

SB 412

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 412

(By Senators LOVE, SCHOONOVER AND FANNING)



PASSED MARCH 12, 1999

In Effect NINETY DAYS FROM Passage

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SENATE OF WEST VIRGINIA

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FOR

Senate Bill No. 412

(SENATORS LOVE, SCHOONOVER AND FANNING,
original sponsors)

[Passed March 12, 1999; in effect ninety days from passage.]

AN ACT to amend chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-three, relating to traffic regulations and laws of the road; providing for right-of-way for funeral processions; defining terms; establishing equipment requirements; and liability.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by

adding thereto a new article, designated article twenty-three, to read as follows:

ARTICLE 23. FUNERAL PROCESSIONS.

§17C-23-1. Definitions.

1 (a) "Funeral director" and "funeral establishment" have
2 the same meaning as set forth in section four, article six,
3 chapter thirty of this code.

4 (b) "Funeral procession" means two or more vehicles
5 accompanying the body of a deceased person, or traveling
6 to the church, chapel, cemetery or other location at which
7 the funeral service or final disposition is to be held,
8 including a funeral lead vehicle or a funeral escort vehicle.

9 (c) "Funeral lead vehicle" means any authorized law
10 enforcement or nonlaw-enforcement motor vehicle or a
11 funeral escort vehicle being used to lead and facilitate the
12 movement of a funeral procession. A funeral hearse may
13 serve as a funeral lead vehicle.

14 (d) "Funeral escort" means a person or entity that
15 provides escort services for funeral processions, including
16 law-enforcement personnel and agencies.

17 (e) "Funeral escort vehicle" means any motor vehicle
18 that escorts a funeral procession.

§17C-23-2. Funeral procession right-of-way; funeral escort vehicles; funeral lead vehicles.

1 (a) Regardless of any traffic control device or right-of-
2 way provisions prescribed by state or local ordinance,
3 pedestrians and operators of all vehicles, except as stated
4 in subsection (c) of this section, shall yield the right-of-
5 way to any vehicle which is part of a funeral procession
6 being led by a funeral escort vehicle or a funeral lead
7 vehicle.

8 (b) When the funeral lead vehicle lawfully enters an
9 intersection, either by reason of a traffic control device or
10 at the direction of law-enforcement personnel, the remain-
11 ing vehicles in the funeral procession may follow through

12 the intersection regardless of any traffic control devices or
13 right-of-way provisions prescribed by state or local law.

14 (c) Funeral processions have the right-of-way at inter-
15 sections regardless of traffic control devices subject to the
16 following conditions and exceptions:

17 (1) Operators of vehicles in a funeral procession shall
18 yield the right-of-way to an approaching emergency
19 vehicle giving an audible or visible signal;

20 (2) Operators of vehicles in a funeral procession shall
21 yield the right-of-way when directed to do so by a police
22 officer; and

23 (3) Operators of vehicles in a funeral procession must
24 exercise due care when participating in a funeral proces-
25 sion.

§17C-23-3. Driving in procession.

1 (a) All vehicles comprising a funeral procession shall
2 follow the preceding vehicle in the funeral procession as
3 closely as is practical and safe.

4 (b) Any ordinance, law or rule stating that motor vehicles
5 shall be operated to allow sufficient space enabling any
6 other vehicle to enter and occupy such space without
7 danger is not applicable to vehicles in a funeral procession.

§17C-23-4. Liability.

1 Liability for any death, personal injury or property
2 damage suffered on or after the first day of July, one
3 thousand nine hundred ninety-nine, by any person in a
4 funeral procession may not be imposed upon a funeral
5 director or funeral establishment or their employees or
6 agents unless the death, personal injury or property
7 damage is proximately caused by the negligent or inten-
8 tional act of a funeral director or funeral establishment or
9 their employees or agents.

§17C-23-5. Equipment.

1 All nonlaw-enforcement funeral escort vehicles and
2 funeral lead vehicles may be equipped with at least one

3 lighted circulation flashing lamp exhibiting an amber or
4 purple light or lens. Flashing amber or purple lights may
5 be used when such vehicles are used in a funeral proces-
6 sion.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within..... *approved* this the *25th*
Day of..... *March*, 1999

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:37 am