

CHAPTER 175

(Senate Bill 430)

AN ACT concerning

Vehicle Laws – Use of Headlamps

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

BY adding to

Article – Transportation

Section 22-201.2

Annotated Code of Maryland

(1992 Replacement Volume and 1996 Supplement)

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

Article – Transportation

22-201.2.

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

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

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

(I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;

(II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY NEGLIGENCE;

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

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