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By: **Delegate Beidle**

Introduced and read first time: January 17, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Utility Companies – Employees – Notice and Identification**

3 FOR the purpose of requiring certain employees of utility facility owners, including  
4 contractors and subcontractors, to make certain efforts to determine if a  
5 resident is home and make their presence known before entering private  
6 residential property for certain purposes, with certain exceptions; requiring a  
7 certain employee of a utility facility owner to post a certain notice of a certain  
8 visit; requiring certain employees of a utility facility owner to be clearly  
9 identifiable as employees of the utility facility owner; requiring vehicles used by  
10 certain employees of utility facility owners to be clearly identifiable and display  
11 a phone number, subject to a certain exception; providing for the construction of  
12 this Act; defining certain terms; and generally relating to notice and  
13 identification requirements for employees of a utility facility owner.

14 BY adding to

15 Article – Public Utility Companies

16 Section 5–305

17 Annotated Code of Maryland

18 (1998 Volume and 2007 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 **5–305.**

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
24 MEANINGS INDICATED.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) (I) **“UTILITY EMPLOYEE” OR “EMPLOYEE” MEANS AN**  
2 **INDIVIDUAL WHO IS EMPLOYED BY A UTILITY FACILITY OWNER TO PERFORM**  
3 **MAINTENANCE OR INSPECTION OF A UTILITY FACILITY.**

4           (II) **“UTILITY EMPLOYEE” OR “EMPLOYEE” INCLUDES AN**  
5 **EMPLOYEE OF A CONTRACTOR OR SUBCONTRACTOR OF A UTILITY FACILITY**  
6 **OWNER.**

7           (3) (I) **“UTILITY FACILITY” MEANS PERSONAL PROPERTY**  
8 **THAT:**

9                   1. **IS FOR USE IN CONNECTION WITH THE STORAGE**  
10 **OR CONVEYANCE OF WATER, SEWAGE, OIL, GAS, OR OTHER SUBSTANCES; OR**

11                   2. **IS FOR USE IN TRANSMISSION OR CONVEYANCE OF**  
12 **ELECTRONIC, TELEPHONIC, OR TELEGRAPHIC COMMUNICATIONS OR**  
13 **ELECTRICITY, CABLE, ELECTRIC, GAS, SEWER, STEAM HEATING, TELEPHONE,**  
14 **OR WATER UTILITY SERVICE.**

15           (II) **“UTILITY FACILITY” INCLUDES PIPES, SEWERS,**  
16 **CONDUITS, CABLES, VALVES, LINES, WIRES, MANHOLES, ATTACHMENTS,**  
17 **METERS, AND POLES.**

18           (III) **“UTILITY FACILITY” DOES NOT INCLUDE A**  
19 **STORMWATER DRAIN.**

20           (4) (I) **“UTILITY FACILITY OWNER” MEANS A PERSON THAT**  
21 **OWNS OR OPERATES A UTILITY FACILITY.**

22           (II) **“UTILITY FACILITY OWNER” INCLUDES:**

23                   1. **A CABLE TELEVISION CORPORATION;**

24                   2. **AN ELECTRIC COMPANY;**

25                   3. **A GAS COMPANY;**

26                   4. **A SEWAGE DISPOSAL COMPANY;**

27                   5. **A STEAM HEATING COMPANY;**

28                   6. **A TELECOMMUNICATIONS CORPORATION;**

29                   7. **A TELEGRAPH COMPANY;**

1                   **8.    A TELEPHONE COMPANY; AND**

2                   **9.    A WATER COMPANY.**

3           **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
4 **SUBSECTION, BEFORE ENTERING PRIVATE RESIDENTIAL PROPERTY TO**  
5 **PERFORM MAINTENANCE OR INSPECTION OF A UTILITY FACILITY WITHOUT**  
6 **PRIOR NOTICE TO THE PROPERTY OWNER, A UTILITY EMPLOYEE SHALL:**

7                   **(I)    KNOCK ON THE FRONT OR MAIN ENTRANCE OF THE**  
8 **RESIDENCE; OR**

9                   **(II)   MAKE OTHER REASONABLE EFFORTS TO DETERMINE**  
10 **WHETHER A RESIDENT IS AT HOME AND MAKE THE UTILITY EMPLOYEE'S**  
11 **PRESENCE KNOWN TO THE RESIDENT.**

12           **(2)   THIS SECTION DOES NOT REQUIRE NOTIFICATION BY OR**  
13 **IDENTIFICATION OF A UTILITY EMPLOYEE WHO VISITS A PROPERTY SOLELY TO**  
14 **READ THE CUSTOMER'S UTILITY METER.**

15           **(C)   IF THE UTILITY EMPLOYEE FAILS TO CONTACT A RESIDENT, THE**  
16 **UTILITY EMPLOYEE SHALL POST NOTICE OF THE VISIT IN A CONSPICUOUS**  
17 **MANNER ON THE FRONT OR MAIN ENTRANCE OF THE RESIDENCE BEFORE**  
18 **LEAVING THE ENTRANCE.**

19           **(D) (1)   A UTILITY EMPLOYEE SHALL BE CLEARLY IDENTIFIABLE ON**  
20 **SIGHT THROUGH IDENTIFICATION BADGES OR OTHER IDENTIFICATION.**

21                   **(2) (I)   EVERY VEHICLE USED BY A UTILITY EMPLOYEE SHALL**  
22 **BE CLEARLY IDENTIFIABLE ON SIGHT THROUGH DECALS OR OTHER MARKINGS**  
23 **AS A VEHICLE OF THE UTILITY FACILITY OWNER, ITS CONTRACTOR, OR**  
24 **SUBCONTRACTOR.**

25                   **(II)   THE TELEPHONE NUMBER OF THE UTILITY FACILITY**  
26 **OWNER, ITS CONTRACTOR, OR SUBCONTRACTOR SHALL BE CLEARLY MARKED**  
27 **ON ALL OF THE VEHICLES OF THE UTILITY FACILITY OWNER, ITS CONTRACTOR,**  
28 **OR SUBCONTRACTOR, UNLESS THE UTILITY FACILITY OWNER MAINTAINS A**  
29 **PUBLICLY LISTED NUMBER THAT ANY MEMBER OF THE PUBLIC MAY USE TO**  
30 **CONTACT THE UTILITY FACILITY OWNER REGARDING THE PRESENCE OF A**  
31 **UTILITY EMPLOYEE OR A VEHICLE USED BY A UTILITY EMPLOYEE.**

32           **(E)   THIS SECTION MAY NOT BE CONSTRUED TO IMPOSE LIABILITY ON A**  
33 **UTILITY EMPLOYEE, UTILITY FACILITY OWNER, CONTRACTOR, OR**

1 SUBCONTRACTOR WHO ENTERS PRIVATE RESIDENTIAL PROPERTY TO MAKE  
2 REPAIRS IN THE EVENT OF A NATURAL OR MAN-MADE EMERGENCY THAT  
3 DISRUPTS, SEVERS, OR HAS THE POTENTIAL TO DISRUPT OR SEVER GAS,  
4 ELECTRIC, TELEPHONE, WATER, SEWER, CABLE, OR OTHER UTILITY SERVICE  
5 TO:

6 (1) A LARGE NUMBER OF RESIDENTIAL OR COMMERCIAL  
7 CUSTOMERS IN AN AREA OF THE STATE; OR

8 (2) A PUBLIC OR PRIVATE INSTITUTION IN AN AREA OF THE  
9 STATE THAT MAY CAUSE A THREAT TO THE PUBLIC HEALTH, WELFARE, OR  
10 SAFETY.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2008.