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**By: Delegate Workman**

Requested: October 8, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Use of Headlamps**

3 FOR the purpose of requiring the driver of a vehicle to light the vehicle's headlamps,  
4 parking lights, or fog lights when the vehicle's windshield wipers are being operated  
5 under certain conditions; specifying that a violation of this Act is not a moving  
6 violation for certain purposes; providing that if a person is convicted of violating this  
7 Act the conviction may not be considered evidence of negligence or contributory  
8 negligence, limit liability of a party or insurer, or diminish recovery for damages  
9 arising out of the ownership, maintenance, or operation of a motor vehicle;  
10 establishing a certain penalty; permitting the enforcement of this Act only as a  
11 secondary violation; and generally relating to a requirement that headlamps,  
12 parking lights, or fog lights be lighted at certain times.

13 BY adding to

14 Article - Transportation  
15 Section 22-201.2  
16 Annotated Code of Maryland  
17 (1992 Replacement Volume and 1996 Supplement)

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

20 **Article - Transportation**

21 22-201.2.

22 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IF A  
23 DRIVER OF A VEHICLE ON A HIGHWAY OPERATES THE VEHICLE'S WINDSHIELD  
24 WIPERS FOR A CONTINUOUS PERIOD OF TIME BECAUSE OF IMPAIRED VISIBILITY  
25 RESULTING FROM UNFAVORABLE ATMOSPHERIC CONDITIONS, THE DRIVER SHALL  
26 LIGHT THE VEHICLE'S HEADLAMPS, PARKING LIGHTS, OR FOG LIGHTS.

27 (B) A VIOLATION OF THIS SECTION IS NOT CONSIDERED A MOVING  
28 VIOLATION FOR PURPOSES OF § 16-402 OF THIS ARTICLE.

29 (C) (1) IF A PERSON IS CONVICTED UNDER THIS SECTION, THE CONVICTION  
30 MAY NOT:

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1 (I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;

2 (II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY NEGLIGENCE;

3 (III) LIMIT LIABILITY OF A PARTY OR AN INSURER; OR

4 (IV) DIMINISH RECOVERY FOR DAMAGES ARISING OUT OF THE  
5 OWNERSHIP, MAINTENANCE, OR OPERATION OF A MOTOR VEHICLE.

6 (2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS  
7 SUBSECTION, A PARTY, WITNESS, OR COUNSEL MAY NOT MAKE REFERENCE TO A  
8 VIOLATION OF THIS SECTION.

9 (3) NOTHING CONTAINED IN THIS SUBSECTION MAY BE CONSTRUED TO  
10 PROHIBIT THE RIGHT OF A PERSON TO INSTITUTE A CIVIL ACTION FOR DAMAGES  
11 AGAINST A DEALER, MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR  
12 OTHER APPROPRIATE ENTITY ARISING OUT OF AN INCIDENT THAT INVOLVES A  
13 DEFECTIVELY INSTALLED OR DEFECTIVELY OPERATING HEADLAMP, PARKING  
14 LIGHT, OR FOG LIGHT.

15 (D) A PERSON WHO IS CONVICTED OF A VIOLATION OF SUBSECTION (A) OF  
16 THIS SECTION IS SUBJECT TO A FINE NOT TO EXCEED \$25.

17 (E) A POLICE OFFICER MAY ENFORCE THE PROVISIONS OF THIS SECTION  
18 ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER OF  
19 A MOTOR VEHICLE FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE  
20 CODE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 1997.