

Right of Way for Funeral Processions; Move Over for Utility Vehicles; SB 67

SB 67 creates law regarding the right-of-way for funeral processions and for certain vehicles involved in utility repairs.

Funeral Escorts and Processions

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

The bill authorizes funeral escorts to reasonably direct vehicle and pedestrian traffic to allow funeral processions to pass through intersections and disregard traffic control devices, notwithstanding any state law, city ordinance, or county resolution relating to traffic control devices or right-of-way provisions.

The bill permits 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 when directed by a funeral escort.

The bill states 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;
- 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 states the operator of a vehicle in a funeral procession will not have the right-of-way if such vehicle is more than 300 feet behind the immediately preceding vehicle in such procession.

The bill requires all vehicles in a funeral procession to follow the preceding vehicle in the procession as closely as is safe and practical. The bill exempts 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 requires each vehicle in a funeral procession to have lighted the vehicle’s headlights (high beam or low beam) and taillights and permits flashing hazard lights.

The bill states 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 allows cities or counties to require prior notice of any planned funeral procession to be given to the city police department or county sheriff. The bill further states none of its provisions prohibit cities or counties from requiring compliance with any city ordinance or county resolution not in conflict with provisions of the bill.

“Move Over” Law for Authorized Utility Vehicles

The bill creates a “move over” requirement for drivers related to a stationary authorized utility or telecommunications vehicle (authorized utility vehicle) under certain circumstances.

The bill prohibits a driver from overtaking or passing another vehicle when within 100 feet of a stationary authorized utility vehicle.

The bill requires a driver to yield the right-of-way to any authorized utility vehicle or pedestrian engaged in work on the highway when the vehicle displays flashing lights meeting requirements of the Uniform Act Regulating Traffic on Highways (Uniform Act).

Upon approaching the authorized utility vehicle that is obviously and actually engaged in work on a highway and displaying required flashing lights, the driver of a motor vehicle will be required to do one of the following:

- Change into a lane nonadjacent to the authorized vehicle, if on a highway with at least two lanes carrying traffic the same direction and if road conditions permit; or
- In all other circumstances, proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

The bill does not relieve the driver of an authorized utility vehicle from the duty to drive with safe regard for the safety of all using the highway.

The bill defines an authorized utility vehicle to mean a vehicle displaying flashing lights meeting certain requirements that is:

- Being operated by authorized personnel (as defined in public utility law) for an electric or natural gas public utility or municipal-owned utility and being used for repairs needed to restore necessary services or ensure public safety; or
- Being operated by a local exchange carrier, telecommunications carrier, video service provider, or wireless infrastructure or service provider, and being used for repairs.

The bill creates a \$105 fine for the traffic violation of unlawful passing of an authorized utility vehicle.

The provisions creating this “move over” requirement will be part of and supplemental to the Uniform Act.