

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.

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.

Approved April 29, 1997.