

HOUSE BILL 1241

R6

4lr2808

By: **Delegate Hucker**

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Use of Headlights When Windshield Wipers Operating –**
3 **Enforcement**

4 FOR the purpose of repealing a certain provision of law that authorizes enforcement
5 only as a secondary offense of a violation of the requirement that a driver of a
6 vehicle on a highway use headlights during the continuous operation of the
7 vehicle's windshield wipers under certain circumstances; altering the maximum
8 penalty for the violation; and generally relating to enforcement of the
9 requirement that a driver of a vehicle on a highway use headlights during the
10 continuous operation of the vehicle's windshield wipers under certain
11 circumstances.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 22–201.2
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Transportation
19 Section 27–101(a) and (b)
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2013 Supplement)

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

24 **Article – Transportation**

25 22–201.2.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Notwithstanding any other provision of this subtitle, if a driver of a
2 vehicle on a highway operates the vehicle's windshield wipers for a continuous period
3 of time because of impaired visibility resulting from unfavorable atmospheric
4 conditions, the driver shall light the vehicle's headlamps or fog lights.

5 (b) A violation of this section is not considered a moving violation for
6 purposes of § 16-402 of this article.

7 (c) (1) If a person is convicted under this section, the conviction may not:

8 (i) Be considered evidence of negligence;

9 (ii) Be considered evidence of contributory negligence;

10 (iii) Limit liability of a party or an insurer; or

11 (iv) Diminish recovery for damages arising out of the ownership,
12 maintenance, or operation of a motor vehicle.

13 (2) Subject to the provisions of paragraph (3) of this subsection, a
14 party, witness, or counsel may not make reference to a violation of this section.

15 (3) Nothing contained in this subsection may be construed to prohibit
16 the right of a person to institute a civil action for damages against a dealer,
17 manufacturer, distributor, factory branch, or other appropriate entity arising out of an
18 incident that involves a defectively installed or defectively operating headlamp or fog
19 light.

20 [(d) A person who is convicted of a violation of subsection (a) of this section is
21 subject to a fine not to exceed \$25.

22 (e) A police officer may enforce the provisions of this section only as a
23 secondary action when the police officer detains a driver of a motor vehicle for a
24 suspected violation of another provision of the Code.]

25 27-101.

26 (a) It is a misdemeanor for any person to violate any of the provisions of the
27 Maryland Vehicle Law unless the violation:

28 (1) Is declared to be a felony by the Maryland Vehicle Law or by any
29 other law of this State; or

30 (2) Is punishable by a civil penalty under the applicable provision of
31 the Maryland Vehicle Law.

1 (b) Except as otherwise provided in this section, any person convicted of a
2 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is
3 subject to a fine of not more than \$500.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2014.