

Chapter 566

(House Bill 630)

AN ACT concerning

~~Public Utilities – Primary and Secondary Utility Account Holders – Domestic Violence Victims of Abuse – Protections~~

FOR the purpose of ~~requiring a certain utility to release a primary or secondary account holder who is the victim of domestic violence from a contract held with the utility under certain circumstances authorizing an account holder who is the victim of abuse to terminate, and requiring a utility to allow for the termination of, the account holder’s future liability under a utility contract under certain circumstances; requiring a utility to allow an account holder who terminates a utility contract under this Act to allow the account holder to open a new utility account for a new premises notwithstanding a certain account balance or arrearage; and generally relating to public utility accounts.~~

BY adding to
Article – Public Utilities
Section 5–502
Annotated Code of Maryland
(2020 Replacement Volume and 2022 Supplement)

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

Article – Public Utilities

5–502.

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

~~(2) “PRIMARY ACCOUNT HOLDER” MEANS THE INDIVIDUAL IN WHOSE NAME A UTILITY ACCOUNT IS ESTABLISHED.~~

~~(3) “SECONDARY ACCOUNT HOLDER” MEANS AN INDIVIDUAL WHO IS LISTED ON A UTILITY ACCOUNT BUT WHO IS NOT THE PRIMARY ACCOUNT HOLDER.~~

(2) “ABUSE” HAS THE MEANING STATED IN § 4–501(B) OF THE FAMILY LAW ARTICLE.

(3) “ACCOUNT HOLDER” MEANS AN INDIVIDUAL IN WHOSE NAME A UTILITY ACCOUNT IS MAINTAINED INDIVIDUALLY OR JOINTLY WITH OTHER INDIVIDUALS.

(4) “OFFENDER” MEANS AN INDIVIDUAL WHO COMMITS AN ACT OF ABUSE.

(5) “QUALIFIED THIRD PARTY” MEANS:

(I) A LICENSED PHYSICIAN OR PSYCHOLOGIST AUTHORIZED TO PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE;

(II) A SOCIAL WORKER OR CASEWORKER OF ANY PUBLIC OR PRIVATE HEALTH OR SOCIAL SERVICES AGENCY OR PROVIDER; OR

(III) AN ADVOCATE FROM A DOMESTIC VIOLENCE OR SEXUAL ASSAULT PREVENTION OR ASSISTANCE PROGRAM.

(6) “REPORT BY A QUALIFIED THIRD PARTY” MEANS A REPORT BASED ON INFORMATION RECEIVED BY A QUALIFIED THIRD PARTY WHILE ACTING IN A PROFESSIONAL CAPACITY THAT:

(I) INDICATES THAT THE ACCOUNT HOLDER IS SEEKING ASSISTANCE AS A RESULT OF BEING A VICTIM OF ABUSE; AND

(II) INCLUDES THE FOLLOWING INFORMATION:

1. THE NAME OF THE ACCOUNT HOLDER;

2. THE DATE, TIME, LOCATION, AND A BRIEF DESCRIPTION OF THE INCIDENT;

3. THE NAME AND PHYSICAL DESCRIPTION OF THE ALLEGED OFFENDER, IF KNOWN;

4. THE NAME AND ADDRESS OF THE EMPLOYER OF THE QUALIFIED THIRD PARTY;

5. IF THE QUALIFIED THIRD PARTY IS REQUIRED TO BE LICENSED, THE LICENSING ENTITY AND LICENSE NUMBER OF THE QUALIFIED THIRD PARTY;

6. THE SIGNATURE OF THE QUALIFIED THIRD PARTY, UNDER SEAL OF A NOTARY PUBLIC; AND

7. THE ACKNOWLEDGEMENT AND SIGNATURE OF THE ACCOUNT HOLDER UNDER PENALTY OF PERJURY.

~~(4)~~ (7) “UTILITY” MEANS AN ELECTRIC COMPANY, AN ELECTRICITY SUPPLIER, A GAS COMPANY, A GAS SUPPLIER, A SEWAGE DISPOSAL COMPANY, A WATER COMPANY, OR ANY COMBINATION OF THESE COMPANIES.

(B) (1) SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, IF AN ACCOUNT HOLDER IS A VICTIM OF ABUSE, THE ACCOUNT HOLDER MAY TERMINATE, AND THE UTILITY SHALL ALLOW FOR THE TERMINATION OF, THE ACCOUNT HOLDER’S FUTURE LIABILITY UNDER A UTILITY CONTRACT IF THE ACCOUNT HOLDER PROVIDES THE UTILITY WITH WRITTEN NOTICE BY FIRST-CLASS MAIL OR HAND DELIVERY OF THE ACCOUNT HOLDER’S REQUEST FOR TERMINATION OF THE ACCOUNT HOLDER’S FUTURE LIABILITY UNDER THE CONTRACT.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A COPY OF AN ENFORCEABLE FINAL ~~PEACE~~ PROTECTIVE ORDER ISSUED FOR THE BENEFIT OF THE ACCOUNT HOLDER UNDER § 4-506 OF THE FAMILY LAW ARTICLE;

(II) A COPY OF AN ENFORCEABLE FINAL PEACE ORDER, FOR WHICH THE UNDERLYING ACT WAS AN ACT OF ABUSE, ISSUED FOR THE BENEFIT OF THE ACCOUNT HOLDER UNDER § 3-1505 OF THE COURTS ARTICLE; OR

(III) A COPY OF A REPORT BY A QUALIFIED THIRD PARTY IF:

1. THE NAME AND PHYSICAL DESCRIPTION OF THE ALLEGED OFFENDER ARE REDACTED; AND

2. THE REPORT WAS SIGNED BY THE QUALIFIED THIRD PARTY WITHIN THE 60 DAYS IMMEDIATELY PRECEDING THE DATE THE NOTICE IS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) AN ACCOUNT HOLDER WHO TERMINATES A UTILITY CONTRACT UNDER SUBSECTION (B) OF THIS SECTION IS RESPONSIBLE FOR UTILITY CHARGES ONLY UP TO AND INCLUDING THE BILLING CYCLE DURING WHICH THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS SUBMITTED.

