

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 294 (Delegate Stein, *et al.*)  
Environment and Transportation

Judicial Proceedings

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**Motor Vehicles - Lamps and Lights - Use When Windshield Wipers Operating**

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This bill requires the use of tail lamps (as well as headlamps) while operating a vehicle on a highway when windshield wipers are continuously operated due to weather conditions that impair visibility. The bill repeals the authorization for a driver to use fog lights instead of headlamps, under the conditions described above.

The bill takes effect July 1, 2016.

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**Fiscal Summary**

**State Effect:** Enforcement can be handled with existing resources. The bill's changes are not expected to have a material impact on State finances.

**Local Effect:** Enforcement can be handled with existing resources. Revenues are not affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** If a driver of a vehicle on a highway operates the vehicle's windshield wipers for a continuous period due to weather conditions that impair visibility, the driver is required to light the vehicle's headlamps *or* fog lights. A person who violates this provision is guilty of a misdemeanor and is subject to a maximum fine of \$25. The prepayment penalty established by the District Court is \$50, which includes court costs.

A violation is not considered a moving violation for which points may be assessed. A conviction may not be considered evidence of negligence or contributory negligence, limit the liability of a party or insurer, or diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. Reference to violating the requirement to turn on headlamps or fog lights may not be made by a party, witness, or counsel in a court action. However, this provision may not be construed to prohibit the right of a person to initiate a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity that relates to a defectively installed or operating headlamp or fog light.

A police officer may only enforce this requirement as a secondary action when the officer detains a driver of a motor vehicle for a suspected violation of another provision of State law.

The Maryland Vehicle Law requires every vehicle on a highway, at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles 1,000 feet ahead are not clearly discernible, to display the vehicle's lighted lamps and/or illuminating devices, as specified. A violation is a misdemeanor, subject to primary enforcement, with a maximum fine of \$500. The prepayment penalty for this offense is \$60.

Generally, a violation of any provision of the Maryland Vehicle Law is considered a misdemeanor with a maximum fine of \$500 unless the violation is declared to be a felony, a different criminal penalty is established, or the violation is punishable by a civil penalty.

**Background:** District Court records indicate that, in fiscal 2015, a total of 401 citations were filed for failing to turn on headlamps or fog lights while operating a vehicle with windshield wipers due to unfavorable visibility conditions. Of the 401 citations issued, drivers prepaid 223 citations, 93 went to trial, and 85 remained open.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 232 (Senator Norman, *et al.*) - Judicial Proceedings.

**Information Source(s):** Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2016  
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