

HOUSE BILL 494

R6
HB 294/16 – ENV

7lr1087
CF SB 86

By: **Delegates Stein, Beidle, Gilchrist, Healey, Holmes, Jacobs, and Otto**

Introduced and read first time: January 27, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Use of Fog Lights When Windshield Wipers Operating – Repeal**

3 FOR the purpose of repealing the authority of a driver to use a vehicle’s fog lights instead
4 of the vehicle’s headlamps during the continuous operation of the vehicle’s
5 windshield wipers under certain circumstances; and generally relating to the use of
6 vehicle lamps and lights when the windshield wipers are operating.

7 BY repealing and reenacting, with amendments,

8 Article – Transportation

9 Section 22–201.2

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2016 Supplement)

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

14 **Article – Transportation**

15 22–201.2.

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

20 (b) A violation of this section is not considered a moving violation for purposes of
21 § 16–402 of this article.

22 (c) (1) If a person is convicted under this section, the conviction may not:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) Be considered evidence of negligence;
- 2 (ii) Be considered evidence of contributory negligence;
- 3 (iii) Limit liability of a party or an insurer; or
- 4 (iv) Diminish recovery for damages arising out of the ownership,
5 maintenance, or operation of a motor vehicle.

6 (2) Subject to the provisions of paragraph (3) of this subsection, a party,
7 witness, or counsel may not make reference to a violation of this section.

8 (3) Nothing contained in this subsection may be construed to prohibit the
9 right of a person to institute a civil action for damages against a dealer, manufacturer,
10 distributor, factory branch, or other appropriate entity arising out of an incident that
11 involves a defectively installed or defectively operating headlamp [or fog light].

12 (d) A person who is convicted of a violation of subsection (a) of this section is
13 subject to a fine not to exceed \$25.

14 (e) A police officer may enforce the provisions of this section only as a secondary
15 action when the police officer detains a driver of a motor vehicle for a suspected violation
16 of another provision of the Code.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2017.