

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 251
Committee Substitute Favorable 5/3/23

Short Title: Amend Funeral Procession Law.

(Public)

Sponsors:

Referred to:

March 2, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW FUNERAL PROCESSIONS TO HAVE THE RIGHT-OF-WAY AT
3 INTERSECTIONS REGARDLESS OF TRAFFIC CONTROL SIGNS OR SIGNALS AND
4 TO PROVIDE IMMUNITY TO THE FUNERAL DIRECTOR OR FUNERAL
5 ESTABLISHMENT FOR ANY DEATH, PERSONAL INJURY, OR PROPERTY
6 DAMAGE CAUSED BY THE ACTION OR INACTION OF A PERSON OPERATING A
7 VEHICLE IN A FUNERAL PROCESSION.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 20-157.1 reads as rewritten:

10 "§ 20-157.1. Funeral processions.

11 (a) ~~As used in this section, a "funeral procession" means two~~ The following definitions
12 apply in this section:

13 (1) Funeral director. – Defined in G.S. 90-210.20(g).

14 (2) Funeral establishment. – Defined in G.S. 90-210.20(h). For purposes of this
15 section, this term includes funeral homes.

16 (3) Funeral procession. – Two or more vehicles accompanying the remains of a
17 deceased person, or traveling to the church, chapel, or other location at which
18 the funeral services are to be held, in which the lead vehicle is either a State
19 or local law enforcement vehicle, other a vehicle designated by a law
20 enforcement officer officer, or the funeral director, or the lead vehicle displays
21 a flashing amber or purple light, sign, pennant, flag, or other insignia furnished
22 by a funeral home indicating a funeral procession; a vehicle registered by a
23 funeral establishment in accordance with subsection (j1) of this section.

24 (b) A funeral establishment lead vehicle shall display and keep activated while leading a
25 funeral procession a flashing amber or purple light that is clearly visible from 500 feet in all
26 directions. A lead vehicle operated by a State or local law enforcement officer, or a vehicle
27 designated as a lead vehicle by a law enforcement officer, shall give appropriate warning by light
28 or siren during a funeral procession. Each vehicle in the funeral procession shall be operated with
29 its headlights illuminated, if so equipped, and its hazard warning signal lamps illuminated, if so
30 equipped.

31 (c) The operator of the lead vehicle in a funeral procession that is not a law enforcement
32 vehicle shall first comply with all traffic-control signals, but when signs and signals and, after
33 stopping, may lawfully progress through any stop sign, flashing red light, or steady-beam red
34 light if the intersection is clear, exercising reasonable care toward any other vehicle or pedestrian.
35 When the lead vehicle in a funeral procession has progressed across an intersection in accordance
36 with the traffic control sign or signal, or when directed to do so by a law enforcement officer or



1 a designee of a law enforcement officer or the funeral director, or when the lead vehicle is a law
2 enforcement vehicle which progresses across the intersection while giving appropriate warning
3 by light or siren, intersection, all remaining vehicles in the funeral procession shall have the
4 right-of-way at intersections regardless of traffic control signs or signals and may proceed
5 through the intersection without stopping, except that the operator of each vehicle shall exercise
6 reasonable care towards any other vehicle or pedestrian on the highway. stopping. The operator
7 of any vehicle in a funeral procession shall exercise reasonable care toward any other vehicle or
8 pedestrian on the highway when participating in a funeral procession. An operator of a vehicle
9 that is not part of the funeral procession shall not join the funeral procession for the purpose of
10 securing the right-of-way granted by this subsection.

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

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

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

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

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

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

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

39 (j1) A funeral establishment may only use a lead vehicle in a funeral procession that is not
40 a State or local law enforcement vehicle upon registering with and paying a fee of one hundred
41 dollars (\$100.00) to the Division. Upon registration, the Division shall provide to the funeral
42 establishment informational material on the authorities, responsibilities, and requirements of this
43 section as applicable to funeral establishments, funeral processions, and funeral establishment
44 lead vehicles. The registration required under this subsection shall (i) include a description of
45 each vehicle that will be used by the funeral establishment as a lead vehicle in a funeral
46 procession, (ii) be in a form prescribed and furnished by the Division and the Division shall allow
47 for electronic submission, (iii) not expire but a funeral establishment must amend its registration
48 prior to using a vehicle as a lead vehicle not described in its initial registration, and (iv) include
49 any additional information requested by the Division. The registration fee required by this
50 subsection shall not be charged per vehicle, and the Division shall not charge an additional fee
51 for an amendment provided in accordance with this subsection. A violation of this subsection is

1 an infraction punishable by a fine of two hundred fifty dollars (\$250.00). Fees collected under
2 this subsection shall be credited to the Highway Fund.

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

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

6 (m) A violation of this section shall not be considered a moving violation for purposes of
7 G.S. 58-36-65 or G.S. 58-36-75.

8 (n) A funeral director, funeral establishment, or any of their employees or agents shall
9 not be liable for any death, personal injury, or property damage resulting from, caused by, or
10 arising from any action or inaction of an operator of a vehicle in a funeral procession if (i) the
11 funeral procession was operating in accordance with the provisions of this section or (ii) the
12 funeral procession would have been operating in accordance with the provisions of this section
13 but for a negligent act or omission in the operation of one or more vehicles in the funeral
14 procession, provided that this limited grant of immunity shall not apply if the death, personal
15 injury, or property damage arose from a negligent act or omission in the operation of a vehicle
16 operated by the funeral director, funeral establishment, or any of their employees or agents. The
17 operator of a vehicle in a funeral procession shall not be deemed to be an agent of the funeral
18 director or funeral establishment unless such operator is either of the following:

19 (1) An employee of the funeral director or funeral establishment and acting in the
20 course of his or her employment.

21 (2) An independent contractor retained by the funeral director or funeral
22 establishment, not including State or local law enforcement or their designee,
23 and performing services for the funeral director, funeral establishment, or
24 funeral home."

25 **SECTION 2.** By December 1, 2023, and as required under G.S. 20-157.1(j1), as
26 enacted by Section 1 of this act, the Division of Motor Vehicles shall (i) develop a lead vehicle
27 registration form, (ii) develop a system for accepting the form and any other required
28 documentation in an electronic format, (iii) make the form available on the Division's website,
29 and (iv) develop informational material on the authorities, responsibilities, and requirements of
30 G.S. 20-157.1 as applicable to funeral establishments, funeral processions, and funeral
31 establishment lead vehicles.

32 **SECTION 3.** G.S. 20-157.1(n), as enacted by Section 1 of this act, becomes effective
33 December 1, 2023, and applies to death, personal injury, or property damage occurring on or
34 after that date. G.S. 20-157.1(c) and (e), as amended by Section 1 of this act, become effective
35 December 1, 2023, and apply to offenses committed on or after that date. G.S. 20-157.1(j1), as
36 enacted by Section 1 of this act, becomes effective December 1, 2023, and applies to funeral
37 processions held on or after that date. Section 2 of this act is effective when it becomes law. The
38 remainder of this act becomes effective December 1, 2023.