

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 247
Committee Substitute Favorable 4/5/99
Committee Substitute #2 Favorable 4/14/99

Short Title: Funeral Processions.

(Public)

Sponsors:

Referred to:

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 vehicles accompanying the remains of a deceased person, or traveling to the church, chapel, or other location at which the funeral services are to be held, in which the lead vehicle is either a State or local law enforcement vehicle, other vehicle designated by a law enforcement officer or the funeral director, 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, if so equipped, and its hazard warning signal lamps illuminated, if so equipped.

1 (c) The operator of the lead vehicle in a funeral procession shall comply with all
2 traffic-control signals, but when the lead vehicle in a funeral procession has progressed
3 across an intersection in accordance with the traffic-control sign or signal, or when
4 directed to do so by a law enforcement officer or a designee of a law enforcement officer
5 or the funeral director, or when the lead vehicle is a law enforcement vehicle which
6 progresses across the intersection while giving appropriate warning by light or siren, all
7 vehicles in the funeral procession may proceed through the intersection without stopping,
8 except that the operator of each vehicle shall exercise reasonable care towards any other
9 vehicle or pedestrian on the highway. An operator of a vehicle that is not part of the
10 funeral procession shall not join the funeral procession for the purpose of securing the
11 right-of-way granted by this subsection.

12 (d) Operators of vehicles in a funeral procession shall drive on the right-hand side
13 of the roadway and shall follow the vehicle ahead as closely as reasonable and prudent
14 having due regard for speed and existing conditions.

15 (e) Operators of vehicles in a funeral procession shall yield the right-of-way to law
16 enforcement vehicles, fire protection vehicles, rescue vehicles, ambulances, and other
17 emergency vehicles giving appropriate warning signals by light or siren, and shall yield
18 the right-of-way when directed to do so by a law enforcement officer.

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

22 (g) The operator of a vehicle proceeding in the opposite direction as a funeral
23 procession may yield to the funeral procession. If the operator chooses to yield to the
24 procession, the operator must do so by reducing speed, or by stopping completely off the
25 roadway when meeting the procession or while the procession passes, so that operators of
26 other vehicles proceeding in the opposite direction of the procession can continue to
27 travel without leaving their lane of traffic.

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

33 (i) An operator of a vehicle shall not knowingly drive between vehicles in a
34 funeral procession by crossing their path unless directed to do so by a person authorized
35 to direct traffic. When a funeral procession is proceeding through a steady or strobe-
36 beam stoplight emitting a red light as permitted by subsection (c), an operator of a vehicle
37 that is not in the funeral procession shall not enter the intersection knowing a funeral
38 procession is in process, even if facing a steady or strobe-beam stoplight emitting a green
39 light, unless the operator can do so safely without crossing the path of the funeral
40 procession.

41 (j) Nothing in this section shall be construed to prevent State or local law
42 enforcement officers from escorting funeral processions in law enforcement vehicles.

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

1 (l) Liability for any death, personal injury, or property damage suffered by any
2 person participating in a funeral procession or colliding with any vehicle in a funeral
3 procession shall not be imposed upon a law enforcement officer or upon a designee of a
4 law enforcement officer or of the funeral director, escorting or assisting the funeral
5 procession whether in a vehicle or on foot, the supervisor who assigned the law
6 enforcement officer to escort or assist with the funeral procession, the funeral director or
7 funeral establishment leading, coordinating, organizing, or participating in the funeral
8 procession, or their employees or agents, unless such death, personal injury, or property
9 damage is proximately caused by the negligent act of such person, firm, or corporation.

10 (m) To the extent that a local government unit's ordinance is in direct conflict with
11 any part of this statute, the ordinance shall control and prevail over the conflicting part.

12 (n) A violation of this section shall not be considered a moving violation for
13 purposes of G.S. 58-36-65 or G.S. 58-36-75."

14 Section 2. This act becomes effective December 1, 1999, and applies to
15 violations occurring on or after that date.