

HOUSE BILL 294

R6

6lr1094
CF SB 232

By: **Delegates Stein, Beidle, Fraser–Hidalgo, Holmes, Jackson, Jacobs, Knotts,
McCray, O'Donnell, Otto, and Szeliga**

Introduced and read first time: January 26, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Lamps and Lights – Use When Windshield Wipers Operating**

3 FOR the purpose of requiring that a driver of a vehicle on a highway use the vehicle's tail
4 lamps when the driver continuously operates the vehicle's windshield wipers under
5 certain circumstances; repealing the authority of a driver to use a vehicle's fog lights
6 instead of the vehicle's headlamps during the continuous operation of the vehicle's
7 windshield wipers under certain circumstances; and generally relating to the use of
8 vehicle lamps and lights when the windshield wipers are operating.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 22–201.2
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2015 Supplement)

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

16 **Article – Transportation**

17 22–201.2.

18 (a) Notwithstanding any other provision of this subtitle, if a driver of a vehicle on
19 a highway operates the vehicle's windshield wipers for a continuous period of time because
20 of impaired visibility resulting from unfavorable atmospheric conditions, the driver shall
21 light the vehicle's headlamps [or fog lights] **AND TAIL LAMPS**.

22 (b) A violation of this section is not considered a moving violation for purposes of
23 § 16–402 of this article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (c) (1) If a person is convicted under this section, the conviction may not:
- 2 (i) Be considered evidence of negligence;
- 3 (ii) Be considered evidence of contributory negligence;
- 4 (iii) Limit liability of a party or an insurer; or
- 5 (iv) Diminish recovery for damages arising out of the ownership,
6 maintenance, or operation of a motor vehicle.
- 7 (2) Subject to the provisions of paragraph (3) of this subsection, a party,
8 witness, or counsel may not make reference to a violation of this section.
- 9 (3) Nothing contained in this subsection may be construed to prohibit the
10 right of a person to institute a civil action for damages against a dealer, manufacturer,
11 distributor, factory branch, or other appropriate entity arising out of an incident that
12 involves a defectively installed or defectively operating headlamp or [fog light] TAIL LAMP.
- 13 (d) A person who is convicted of a violation of subsection (a) of this section is
14 subject to a fine not to exceed \$25.
- 15 (e) A police officer may enforce the provisions of this section only as a secondary
16 action when the police officer detains a driver of a motor vehicle for a suspected violation
17 of another provision of the Code.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2016.