

State of Arkansas
91st General Assembly
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A Bill

SENATE BILL 349

By: Senator L. Eads
By: Representative J. Williams

For An Act To Be Entitled

AN ACT CONCERNING THE TRAFFIC LAWS FOR A FUNERAL PROCESSION; TO GRANT A FUNERAL PROCESSION THE RIGHT-OF-WAY; TO PROHIBIT OTHER MOTOR VEHICLES FROM INTERFERING WITH A FUNERAL PROCESSION; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE TRAFFIC LAWS FOR A FUNERAL PROCESSION; TO GRANT A FUNERAL PROCESSION THE RIGHT-OF-WAY; AND TO PROHIBIT OTHER MOTOR VEHICLES FROM INTERFERING WITH A FUNERAL PROCESSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-36-208(c), concerning special restrictions on lamps, is amended to read as follows:

- (c) Flashing lights are prohibited except on:
- (1) an ~~an~~ authorized emergency vehicle;
 - (2) A school bus;
 - (3) A funeral procession as provided in § 27-49-113;
 - (4) ~~or on any~~ Any vehicle as a means of indicating a right or left turn; or
 - (5) Any vehicle as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.



SECTION 2. Arkansas Code § 27-36-306 is amended to read as follows:

27-36-306. Other nonemergency vehicles – Funeral processions.

(a)(1) ~~Motor vehicles~~ A funeral escort vehicle engaged in leading or escorting a funeral procession ~~or any vehicle that is part of a funeral procession may~~ shall be equipped with flashing, rotating, or oscillating purple lights, ~~which shall not be activated except during a funeral procession.~~

(2) Except as required by subdivision (a)(1) of this section, a motor vehicle that is a part of a funeral procession may be equipped with flashing, rotating, or oscillating purple lights.

(3) The flashing, rotating, or oscillating purple lights allowed under subdivisions (a)(1) and (2) of this section shall not be activated except during a funeral procession.

(b) ~~The purple flashing, rotating, or oscillating~~ flashing, rotating, or oscillating purple lights shall be a warning to other motorists of the approach of the funeral procession.

SECTION 3. Arkansas Code Title 27, Chapter 49, Subchapter 1, is amended to add an additional section to read as follows:

27-49-113. Funeral processions – Right-of-way.

(a) As used in this section:

(1) "Funeral escort vehicle" means a motor vehicle that leads or facilitates the movement of a funeral procession and is equipped as required by § 27-36-306(a)(1), including without limitation:

(A) A hearse;

(B) A motor vehicle owned by a funeral home or private funeral escort company; or

(C) A motorcycle owned by a funeral home or private funeral escort company;

(2) "Funeral procession" means a funeral escort vehicle and one (1) or more motor vehicles accompanying the body or cremated remains of a deceased person from a funeral home, church, or other location to the burial site or cemetery;

(3) "Immediate hazard" means any motor vehicle approaching so near or so quickly that a reasonably careful person would realize that there

is a danger of collision or accident; and

(4) "Motor vehicle" means a vehicle that is self-propelled and used to transport a person or property upon a street or highway, including without limitation a motorcycle.

(b) Except as provided in subsection (c) of this section, a funeral procession may proceed through an intersection without stopping after a funeral escort vehicle has proceeded into the intersection in compliance with any official traffic control device governing the traffic in the intersection.

(c)(1) A funeral procession has the right-of-way at an intersection as described under subsection (b) of this section, except that a funeral escort vehicle or a motor vehicle that is a part of a funeral procession shall yield the right-of-way:

(A) To an authorized emergency vehicle as defined in § 27-49-219 if the authorized emergency vehicle is displaying its rotating or flashing emergency lights;

(B) When directed to yield or stop by a law enforcement officer;

(C) To an approaching railroad train; or

(D) To oncoming traffic that constitutes an immediate hazard.

(2) If a motor vehicle that is a part of a funeral procession becomes separated from the funeral procession so that the funeral procession is no longer continuous, the driver of the motor vehicle shall:

(A) Proceed to his or her destination; and

(B) Obey all official traffic control devices and general rules of the road.

(d) A motor vehicle that is a part of a funeral procession shall:

(1) Display its lighted:

(A) Headlamps;

(B) Tail lamps; and

(C) Flashing lights as provided in § 27-36-208(c); and

(2) Follow the preceding motor vehicle in the funeral procession as close as is reasonable and prudent to keep the motor vehicles in the funeral procession together.

SECTION 4. Arkansas Code Title 27, Chapter 51, Subchapter 14, is amended to add an additional section to read as follows:

27-51-1408. Operation of motor vehicles on approach of funeral procession.

(a) A person driving a motor vehicle that is not a part of a funeral procession shall not:

(1) Drive between the motor vehicles of a funeral procession while the motor vehicles are in motion;

(2) Join a funeral procession for the purpose of securing the right-of-way allowed by § 27-49-113(c)(1);

(3) Pass a funeral procession on a multiple-lane highway on the right side of the funeral procession unless the funeral procession is in the leftmost lane; or

(4) Enter an intersection when a funeral procession is proceeding through a red official traffic control signal as permitted by § 27-49-113(c)(1) unless the driver of the motor vehicle enters the intersection without crossing the path of the funeral procession.

(b) Upon conviction, a person who violates this section is guilty of a violation and may be fined not more than two hundred fifty dollars (\$250).

SECTION 5. Arkansas Code § 27-52-103 is amended to read as follows:

27-52-103. Obedience to official traffic control devices required.

~~No~~ The driver of a motor vehicle or operator of a streetcar shall ~~disobey~~ obey the instructions of any official traffic control device placed in accordance with the provisions of this chapter unless ~~at the time otherwise directed by a~~ he or she is:

(1) Directed by a police officer; or

(2) Yielding the right-of-way to a funeral procession as required by § 27-51-1408.