



HOUSE BILL 422: Amend Funeral Procession Law

2015-2016 General Assembly

Committee: House Transportation
Introduced by: Reps. Alexander, Boles, Hunter
Analysis of: First Edition

Date: April 21, 2015
Prepared by: Wendy Graf Ray
Committee Counsel

SUMMARY: *House Bill 422 would amend the law pertaining to funeral processions by:*

- *Allowing vehicles in a funeral procession to have the right of way at intersections regardless of traffic control signs or signals.*
- *Providing that funeral establishments and their agents are not liable for death, injury, or property damage caused by a vehicle in a funeral procession operating in accordance with the law, unless the death, injury, or damage arose from the negligent operation of a vehicle by the establishment or its agent.*
- *Deleting a provision that gives local ordinances precedence over state law related to funeral processions if the local ordinance is in direct conflict.*

CURRENT LAW: G.S. 20-157.1 provides that the lead vehicle in a funeral procession must comply with all traffic control signs and signals. However, when the lead vehicle crosses an intersection in accordance with the signal, when directed to do so by law enforcement or a designee of law enforcement or the funeral director, or when the lead vehicle is a law enforcement vehicle that crosses the intersection giving appropriate warning, then all of the vehicles in the procession may proceed through the intersection without stopping, except that they must exercise reasonable care towards other vehicles or pedestrians.

The lead vehicle in a funeral procession must be a law enforcement vehicle, other vehicle designated by a law enforcement officer or the funeral director, or it must display a flashing amber or purple light, sign, pennant, flag, or other insignia indicating a funeral procession.

BILL ANALYSIS: House Bill 422 would amend G.S. 20-157.1 to allow the lead vehicle in a funeral procession to have the right of way at an intersection regardless of traffic control signs or signals. Once the lead vehicle has lawfully progressed across the intersection, the remaining vehicles in the procession would be allowed to proceed through the intersection without stopping. All vehicles would be required to exercise reasonable care toward any other vehicle or pedestrian on the highway.

The bill would also provide immunity for funeral establishments for liability related to funeral processions. A funeral director or establishment and employees and agents would not be liable for death, personal injury, or property damage arising from any action or inaction of an operator of a vehicle in the procession, as long as the procession was operating in accordance with the law or would have been but for the negligent operation of one or more vehicles in the procession. The immunity would not apply if the death, personal injury, or property damage arose from negligent operation of a vehicle operated by the funeral director, funeral establishment, or their employees or agents.

O. Walker Reagan
Director



Research Division
(919) 733-2578

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The bill would also delete a subsection in G.S. 20-157.1 providing that, to the extent a local ordinance is in direct conflict with the State law on funeral processions, the local ordinance shall prevail.

EFFECTIVE DATE: The act would become effective December 1, 2015, and would apply to offenses committed on or after that date and to death, injury, or property damage occurring on or after that date.