

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1131

By: Littlefield

AS INTRODUCED

An Act relating to motor vehicles; defining terms; requiring funeral lead vehicles to be equipped with flashing or rotating lamp; authorizing right-of-way for funeral procession; requiring certain procedures; providing for violations; providing immunity from liability; providing for codification; and providing an 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;

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

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

- a. transporting or accompanying the body or remains of a deceased person,
- b. traveling to a church, chapel, or other location at which a funeral service or memorial service is to be held, or
- c. traveling to a cemetery or other place of interment.

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

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

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

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

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

- a. occupy a single lane of traffic, unless properly changing from one lane to another as provided in Section 11-309 of Title 47 of the Oklahoma Statutes,
- b. follow the preceding vehicle in the funeral procession as closely as is practical and safe, as provided in subsection (d) of Section 11-310 of Title 47 of the Oklahoma Statutes and notwithstanding any municipal ordinance,
- c. display lighted head lamps at low- or high-intensity beam, and lighted tail lamps and may display flashing hazard lamps as authorized by subsection (d) of Section 12-220 and subsection C of Section 12-227 of Title 47 of the Oklahoma Statutes,
- d. yield the right-of-way to authorized emergency vehicles, as required by Section 11-405 of Title 47 of the Oklahoma Statutes,
- e. obey any lawful order or direction given by a law enforcement officer, as required by Section 11-103 of Title 47 of the Oklahoma Statutes, and
- f. exercise due regard for the safety of all other vehicles and persons. If separated from the funeral procession, the operator of a vehicle shall not make any unreasonable attempts to rejoin the funeral procession, and shall not have any of the privileges accorded by this paragraph until the operator has rejoined the procession.

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

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

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

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

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

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

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