

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 247

Short Title: Funeral Processions.

(Public)

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Sponsors: Representative Wainwright.

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Referred to: Transportation, if favorable, Judiciary I.

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March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO REGULATE FUNERAL PROCESSIONS AND TO CODIFY THE  
RULES OF THE ROAD WITH REGARD TO FUNERAL PROCESSIONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-157.1. Funeral processions.**

(a) As used in this section, a 'funeral procession' means two or more motor vehicles accompanying the body of a deceased person or traveling to the church, chapel, or other location at which the funeral service is to be held, in which the lead vehicle is either a State or local law enforcement vehicle or the lead vehicle displays a flashing amber or purple light, sign, pennant, flag, or other insignia furnished by a funeral home indicating a funeral procession.

(b) Each vehicle in the funeral procession shall be operated with its headlights illuminated.

(c) The operator of the lead vehicle in a funeral procession shall comply with all traffic-control signals, but when the lead vehicle in the funeral procession has progressed across an intersection in accordance with the traffic-control sign or signal, or when directed to do so by a law enforcement officer, or as otherwise provided by law, all vehicles in the funeral procession may proceed through the intersection without stopping.

1 except that the operator of each vehicle shall exercise reasonable care toward any other  
2 vehicle or pedestrian on the highway. An operator of a vehicle that is not part of the  
3 funeral procession shall not join the funeral procession for the purpose of securing the  
4 right-of-way granted by this subsection.

5 (d) Operators of vehicles in a funeral procession shall drive on the right-hand side  
6 of the roadway and shall follow the vehicle ahead as closely as reasonable and prudent  
7 having due regard for speed and existing conditions. Any ordinance, law, or regulation  
8 requiring that a motor vehicle shall be operated to allow sufficient space enabling any  
9 other vehicle to enter and occupy that space without danger shall not be applicable to  
10 vehicles in a funeral procession.

11 (e) Operators of vehicles in a funeral procession shall yield the right-of-way to law  
12 enforcement vehicles, fire, rescue, ambulatory, and other emergency vehicles giving  
13 audible signals by light and siren, and shall yield the right-of-way when directed to do so  
14 by a law enforcement officer.

15 (f) Operators of vehicles in a funeral procession shall proceed at the posted  
16 minimum speed, except that the operator of a vehicle in a funeral procession shall  
17 exercise reasonable care having due regard for speed and existing conditions.

18 (g) The operator of a vehicle proceeding in the opposite direction from the  
19 direction of travel of a funeral procession may yield to the funeral procession by reducing  
20 speed, or by stopping off the roadway when meeting a funeral procession or while the  
21 funeral procession passes, so long as operators of other vehicles proceeding in the  
22 opposite direction from the direction of travel of the funeral procession can continue to  
23 travel without leaving their lane of traffic.

24 (h) The operator of a vehicle proceeding in the same direction as a funeral  
25 procession shall not pass or attempt to pass the funeral procession, except that the  
26 operator of a vehicle proceeding in the same direction of a funeral procession may pass a  
27 funeral procession when the highway has been marked for two or more lanes of moving  
28 traffic in the direction of the funeral procession.

29 (i) An operator of a vehicle shall not knowingly drive between vehicles in a  
30 funeral procession by crossing their path unless directed to do so by a person authorized  
31 to direct traffic. When a funeral procession is proceeding through a red signal as  
32 permitted by subsection (c) of this section, an operator of a vehicle that is not in the  
33 funeral procession shall not enter the intersection knowing a funeral procession is in  
34 process, even if facing a steady green signal, unless the operator can do so safely without  
35 crossing the path of the funeral procession.

36 (j) State or local law enforcement officers may escort funeral processions in or on  
37 properly marked law enforcement vehicles.

38 (k) A violation of this section shall not constitute negligence per se.

39 (l) Liability for any death, personal injury, or property damage suffered by any  
40 person participating in a funeral procession or colliding with any vehicle in a funeral  
41 procession shall not be imposed upon the operator of the law enforcement vehicle  
42 escorting or assisting with the funeral procession, the supervisor who assigned the  
43 operator of the law enforcement vehicle to escort or assist with the funeral procession, the

1 funeral director or funeral establishment leading, coordinating, organizing, or  
2 participating in the funeral procession, or their employees or agents, unless that death,  
3 personal injury, or property damage is proximately caused by the negligent or intentional  
4 act of that person, firm, or corporation.

5 (m) To the extent that a local ordinance is in direct conflict with any part of this  
6 statute, the ordinance shall control and prevail over the conflicting part."

7 Section 2. This act becomes effective December 1, 1999.