

SENATE BILL 697

C5

11r2202
CF 11r1968

By: **Senator Klausmeier**

Introduced and read first time: February 4, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Gas and Electric Companies – Use of Trade Name or Trademark**

3 FOR the purpose of prohibiting certain persons from using the trade name or
4 trademark of an affiliated gas and electric company for a certain purpose unless
5 the person remits royalties of at least a certain amount to the gas and electric
6 company; requiring a gas and electric company that collects royalties under this
7 Act to use the royalties for a certain purpose; providing for the application of
8 this Act; defining a certain term; and generally relating to the use of a gas and
9 electric company's trade name or trademark.

10 BY adding to

11 Article – Public Utilities

12 Section 7–801 to be under the new subtitle “Subtitle 8. Miscellaneous
13 Provisions”

14 Annotated Code of Maryland

15 (2010 Replacement Volume)

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

18 **Article – Public Utilities**

19 **SUBTITLE 8. MISCELLANEOUS PROVISIONS.**

20 **7–801.**

21 **(A) IN THIS SECTION, “AFFILIATE” HAS THE MEANING STATED IN §**
22 **7–501 OF THIS TITLE.**

23 **(B) THIS SECTION APPLIES ONLY TO A PERSON THAT:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) IS AN AFFILIATE OF A GAS AND ELECTRIC COMPANY; AND**

2 **(2) PROVIDES HEATING, VENTILATION, AIR-CONDITIONING, OR**
3 **REFRIGERATION SERVICES.**

4 **(C) A PERSON THAT IS AN AFFILIATE OF A GAS AND ELECTRIC COMPANY**
5 **MAY NOT USE, AS PART OF THE PERSON'S OWN TRADE NAME OR TRADEMARK,**
6 **THE TRADE NAME OR TRADEMARK OF A GAS AND ELECTRIC COMPANY UNLESS**
7 **THE PERSON REMITS, IN RETURN FOR THE PRIVILEGE OF USING THE GAS AND**
8 **ELECTRIC COMPANY'S TRADE NAME OR TRADEMARK, ROYALTIES OF AT LEAST**
9 **10% OF THE PERSON'S GROSS RECEIPTS TO THE GAS AND ELECTRIC COMPANY.**

10 **(D) A GAS AND ELECTRIC COMPANY THAT COLLECTS ROYALTIES FROM**
11 **THE USE OF ITS TRADE NAME OR TRADEMARK UNDER SUBSECTION (C) OF THIS**
12 **SECTION SHALL USE THE ROYALTIES FOR THE DIRECT BENEFIT OF ITS**
13 **RATEPAYERS.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2011.