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R6
SB 107/95 - JPR

1996 Regular Session
6lr1060

By: Senator Dorman

Introduced and read first time: January 15, 1996

Assigned to: Judicial Proceedings

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

12 BY adding to

13 Article - Transportation
14 Section 22-201.2
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1995 Supplement)

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

19 **Article - Transportation**

20 22-201.2.

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

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

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

30 (I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;

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1 (II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY NEGLIGENCE;

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

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

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1996.