

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 251  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10126-NEf-76

Short Title: Amend Funeral Procession Law.

(Public)

Sponsors: Representative Alexander.

Referred to:

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~~ 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 vehicle designated by a law  
20 enforcement officer or the funeral director, or the lead vehicle displays a  
21 flashing amber or purple light, sign, pennant, flag, or other insignia furnished  
22 by a funeral ~~home~~ establishment indicating a funeral procession.

23 (b) Each vehicle in the funeral procession shall be operated with its headlights  
24 illuminated, if so equipped, and its hazard warning signal lamps illuminated, if so equipped.

25 (c) ~~The operator of the lead vehicle in a funeral procession shall comply with all~~  
26 ~~traffic control signals, but when~~ When the lead vehicle in a funeral procession has lawfully  
27 progressed across an intersection in accordance with the traffic control sign or signal, or when  
28 directed to do so by a law enforcement officer or a designee of a law enforcement officer or the  
29 funeral director, or when the lead vehicle is a law enforcement vehicle which progresses across  
30 the intersection while giving appropriate warning by light or siren, intersection, all vehicles in  
31 the funeral procession may proceed through the intersection without stopping, except that the  
32 operator of each vehicle shall exercise reasonable care towards any other vehicle or pedestrian  
33 on the highway. stopping. The operator of any vehicle in a funeral procession shall exercise  
34 reasonable care toward any other vehicle or pedestrian on the highway when participating in a  
35 funeral procession. An operator of a vehicle that is not part of the funeral procession shall not



1 join the funeral procession for the purpose of securing the right-of-way granted by this  
2 subsection.

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

6 ~~Operators of vehicles in a funeral procession shall yield the right-of-way.~~ A funeral  
7 procession shall have the right-of-way at intersections regardless of traffic control signs or  
8 signals, except that the operator of any vehicle in a funeral procession shall (i) yield the  
9 right-of-way to law enforcement vehicles, fire protection vehicles, rescue vehicles, ambulances,  
10 and other emergency vehicles giving appropriate warning signals by light or siren and shall (ii)  
11 yield the right-of-way when directed to do so by a law enforcement officer.

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

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

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

24 (i) An operator of a vehicle shall not knowingly drive between vehicles in a funeral  
25 procession by crossing their path unless directed to do so by a person authorized to direct traffic.  
26 When a funeral procession is proceeding through a steady or strobe-beam stoplight emitting a  
27 red light as permitted by ~~subsection (e), subsections (c) and (e) of this section,~~ an operator of a  
28 vehicle that is not in the funeral procession shall not enter the intersection knowing a funeral  
29 procession is in progress, even if facing a steady or strobe-beam stoplight emitting a green light,  
30 unless the operator can do so safely without crossing the path of the funeral procession.

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

33 (j1) A funeral establishment may only use a lead vehicle in a funeral procession that is not  
34 a State or local law enforcement vehicle upon registering with the Division and paying a fee to  
35 the Division of one hundred dollars (\$100.00). The registration required under this subsection  
36 shall include a description of each vehicle that will be used by the funeral establishment as a lead  
37 vehicle in a funeral procession and any additional information requested by the Division. The  
38 registration required under this subsection shall be in a form prescribed and furnished by the  
39 Division and may be submitted to the Division electronically. The registration required under  
40 this subsection does not expire, but a funeral establishment shall amend its registration prior to  
41 using a vehicle not described in its initial registration. The Division shall not charge an additional  
42 fee for an amendment provided in accordance with this subsection. A violation of this subsection  
43 is an infraction punishable by a fine of two hundred fifty dollars (\$250.00). Violation of this  
44 subsection shall not constitute negligence per se. Fees collected under this subsection shall be  
45 credited to the Highway Fund.

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

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

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

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

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

14            (2) An independent contractor retained by the funeral director or funeral  
15 establishment and performing services for the funeral director, funeral  
16 establishment, or funeral home."

17        **SECTION 2.** G.S. 20-157.1(n), as enacted by Section 1 of this act, becomes effective  
18 December 1, 2023, and applies to death, personal injury, or property damage occurring on or  
19 after that date. G.S. 20-157.1(c), (e), and (i), as amended by Section 1 of this act, become  
20 effective December 1, 2023, and apply to offenses committed on or after that date.  
21 G.S. 20-157.1(j1), as enacted by Section 1 of this act, becomes effective December 1, 2023, and  
22 applies to funeral processions held on or after that date. The remainder of this act becomes  
23 effective December 1, 2023.