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FUNERAL PROCESSION TRAFFIC LAWS IN ALL 50 STATES

On June 16, 2014, a Virginia man was pulled over by the police for running a red light while driving in a funeral procession. As a result, R.G. Spinner missed his great-grandmother's burial. The Alexandria police officer pulled behind Spinner with his red and blue emergency lights flashing after witnessing him drive through a red light, along with the rest of the funeral procession. Spinner removed the large yellow funeral procession tag from his rear-view mirror and furiously waved it out his window, hoping the officer would let him proceed. He didn't.

Confusion and inconsistency abound regarding when and whether a motorist in a funeral procession can run a red light. There is much more at stake than missing a funeral. As you can imagine, the likelihood of a serious accident involving personal injury or property damage increases exponentially if you have a long string of cars streaming through a red light in heavy traffic. Millions of claims and subrogation dollars hang in the balance. An understanding of how funeral processions affect the legal rights and remedies of motorists and their insurers is clearly a prerequisite to the effective handling and/or subrogation of the thousands of insurance claims that flow from accidents involving funeral processions.

Generally

A funeral procession is a convoy of friends, relatives, and family members following the hearse from the funeral home to the burial site. Through the ages it has varied from people walking and carrying the deceased, to the modern entourage of limousines and automobiles. Most states have enacted statutes governing the procedures and traffic laws for a funeral procession as well as the legal requirements for yielding to one. Quite often, all vehicles in the funeral will be marked with a purple funeral flag issued by the funeral home. All drivers will be told to turn their headlights on. The hearse will be the first vehicle in the procession followed by the spouse, children, immediate family members, and friends. In most states the lead vehicle must observe all traffic lights, but when the lead car has proceeded through an intersection, the rest of the procession may proceed without stopping. The procession is often accompanied by law enforcement vehicles to ensure the safety of the procession when running a red light. Cars traveling in the opposite direction of a procession may yield out of respect, if they want, but in most states, they don't have to yield, slow, or stop at all. Clearly, this is a recipe for disaster.

Obviously, identification of a funeral procession is vitally important. This usually requires the lighting of headlights but can include flags or even flashing lights. Consistency is lacking and if you travel to another state for a relative or friend's funeral, there is no telling what the law might be. Not only do the laws governing funeral processions vary wildly from state to state, there is also mass confusion regarding the application of such

laws within certain states. Nevada specifically allows the lead vehicle to actually go through a red light. Five states (Arizona, Idaho, Kentucky, Montana, and North Dakota) grant a funeral procession the right-of-way at any intersection without regard to any traffic control signal. There, the lead driver can make any necessary turns or movements regardless of the color of the light, implying that it can run a red light. Iowa law immunizes vehicles in a funeral procession from violation of traffic laws unless the vehicle is operating recklessly. Six other states statutorily provide for the continuity of funeral processions at intersections but do not specifically provide the procession with the right-of-way. Some states have no laws at all. With the help of research by the Connecticut Office of Legislative Research and Nicole Ways, a Marquette law student, let's take a closer look at the specific laws of all 50 states.

Laws of All States

ALABAMA: There are no state laws governing funeral processions. However, the city of Birmingham has an ordinance that prohibits motorists from driving through a funeral procession if it is reasonably apparent to the public that an automobile is in a funeral procession. Therefore, the procession has the right-of-way to proceed as a single unit through intersections and traffic signals. *Sloss-Sheffield Steel & Iron Co. v. Allred*, 247 Ala. 499, 500, 25 So.2d 179, 180 (1945).

ALASKA: Section 497 of the Public Safety title of the Alaska Administrative Code forbids a driver from traveling between any vehicles in a funeral procession. However, this regulation does not apply at intersections with traffic signals. Vehicles traveling in a funeral procession must drive as near to the right side of the road as possible and follow the car in front of them as close as is practicable and safe. Alaska Admin. Code tit. 13, § 02.497.

ARIZONA: The law allows a funeral escort vehicle driver holding a class D driver's license and exhibiting a red or red and blue light to (1) direct the vehicles in the procession and other vehicles approaching the procession to stop, proceed, or make any necessary movements without regard to any traffic control device, and (2) exceed the speed limit by up to 15 miles per hour to overtake the procession so it can direct traffic at the next intersection. All other vehicles and pedestrians, except emergency vehicles, must yield the right-of-way to funeral processions. Vehicles in the procession must exercise due care. A.R.S. § 28-776.

ARKANSAS: There are no state laws governing funeral processions.

CALIFORNIA: The only law California has regarding funeral processions prohibits anyone from disregarding any traffic signal or direction given by a peace officer in uniform authorized to escort a procession. Cal. Veh. Code § 2817.

COLORADO: There are no state laws governing funeral processions, however, Denver Revised Municipal Code, § 517 provides that vehicles and escorts in a funeral procession have the right-of-way and may proceed regardless of traffic signals. These vehicles must be properly identified by lighted headlamps and drivers must follow the vehicle ahead of them as close as is practicable for safe operation. Even though funeral processions have the right-of-way, there must be actual or constructive notice to other drivers that such a procession is present. *Franklin v. Nolan*, 472 P.2d 166 (Colo. App. 1970).

CONNECTICUT: There are no state laws governing funeral processions.

DELAWARE: The law prohibits any vehicle not part of a funeral procession from driving between or interfering with a funeral procession. All vehicles in a funeral procession must be as closely-spaced as safely possible and must have headlights and taillights lit. Vehicles in a funeral procession must exercise due caution and yield the right-of-way to emergency vehicles or when directed by a police officer. Del. Code Ann. tit. 21, §§ 7101-7103.

