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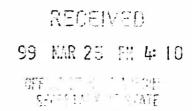
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999

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COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. ____ 412____

(By Senators Love, Schoologe and Fanding)



ENROLLED

COMMITTEE SUBSTITUTE

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
- the same meaning as set forth in section four, article six,
- chapter thirty of this code.
- (b) "Funeral procession" means two or more vehicles 4
- accompanying the body of a deceased person, or traveling
- to the church, chapel, cemetery or other location at which
- the funeral service or final disposition is to be held,
- including a funeral lead vehicle or a funeral escort vehicle.
- 9 (c) "Funeral lead vehicle" means any authorized law
- 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
- serve as a funeral lead vehicle. 13
- (d) "Funeral escort" means a person or entity that 14
- provides escort services for funeral processions, including
- law-enforcement personnel and agencies.
- (e) "Funeral escort vehicle" means any motor vehicle 17
- that escorts a funeral procession.

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

- (a) Regardless of any traffic control device or right-of-1
 - way provisions prescribed by state or local ordinance,
- pedestrians and operators of all vehicles, except as stated
- 4 in subsection (c) of this section, shall yield the right-of-
- way to any vehicle which is part of a funeral procession 5
- 6 being led by a funeral escort vehicle or a funeral lead
- vehicle. 7
- 8 (b) When the funeral lead vehicle lawfully enters an
- intersection, either by reason of a traffic control device or
- at the direction of law-enforcement personnel, the remain-10
- 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
- danger is not applicable to vehicles in a funeral procession.

§17C-23-4. Liability.

- 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

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

5 [Enr. Com. Sub. for S. B. No. 412

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

Chairman Senate Committee rman House Committee Originating in the Senate. In effect ninety days from passage. Clerk of the Senate Clerk of the House of Delegates Speaker House of Delegates The within..... Day of

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Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:37 am