

In subsections (c)(1) and (e) of this section, the references to "sign[ing]" articles of amendment are substituted for the former references to "execut[ing]" articles of amendment to clarify that "signing" the articles is only one of the formalities required for the "execution" of the articles. These substitutions are consistent with the Maryland General Corporation Law, § 1-301 of this article.

In subsection (e) of this section, the former reference to an affidavit stating that the cooperative has "duly" complied with certain provisions of this section is deleted as implicit in the word "complied".

Defined terms: "Cooperative" § 5-601

"Member" § 5-601

"Principal office" § 1-101

5-610. NAME.

(A) REQUIRED WORDS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE NAME OF A COOPERATIVE OR FOREIGN CORPORATION DOING BUSINESS IN THE STATE UNDER THIS SUBTITLE SHALL INCLUDE:

(I) THE WORDS "ELECTRIC" AND "COOPERATIVE"; AND

(II) THE ABBREVIATION "INC.".

(2) A COOPERATIVE NEED NOT USE ANY WORD SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE COOPERATIVE WISHES TO DO BUSINESS IN ANOTHER STATE AND IS OR WOULD BE PRECLUDED FROM DOING BUSINESS IN THAT STATE BECAUSE OF THE INCLUSION OF THE WORD IN ITS NAME; AND

(II) AN AFFIDAVIT STATING THE COOPERATIVE'S REASON FOR NOT USING THE WORD IS:

1. MADE AND FILED WITH THE DEPARTMENT BY THE COOPERATIVE'S CHAIRMAN OR VICE-CHAIRMAN; OR

2. MADE BY A PERSON WHO SIGNS ARTICLES OF INCORPORATION, CONSOLIDATION, MERGER, OR CONVERSION FOR THE COOPERATIVE AND FILED, TOGETHER WITH THE ARTICLES, WITH THE DEPARTMENT.

(B) NAME TO BE DISTINGUISHABLE.

THE NAME OF A COOPERATIVE SHALL BE DISTINGUISHABLE ON THE RECORDS OF THE DEPARTMENT ~~FROM THE ENTITY NAME OF AN ENTITY ORGANIZED OR AUTHORIZED TO TRANSACT BUSINESS IN THE STATE AS PROVIDED UNDER § 1-504 OF THIS ARTICLE.~~

DRAFTER'S NOTE: This section is new language derived without substantive change from former Ch. 179, § 5, Acts of 1976, as amended by Ch. 604, Acts of 2001.