



KANSAS FUNERAL DIRECTORS ASSOCIATION

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PAM SCOTT
Topeka

To: House Transportation Committee

From: Pam Scott, Executive Director
Kansas Funeral Directors Association

Re: House Bill No. 2107

Date: February 2, 2021

Chairman Proehl and members of the Committee, I am Pam Scott, Executive Director of the Kansas Funeral Directors Association. I appear before you today in support of House Bill No. 2107 which would establish a right of way for funeral processions. A similar bill was introduced last year late in the session and was passed favorably out of this committee.

People all over the world have shown their respect for the dead by honoring and showing courtesy to the funeral procession as it passes by. Although horse drawn carriages of the past have been replaced by motor vehicles, family and friends still follow the body to its final resting place. Even though society has become more hectic and impatient, importance is still given to honoring the dead and providing the family with a peaceful, uninterrupted, reflective trip to the cemetery. The procession also serves the purpose of assuring that out-of-town mourners don't get lost along the way to the cemetery so that the service can start without delay and the grieving family will not be kept waiting.

Kansas has no comprehensive law governing funeral processions. Rules concerning funeral processions are currently established on a county-by-county, city-by-city basis, if they exist at all. There is no consistency. This creates confusion when a funeral procession passes through numerous cities and counties while on the way to a cemetery. It is often unclear when one city ends and another begins. The KFDA believes that a uniform statewide funeral procession law would improve the safety of funeral processions by setting forth a clear set of rules that must be followed by funeral directors and the public.

A uniform law would also allow the public to be better educated on the rules of the road concerning funeral processions. With a statewide law, education could be conducted through the State of Kansas Drivers Handbook that is given to drivers upon the testing for and renewal of their driver's licenses.

We do have a couple of proposed amendments we would like to offer which we believe would improve the bill:

1. An amendment allowing a non-law enforcement vehicle leading a funeral procession to be equipped with at least one rotating or oscillating lamp exhibiting an amber or purple light or lens visible under normal atmospheric conditions. Many funeral procession laws in other states contain such language.
2. A provision limiting the funeral home and funeral directors liability if they conduct a funeral procession according to the law. For funeral homes to continue to put themselves at risk of liability by offering funeral processions to the families they serve, they should be given immunity from liability from the actions of others which they have no control. It should be presumed that the funeral director and funeral home acted with reasonable care if the funeral procession was operated according to Kansas law. If a participant in the procession does not have its headlights lighted or does not follow the proceeding vehicle in the procession close enough and an accident occurs, the funeral should not be held responsible for the actions of that person. We would suggest that the following language be added to add some protection from liability from the negligence of others: "Liability for any death, personal injury or property damage suffered by any person on or after July 1, 2021 which arises out of a funeral procession shall not be imposed upon the funeral director or establishment or their employees or agents unless such death , personal injury or property damage results from the negligent or intentional act of the funeral director or funeral establishment or their employees or agent."

Thanks again for the opportunity to appear before you. The membership of the KFDDA would appreciate your support of House Bill No. 2107. It is important that we have a uniform law in place to govern funeral processions. We hope you will help us to continue the practice of honoring the dead through funeral processions.

I would be happy to respond to any questions you may have.