(D) IF AN ACCOUNT HOLDER TERMINATES A UTILITY CONTRACT UNDER SUBSECTION (B) OF THIS SECTION, THE UTILITY SHALL ALLOW THE ACCOUNT HOLDER TO OPEN A NEW UTILITY ACCOUNT FOR A NEW PREMISES

NOTWITHSTANDING AN ACCOUNT BALANCE OR ARREARAGE AT THE PREMISES DESCRIBED IN THE WRITTEN NOTICE UNDER SUBSECTION (B) OF THIS SECTION.

~~(B) (1) A UTILITY SHALL ALLOW A PRIMARY OR SECONDARY ACCOUNT HOLDER TO BE RELEASED FROM A CONTRACT WITHOUT INCURRING A FEE, PENALTY, OR CHARGE IF THE PRIMARY OR SECONDARY ACCOUNT HOLDER PROVIDES AN ATTESTATION IN WRITING OF THE ACCOUNT HOLDER'S STATUS AS A VICTIM OF DOMESTIC VIOLENCE.~~

~~(2) THE WRITTEN ATTESTATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:~~

~~(I) CERTIFIED FILES OR RECORDS FROM A COURT OR A LAW ENFORCEMENT AGENCY OR OTHER FEDERAL OR STATE AGENCY;~~

~~(II) DOCUMENTATION FROM A DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR HUMAN TRAFFICKING PREVENTION OR ASSISTANCE PROGRAM INDICATING THAT THE PRIMARY OR SECONDARY ACCOUNT HOLDER PARTICIPATED IN OR SOUGHT ASSISTANCE FROM THE PROGRAM; OR~~

~~(III) DOCUMENTATION FROM A RELIGIOUS, MEDICAL, OR OTHER PROFESSIONAL FROM WHOM THE PRIMARY OR SECONDARY ACCOUNT HOLDER SOUGHT ASSISTANCE OR TREATMENT AS A SURVIVOR OF THREATENED, ATTEMPTED, OR ACTUAL DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING, HARASSMENT, OR HUMAN TRAFFICKING.~~

~~(C) A UTILITY MAY NOT MAKE THE RELEASE FROM A CONTRACT UNDER SUBSECTION (B) OF THIS SECTION CONTINGENT ON:~~

~~(1) THE DISCLOSURE OF CONFIDENTIAL INFORMATION OR ANY FURTHER DETAILS ABOUT THE PRIMARY OR SECONDARY ACCOUNT HOLDER'S STATUS AS A VICTIM OF DOMESTIC VIOLENCE;~~

~~(2) THE PRIMARY OR SECONDARY ACCOUNT HOLDER MAINTAINING A CONTRACTUAL OR BILLING RESPONSIBILITY FOR A SEPARATED ACCOUNT WITH THE PROVIDER;~~

~~(3) THE PRIMARY ACCOUNT HOLDER APPROVING THE RELEASE IF THE SECONDARY ACCOUNT HOLDER IS THE PERSON MAKING THE REQUEST; OR~~

~~(4) A PAYMENT ON ARREARS ACCRUED BY THE ACCOUNT BEFORE THE RELEASE REQUEST.~~

~~(D) (1) A UTILITY SHALL RELEASE A PRIMARY OR SECONDARY ACCOUNT HOLDER REQUESTING A RELEASE UNDER SUBSECTION (B) OF THIS SECTION NOT LATER THAN 7 DAYS AFTER RECEIVING THE RELEASE REQUEST.~~

~~(2) A UTILITY SHALL DISPOSE OF ANY WRITTEN ATTESTATION PROVIDED UNDER SUBSECTION (B) OF THIS SECTION:~~

~~(I) NOT LATER THAN 30 DAYS AFTER RECEIVING THE INFORMATION; AND~~

~~(H) IN A MANNER THAT MAINTAINS THE CONFIDENTIALITY OF THE PRIMARY OR SECONDARY ACCOUNT HOLDER.~~

~~(E) A UTILITY SHALL MAKE INFORMATION ABOUT THE OPTIONS AND PROCESS DESCRIBED UNDER THIS SECTION AVAILABLE TO CUSTOMERS ON ANY WEBSITE, MOBILE APPLICATION, AND OTHER FORMS OF PUBLIC-FACING CUSTOMER COMMUNICATION THE UTILITY MAINTAINS.~~

~~(F) A UTILITY MAY NOT BE SUBJECT TO LIABILITY FOR ANY CLAIMS ARISING FROM AN ACTION TAKEN OR OMISSION MADE WITH RESPECT TO COMPLYING WITH THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 8, 2023.