



HOUSE BILL 251: Amend Funeral Procession Law.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 3, 2023
Introduced by:	Rep. Alexander	Prepared by:	Kellette Wade
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Edition 1 of House Bill 251 would make the following changes to the State laws regulating funeral processions:*

- *Makes conforming changes and incorporates statutory definitions for a funeral director, funeral establishment, and funeral procession.*
- *Allows vehicles behind the lead vehicle in a funeral procession to proceed through intersections without stopping and requires any vehicle in a funeral procession to exercise reasonable care towards any vehicle or pedestrian.*
- *Provides funeral processions with right-of-way at intersections except it must yield to law enforcement, fire protection, rescue, ambulance, or other emergency vehicles or as directed to do so by a law enforcement officer.*
- *Requires the funeral director to register any lead vehicle to be used in a funeral procession with the DMV for a one-time fee of \$100. This fee is not charged per vehicle.*
- *Provides limited immunity for funeral establishments from the actions of vehicle operators in a funeral procession.*

CURRENT LAW: Current law on funeral processions provides that:

- The operator of the lead vehicle in a funeral procession must comply with traffic control signals, or the direction of the funeral director or a law enforcement officer.
- An entire funeral procession may proceed through an intersection without stopping, if the lead vehicle entered the intersection in compliance with the signal or direction of law enforcement, except that the operator of any vehicle in the procession must exercise reasonable care towards any other vehicles on the highway.

BILL ANALYSIS: House Bill 251 changes the law on funeral processions as follows:

- Applies to the funeral procession statute the definitions of "funeral director" and "funeral establishment" used in Board of Funeral Service licensing statutes.
- Allows vehicles behind the lead vehicle in a funeral procession to proceed through intersections without stopping and requires any vehicle in a funeral procession to exercise reasonable care towards any vehicle or pedestrian.
- Provides the remaining vehicles in a funeral procession with right-of-way at intersections, regardless of traffic control signs or signals, after a lead vehicle has progressed through an

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intersection except it must yield to law enforcement, fire protection, rescue, ambulance, or other emergency vehicles or as directed to do so by a law enforcement officer.

- Provides that a funeral establishment must register with the NCDMV for each vehicle that will be used as a lead vehicle, for a one-time fee of \$100.00, credited to the Highway Fund. This fee is not charged per vehicle. A violation of this requirement would be an infraction punishable by a fine of \$250.00.
- Deletes prior law allowing local government funeral procession ordinance to supersede State law.
- Protects a funeral director, funeral establishment, or any of its employees or agents from liability for death, personal injury, or property damage related to action or inaction of an operator of a vehicle in a funeral procession if:
 - the funeral procession was operating in accordance with the provisions of the funeral procession law.
 - the funeral procession would have been operating in accordance with the provisions of the funeral procession law but for a negligent act or omission in the operation of a vehicle in the funeral procession, excluding those of the funeral establishment, or any of their employees or agents.

EFFECTIVE DATE: December 1, 2023.