

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2107**

As Amended by House Committee on  
Transportation

**Brief\***

HB 2107 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 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;
- Yield the right-of-way when directed by a police officer; and

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\*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>

- 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 preceding 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 each vehicle in a funeral procession to have lighted the vehicle's headlights (high beam or low beam) and taillights and would permit 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 add these provisions to the Uniform Act Regulating Traffic on Highways.

The bill would also make technical amendments.

## **Background**

The bill was introduced by Representative Collins.

[*Note:* HB 2107 contains provisions similar to those of 2020 HB 2608, as amended by the House Committee.]

### ***House Committee on Transportation***

In the House Committee hearing, Representative Collins, Senator Pittman, and a representative of the Kansas Funeral Directors Association provided **proponent** testimony, indicating the bill would be an important safety measure to formally recognize and clarify the right-of-way privileges of 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 League of Kansas Municipalities (LKM) provided written-only **proponent** testimony.

No other testimony was provided.

The House Committee amended the bill to modify the definition of “funeral escort” and make technical changes.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration (Office) indicates enactment of the bill has the potential to increase litigation in the courts, because it would create a new violation. The Office indicates increased litigation resulting from enactment of the bill could have a fiscal effect on the court system, but it is unable to estimate the fiscal effect. The Kansas Department of Transportation indicates enactment of the bill could increase revenues generated from new traffic infraction fines, but it does not have enough information to estimate a fiscal effect on the agency. The Kansas Association of Counties and LKM state enactment of the bill would have a negligible fiscal effect for local governments. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor’s Budget Report*.

Funeral procession; funeral escort; right-of-way; traffic safety; failure to yield