

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 251

Short Title: Amend Funeral Procession Law. (Public)

Sponsors: Representative Alexander.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 2, 2023

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"§ 20-157.1. Funeral processions.

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

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

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

(3) Funeral procession. – 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-establishment 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.

(c) ~~The operator of the lead vehicle in a funeral procession shall comply with all traffic control signals, but when-~~ When the lead vehicle in a funeral procession has lawfully 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 a designee of a law enforcement officer or the funeral director, or when the lead vehicle is a law enforcement vehicle which progresses across the intersection while giving appropriate warning by light or siren, intersection, all vehicles in the funeral procession may proceed through the intersection without stopping, except that the operator of each vehicle shall exercise reasonable care towards any other vehicle or pedestrian on the highway. stopping. The operator of any vehicle in a funeral procession shall exercise reasonable care toward any other vehicle or pedestrian on the highway when participating in a



1 funeral procession. An operator of a vehicle that is not part of the funeral procession shall not
2 join the funeral procession for the purpose of securing the right-of-way granted by this
3 subsection.

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

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

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

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

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

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

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

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

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

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

50 (m) A violation of this section shall not be considered a moving violation for purposes of
51 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.