

FUNERAL PROCESSIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brent H. Goodfellow

House Sponsor: _____

LONG TITLE

General Description:

This bill establishes requirements governing people driving in and escorting a funeral procession or driving while a funeral procession is in progress.

Highlighted Provisions:

This bill:

- ▶ requires a professional motorcycle escort or police officers escorting a funeral procession to illuminate headlights, display flashing colored lights, and wear a yellow "FUNERAL" vest;
- ▶ requires vehicles leading a funeral procession without a police or professional escort to illuminate headlights, display flashing colored lights, and display "FUNERAL" flags;
- ▶ requires vehicles participating in a funeral procession to illuminate headlights and display "FUNERAL" placards in side windows;
- ▶ gives the right-of-way to a funeral procession unless otherwise directed by police or if emergency vehicles are approaching;
- ▶ prohibits vehicles not participating in a funeral procession from passing funeral procession vehicles unless:
 - the procession is on a highway outside the local boundaries of a city, town, or urban county; or
 - the procession is on a freeway; and



28 ▶ makes it a class B misdemeanor to interrupt a funeral procession.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **41-6a-1616**, as last amended by Laws of Utah 2006, Chapter 100

36 **76-9-108**, as enacted by Laws of Utah 2007, Chapter 46

37 ENACTS:

38 **41-6a-717**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **41-6a-717** is enacted to read:

42 **41-6a-717. Funeral procession -- Vehicle identification -- Escorts -- Right-of-way.**

43 (1) As used in this section:

44 (a) "Funeral procession" means two or more vehicles accompanying the body of a
45 deceased person or traveling to the church, chapel, or other location where a funeral service or
46 entombment is to be held that includes:

47 (i) a motorcycle police escort;

48 (ii) a professional motorcycle escort; or

49 (iii) a lead procession vehicle.

50 (b) "Professional motorcycle escort" means a service provided by a private motorcade
51 company and paid to accompany a funeral procession.

52 (2) If a professional motorcycle escort or motorcycle police officer escorts a funeral
53 procession, the escort or officer shall:

54 (a) illuminate vehicle headlights;

55 (b) flash colored vehicle emergency lights; and

56 (c) wear a bright yellow vest printed with the word "FUNERAL".

57 (3) If a police motorcycle or professional motorcycle escort is not present, the person
58 driving the lead procession vehicle in a funeral procession shall:

- 59 (a) illuminate the lead vehicle headlights;
- 60 (b) flash the lead vehicle hazard warning lamps;
- 61 (c) fasten two small flags printed with the word "FUNERAL" to the front portion of
- 62 each side of the lead vehicle; and
- 63 (d) illuminate amber and purple flashing lights on the top of the lead procession
- 64 vehicle.

65 (4) A funeral procession participant driving a vehicle behind the lead vehicle or

66 motorcycle police or professional motorcycle escort shall:

- 67 (a) illuminate vehicle headlights;
- 68 (b) flash vehicle hazard warning lamps; and
- 69 (c) display in the vehicle side windows two brightly colored placards printed with the
- 70 word "FUNERAL".

71 (5) Funeral procession participants, police motorcycle escorts, and professional

72 motorcycle escorts:

- 73 (a) shall exercise due caution when driving;
- 74 (b) have the right-of-way;
- 75 (c) may disregard regulations governing direction of movement or turning in specified
- 76 directions; and
- 77 (d) may proceed past a red or stop signal or stop sign, except:
- 78 (i) when emergency vehicles are approaching;
- 79 (ii) when redirected by a law enforcement officer; or
- 80 (iii) when a train is approaching or passing through an intersection.

81 (6) A person driving a vehicle who is not part of a funeral procession may not interfere

82 with a funeral procession, unless:

- 83 (a) the person is directed to do so by a law enforcement officer; or
- 84 (b) the person is operating an emergency vehicle.

85 (7) A person driving a vehicle who is not part of a funeral procession may not pass or

86 overtake a vehicle in a funeral procession unless:

- 87 (a) the person is directed to do so by a law enforcement officer;
- 88 (b) the person is operating an emergency vehicle;
- 89 (c) the funeral procession is on a highway outside the boundaries of a municipality or a

90 county of the first or second class; or

91 (d) the procession is on a freeway.

92 (8) A person who violates Subsections (6) and (7) is guilty of a class B misdemeanor in
93 accordance with Section 76-9-108.

