

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2608

As Amended by House Committee on
Transportation

Brief*

HB 2608, as amended, would require all pedestrians and vehicle operators to yield the right-of-way to any vehicle that is part of a funeral procession being led by a funeral lead vehicle or accompanied by a funeral escort, notwithstanding any state law or local ordinance relating to traffic control devices or right-of-way provisions. The bill would create a \$20 fine for the failure to yield the right-of-way to a funeral procession.

The bill would define “funeral procession,” “funeral lead vehicle,” and “funeral escort.”

The bill would permit vehicles in a funeral procession to follow a funeral lead vehicle through an intersection regardless of traffic control devices or any right-of-way provision in state law, city ordinance, or county resolution if the funeral lead vehicle lawfully entered the intersection through a traffic control device or at the direction of law enforcement.

The bill would state funeral processions have the right-of-way at intersections regardless of traffic control devices if operators of vehicles in the funeral procession:

- Yield the right-of-way to approaching authorized emergency vehicles;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Yield the right-of-way when directed by a police officer; and
- Exercise due care when participating in the funeral procession to avoid colliding with any other vehicle or pedestrian.

The bill would state the operator of a vehicle in a funeral procession would not have the right-of-way if such vehicle is more than 300 feet behind the immediately proceeding vehicle in such procession.

The bill would require all vehicles in a funeral procession to follow the preceding vehicle in the procession as closely as is safe and practical. The bill would exempt vehicles in a funeral procession from any state law, city ordinance, or county resolution prohibiting a vehicle from following another vehicle too closely.

The bill would require the operator of each vehicle in a funeral procession to turn on the vehicle's headlights (high beam or low beam) and taillights and would permit operators to turn on flashing hazard lights.

The bill would state a city or county could require a law enforcement or non-law enforcement funeral lead vehicle or funeral escort for a funeral procession. The bill would allow cities or counties to require prior notice of any planned funeral procession be given to the city police department or county sheriff. The bill would further state none of its provisions would prohibit cities or counties from requiring compliance with any city ordinance or county resolution not in conflict with the bill.

The bill would make technical amendments.

Background

The bill was introduced by Representative Pittman.

In the House Committee on Transportation hearing, Representative Pittman and representatives of the Kansas Funeral Directors Association, the Patriot Guard, and a funeral home testified as proponents. The proponent testimony centered on protecting vehicles in a funeral procession from accidents with other vehicles by preventing outside vehicles from entering funeral processions. A representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association and a representative of the Patriot Guard provided written-only proponent testimony. No neutral or opponent testimony was provided.

The House Committee amended the bill to include in the definition of “funeral procession” cemeteries as a location to which a funeral procession may travel.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill has potential to increase litigation in the courts because it would create a new violation. The Office of Judicial Administration (Office) indicates any increase in litigation would have a fiscal effect on operations of the court system, but it is unable to estimate the number of additional court cases and is unable to determine any fiscal effect. The Office indicates any cases would likely be accommodated within the existing schedule of court cases and would not require additional resources. The League of Kansas Municipalities indicates enactment of the bill would have a negligible fiscal effect. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor’s Budget Report*.