



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 251**

H251-ABW-11 [v.1]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

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Amends Title [NO]
First Edition

Date _____, 2023

Representative

1 moves to amend the bill on page 1, line 1, through page 3, line 23, by rewriting the lines to read:
2 "A BILL TO BE ENTITLED

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

9 The General Assembly of North Carolina enacts:

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

"§ 20-157.1. Funeral processions.

12 (a) As used in this section, a "funeral procession" means two The following definitions
13 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, vehicle, either a vehicle designated by a law enforcement officer officer, or a vehicle registered by a funeral establishment in accordance with subsection (j1) of this section, 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 indicating a funeral procession.

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



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1 (c) The operator of the lead vehicle in a funeral procession that is not a law enforcement
2 vehicle shall first comply with all traffic-control signals, signs and signals and after stopping, may
3 lawfully progress through any stop sign, flashing red light, or steady-beam red light if the
4 intersection is clear, exercising reasonable care towards any other vehicle or pedestrian. but when
5 When the lead vehicle in a funeral procession has progressed across an intersection in accordance
6 with the traffic control sign or signal, or when directed to do so by a law enforcement officer or
7 a designee of a law enforcement officer or the funeral director, or when the lead vehicle is a law
8 enforcement vehicle which progresses across the intersection while giving appropriate warning
9 by light or siren, intersection, all remaining vehicles in the funeral procession shall have the right-
10 of-way at intersections regardless of traffic control signs or signals and may proceed through the
11 intersection without stopping, except that the operator of each vehicle shall exercise reasonable
12 care towards any other vehicle or pedestrian on the highway. stopping. The operator of any
13 vehicle in a funeral procession shall exercise reasonable care toward any other vehicle or
14 pedestrian on the highway when participating in a funeral procession. An operator of a vehicle
15 that is not part of the funeral procession shall not join the funeral procession for the purpose of
16 securing the right-of-way granted by this subsection.

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

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

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

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

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

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

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

3 (j1) A funeral establishment may only use a lead vehicle in a funeral procession that is not
4 a State or local law enforcement vehicle upon registering with and paying a fee of one hundred
5 dollars (\$100.00) to the Division. Upon registration, the Division shall provide to the funeral
6 establishment informational material on the authorities, responsibilities, and requirements of this
7 section as applicable to funeral establishments, funeral processions, and funeral establishment
8 lead vehicles. The registration required under this subsection shall (i) include a description of
9 each vehicle that will be used by the funeral establishment as a lead vehicle in a funeral
10 procession, (ii) be in a form prescribed and furnished by the Division and the Division shall allow
11 for electronic submission, (iii) not expire but a funeral establishment must amend its registration
12 prior to using a vehicle as a lead vehicle not described in its initial registration, and (iv) include
13 any additional information requested by the Division. The registration fee required by this
14 subsection shall not be charged per vehicle, and the Division shall not charge an additional fee
15 for an amendment provided in accordance with this subsection. A violation of this subsection is
16 an infraction punishable by a fine of two hundred fifty dollars (\$250.00). Fees collected under
17 this subsection shall be credited to the Highway Fund.

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

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

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

23 (n) A funeral director, funeral establishment, or any of their employees or agents shall
24 not be liable for any death, personal injury, or property damage resulting from, caused by, or
25 arising from any action or inaction of an operator of a vehicle in a funeral procession if (i) the
26 funeral procession was operating in accordance with the provisions of this section or (ii) the
27 funeral procession would have been operating in accordance with the provisions of this section
28 but for a negligent act or omission in the operation of one or more vehicles in the funeral
29 procession, provided that this limited grant of immunity shall not apply if the death, personal
30 injury, or property damage arose from a negligent act or omission in the operation of a vehicle
31 operated by the funeral director, funeral establishment, or any of their employees or agents. The
32 operator of a vehicle in a funeral procession shall not be deemed to be an agent of the funeral
33 director or funeral establishment unless such operator is either of the following:

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

36 (2) An independent contractor retained by the funeral director or funeral
37 establishment, not including State or local law enforcement or their designee,
38 and performing services for the funeral director, funeral establishment, or
39 funeral home."

40 **SECTION 2** By December 1, 2023, and as required under G.S. 20-157.1(j1), as
41 enacted by Section 1 of this act, the Division of Motor Vehicles shall (i) develop a lead vehicle
42 registration form, (ii) develop a system for accepting the form and any other required
43 documentation in an electronic format, (iii) make the form available on the Division's website,

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1 and (iv) develop informational material on the authorities, responsibilities, and requirements of
2 G.S. 20-157.1 as applicable to funeral establishments, funeral processions, and funeral
3 establishment lead vehicles.

4 **SECTION 3.** G.S. 20-157.1(n), as enacted by Section 1 of this act, becomes effective
5 December 1, 2023, and applies to death, personal injury, or property damage occurring on or
6 after that date. G.S. 20-157.1(c) and (e), as amended by Section 1 of this act, become effective
7 December 1, 2023, and apply to offenses committed on or after that date. G.S. 20-157.1(j1), as
8 enacted by Section 1 of this act, becomes effective December 1, 2023, and applies to funeral
9 processions held on or after that date. Section 2 of this act is effective when it becomes law. The
10 remainder of this act becomes effective December 1, 2023.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____