94 Section 2. Section **41-6a-1616** is amended to read:

95 **41-6a-1616. High intensity beams -- Red or blue lights -- Flashing lights -- Color**
96 **of rear lights and reflectors.**

97 (1) (a) Except as provided under Subsection (1)(b), under the conditions specified
98 under Subsection 41-6a-1603(1)(a), a lighted lamp or illuminating device on a vehicle, which
99 projects a beam of light of an intensity greater than 300 candlepower shall be directed so that
100 no part of the high intensity portion of the beam will strike the level of the roadway on which
101 the vehicle stands at a distance of more than 75 feet from the vehicle.

102 (b) The provisions of Subsection (1)(a) do not apply to head lamps, spot lamps,
103 auxiliary lamps, flashing turn signals, hazard warning lamps, and school bus warning lamps.

104 (c) A motor vehicle on a highway may not have more than a total of four lamps lighted
105 on the front of the vehicle including head lamps, auxiliary lamps, spot lamps, or any other lamp
106 if the lamp projects a beam of an intensity greater than 300 candlepower.

107 (2) (a) Except for an authorized emergency vehicle and a school bus, a person may not
108 operate or move any vehicle or equipment on a highway with a lamp or device capable of
109 displaying a red light that is visible from directly in front of the center of the vehicle.

110 (b) Except for a law enforcement vehicle, a person may not operate or move any
111 vehicle or equipment on a highway with a lamp or device capable of displaying a blue light that
112 is visible from directly in front of the center of the vehicle.

113 (3) A person may not use flashing lights on a vehicle except for:

114 (a) taillights of bicycles under Section 41-6a-1114;

115 (b) authorized emergency vehicles under rules made by the department under Section
116 41-6a-1601;

117 (c) turn signals under Section 41-6a-1604;

118 (d) hazard warning lights under Sections 41-6a-1608 and 41-6a-1611;

119 (e) school bus flashing lights under Section 41-6a-1302; ~~and~~

120 (f) vehicles engaged in highway construction or maintenance under Section

121 41-6a-1617[-]; and

122 (g) a motorcycle police escort in a funeral procession, professional motorcycle escort in
123 a funeral procession, or a lead vehicle in a funeral procession operating in accordance with
124 Section 41-6a-717.

125 (4) A person may not use a rotating light on any vehicle other than an authorized
126 emergency vehicle.

127 Section 3. Section **76-9-108** is amended to read:

128 **76-9-108. Disrupting a funeral or memorial service.**

129 (1) As used in this section:

130 (a) "Funeral procession" [~~means a procession of two or more motor vehicles where:~~]
131 has the same meaning as defined in Section 41-6a-717.

132 [~~(i) the operators of the vehicles identify themselves as being part of the procession by~~
133 ~~having the lamps or lights of the vehicle on and by keeping in close formation with the other~~
134 ~~vehicles in the procession;]~~

135 [~~(ii) at least one vehicle contains the body or remains of a deceased person being~~
136 ~~memorialized; and]~~

137 [~~(iii) the vehicles are going to or from a memorial service.]~~

138 (b) "Memorial service" means a wake, funeral, graveside service, burial, or other
139 ceremony or rite held in connection with the burial or cremation of an individual.

140 (c) "Memorial site" means a church, synagogue, mosque, funeral home, mortuary,
141 cemetery, grave site, mausoleum, or other place at which a memorial service is conducted.

142 (d) "Disruptive activity" means:

143 (i) a loud or disruptive oration or speech that is not part of the memorial service;

144 (ii) the display of a placard, banner, poster, flag, or other item that is not part of the
145 memorial service; or

146 (iii) the distribution of any handbill, pamphlet, leaflet, or other written material or other
147 item that is not part of the memorial service.

148 (2) A person is guilty of a class B misdemeanor if the person, with intent to disrupt the
149 memorial service, does any of the following during the period beginning 60 minutes
150 immediately before the scheduled commencement of a memorial service and ending 60
151 minutes after the conclusion of a memorial service:

- 152 (a) obstructs, hinders, impedes, or blocks another person's entry to or exit from the
153 memorial site;
- 154 (b) obstructs, hinders, impedes, or blocks a funeral procession;
- 155 (c) makes unreasonable noise; or
- 156 (d) engages in a disruptive activity within 200 feet of the memorial service.

Legislative Review Note
as of 2-8-08 11:06 AM

Office of Legislative Research and General Counsel

S.B. 212 - Funeral Processions

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
