

SB 1131

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THE STATE SENATE  
Monday, February 28, 2000

Senate Bill No. 1131  
As Amended

SENATE BILL NO. 1131 - By: LITTLEFIELD of the Senate and MORGAN of the House.

[ motor vehicles - defining terms - funeral lead vehicles - codification - effective date ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-108 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Funeral director" shall have the same meaning as set forth in Section 396.2 of Title 59 of the Oklahoma Statutes;

2. "Funeral escort" means any person or entity which provides escort services for funeral processions including, but not limited to, a law enforcement officer or agency;

3. "Funeral escort vehicle" means any motor vehicle used as a funeral lead vehicle and properly equipped pursuant to subsection B of this section;

4. "Funeral establishment" shall have the same meaning as set forth in Section 396.2 of Title 59 of the Oklahoma Statutes;

1           5. "Funeral lead vehicle" means a motor vehicle or a hearse  
2 being used to lead and facilitate the movement of a funeral  
3 procession; and

4           6. "Funeral procession" means the formal movement, in the  
5 daylight hours, of two or more vehicles:

6           a. transporting or accompanying the body or remains of a  
7 deceased person,

8           b. traveling to a church, chapel, or other location at  
9 which a funeral service or memorial service is to be  
10 held, or

11           c. traveling to a cemetery or other place of internment.

12           B. Every funeral escort vehicle and funeral lead vehicle shall:

13           1. If such vehicle is not an authorized emergency vehicle, be  
14 equipped with at least one rotating or flashing amber lamp, visible  
15 under normal atmospheric conditions for a distance of 500 feet from  
16 the front of the vehicle. The rotating or flashing lamp shall be  
17 displayed while escorting a funeral procession and shall not be  
18 displayed at any other time; or

19           2. If such vehicle is an authorized emergency vehicle, display  
20 such flashing or rotating lamps with which the vehicle is equipped  
21 while escorting a funeral procession.

22           C. 1. Every funeral procession shall be guided by a funeral  
23 lead vehicle which shall travel at the front of the funeral

1 procession. When the funeral lead vehicle lawfully enters an  
2 intersection, either by reason of obeying an official traffic-  
3 control device or at the direction of a law enforcement officer, all  
4 other vehicles in the funeral procession may enter and follow  
5 through the intersection without interruption, regardless of any  
6 official traffic-control devices or right-of-way provisions  
7 prescribed by state law or municipal ordinance, and each vehicle in  
8 the funeral procession shall have the right-of-way at the  
9 intersection, except as provided in subparagraph d, e, or f of  
10 paragraph 2 of this subsection.

11 2. The operator of each vehicle comprising the funeral  
12 procession shall:

- 13 a. occupy a single lane of traffic, unless properly  
14 changing from one lane to another as provided in  
15 Section 11-309 of Title 47 of the Oklahoma Statutes,  
16 b. follow the preceding vehicle in the funeral procession  
17 as closely as is practical and safe, as provided in  
18 subsection (d) of Section 11-310 of Title 47 of the  
19 Oklahoma Statutes and notwithstanding any municipal  
20 ordinance,  
21 c. display lighted head lamps at low- or high-intensity  
22 beam, and lighted tail lamps and may display flashing  
23 hazard lamps as authorized by subsection (d) of

1           Section 12-220 and subsection C of Section 12-227 of  
2           Title 47 of the Oklahoma Statutes,  
3           d.   yield the right-of-way to authorized emergency  
4           vehicles, as required by Section 11-405 of Title 47 of  
5           the Oklahoma Statutes,  
6           e.   obey any lawful order or direction given by a law  
7           enforcement officer, as required by Section 11-103 of  
8           Title 47 of the Oklahoma Statutes, and  
9           f.   exercise due regard for the safety of all other  
10          vehicles and persons.  If separated from the funeral  
11          procession, the operator of a vehicle shall not make  
12          any unreasonable attempts to rejoin the funeral  
13          procession, and shall not have any of the privileges  
14          accorded by this paragraph until the operator has  
15          rejoined the procession.

16          D.  Notwithstanding any official traffic-control device or any  
17          right-of-way provisions prescribed by state law or local ordinance,  
18          pedestrians and operators of all other vehicles, except as provided  
19          in subparagraph d of paragraph 2 of subsection C of this section,  
20          shall yield the right-of-way to any vehicle which is part of a  
21          funeral procession.

1 E. Any person convicted of a violation of any provision of  
2 subsection B, C, or D of this section shall be punished as provided  
3 in Section 17-101 of Title 47 of the Oklahoma Statutes.

4 F. 1. Liability for any death, personal injury, or property  
5 damage suffered by any person in a funeral procession shall not be  
6 imposed upon the funeral director, funeral establishment, or funeral  
7 escort, or the employees or agents of the director, establishment,  
8 or escort unless such death, injury, or damage is proximately caused  
9 by the negligent or intentional act of the director, establishment  
10 escort, or employee or agent of the director, establishment, or  
11 escort.

12 2. A funeral director, funeral establishment, funeral escort,  
13 or other person who leads, organizes, or participates in a funeral  
14 procession in accordance with this section shall be presumed to have  
15 acted with reasonable care.

16 3. Except for a grossly negligent or intentional act by a  
17 funeral director, funeral establishment, or funeral escort there  
18 shall be no liability on the part of a director, establishment, or  
19 escort for failing to use reasonable care in the planning or  
20 selection of the route to be followed by the funeral procession.

21 SECTION 2. This act shall become effective November 1, 2000.

22 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &  
23 PUBLIC SAFETY, dated 2-15-00 - DO PASS, As Amended and Coauthored.