DISTRICT OF COLUMBIA: Section 2218 of the District of Columbia Municipal Regulations requires funeral processions to have a permit and all participating vehicles must be properly identified by operating their headlights. When the lead car of the procession enters an intersection, the remaining vehicles in the procession may follow, but the lead car must stop if a traffic signal requires it to do so. If the procession is lead by an escort officer, it shall have the right-of-way and may proceed through any intersection, even if a stop is otherwise required. D.C. Mun. Regs. tit. 18, § 2218.

FLORIDA: Florida law defines a funeral procession as two or more vehicles accompanying the body of a dead person in the daytime when all vehicles have their headlights lit. The lead vehicle, if not a law enforcement vehicle, must have a flashing amber light. The law requires all pedestrians and vehicles, except emergency vehicles, to yield right-of-way to the procession. If the lead vehicle enters an intersection legally, the other vehicles may follow it regardless of a changing traffic signal, stop sign, or yield sign provided they exercise due care to prevent collisions. Other drivers are prohibited from driving between vehicles in the procession, if their headlights are on, unless directed by a police officer. F.S.A. § 316.1974.

GEORGIA: Georgia Code § 40-6-76 requires that the lead vehicle of a funeral procession be marked with a flag or other sign and that each vehicle operating behind it shall have their headlights on. Funeral processions have the right-of-way at intersections except when approached by an emergency vehicle or directed by a traffic officer. Any vehicle not in the procession may not interfere with the line of vehicles unless authorized to do so by a traffic officer. Ga. Code Ann. § 40-6-76 (2014).

HAWAII: There are no state laws governing funeral processions, but the Hawaii DOT Official Driving Manual gives funeral processions the right-of-way at intersections. It also discourages vehicles from driving between vehicles in the procession. *Hawaii Driver's Manual*, State of Hawaii Dept. of Transportation, pg. 29 (2006).

IDAHO: Idaho law defines a funeral procession as two or more vehicles accompanying the body of a dead person in the daytime. Funeral processions have the right-of-way at intersections regardless of traffic control devices. The funeral escort vehicle may (1) direct other vehicles in the procession to proceed through an intersection or to make any other movements or turns, regardless of any traffic control device, and (2) exceed the speed limit by up to 15 miles per hour when overtaking the procession to direct traffic at the next intersection. Processions must yield the right-of-way to emergency vehicles or when directed by a police officer. The law also provides that whenever the funeral escort vehicle enters an intersection, the other vehicles can follow without regard to any traffic control device, provided they exercise reasonable care. Idaho Code § 49-2701.

ILLINOIS: Illinois law gives funeral processions the right-of-way at intersections when headlights are lit. The lead vehicle must comply with stop signs and traffic lights, but once it has done so, all the following vehicles can proceed without stopping, provided they exercise due caution. Also, the procession must yield to an approaching emergency vehicle or when directed by a police officer. Vehicles not in the procession cannot enter it

unless directed by a police officer and other vehicles cannot join the procession and turn on their headlights in order to gain the right-of-way granted to the procession. 625 Ill. Comp. Stat. § 5/11-1420.

INDIANA: Indiana law is identical to Illinois in its requirements except that the lead vehicle in the procession must have alternatively flashing red and blue lights. I.C. § 9-21-13-1 to -6.

IOWA: Iowa law is not specific regarding intersections but provides that drivers of vehicles in the procession cannot be charged with violating traffic rules and regulations with regard to traffic devices and signals, unless operating the vehicle recklessly. Funeral procession lead vehicles must have flashing emergency lights, lit headlights, and identifying flags. All vehicles in the procession must keep headlights lit and drive close together. Other vehicles, except emergency vehicles, must yield the right-of-way to the procession. I.C.A. § 321.324A.

KANSAS: There are no state laws governing funeral processions.

KENTUCKY: Kentucky grants funeral processions the right-of-way at intersections without regard to any traffic control signal. The escort vehicle driver can direct the procession to proceed through an intersection or make any necessary movements despite any traffic control signals. This implies that the lead funeral escort vehicle can disregard a red traffic signal. A funeral procession is defined as at least two vehicles accompanying the body of a dead person when every vehicle has its headlights lit or displays a pennant. It is not specific as to whether funeral processions may go through a red light, but it grants them right-of-way at intersections if the escort vehicle displays flashing red, yellow, or blue lights, and each vehicle exercises due care. Processions must yield to emergency vehicles, trains, or when directed otherwise by a police officer. Other vehicles cannot drive between, interfere with, or pass the procession unless directed by a police officer. K.R.S. § 189.378.

LOUISIANA: Section 300.3 of the Motor Vehicles and Traffic Regulation statutes requires drivers to yield the right-of-way to funeral processions. Processions led by a police escort may pass through intersections that would otherwise require them to stop if the lead vehicle in the procession has lawfully entered the intersection. All vehicles in funeral processions must have their headlights and emergency lights on. La. Rev. Stat. § 32:300.3.

MAINE: There are no state laws governing funeral processions.

MARYLAND: Maryland law allows anyone in a procession to pass through a red light as long as the first vehicle in the procession went through it while it was still green. This privilege is accorded only if a vehicle's headlights are on. While the procession goes through the red signal, any other vehicle with a green light can enter the intersection only if it will not cross the procession's path. Md. Code, Transportation, § 21-207.

MASSACHUSETTS: Massachusetts law provides that a funeral procession of ten vehicles or less has the right to use any public roadway subject to the same regulations and restrictions as "pleasure vehicles." Mass. Gen. Laws Ann. ch. 85, § 14A.

MICHIGAN: Michigan law gives funeral processions the right-of-way at intersections, but it is not specific with respect to traffic signals. Funeral processions have the right-of-way over all other vehicles, except emergency vehicles, when it is going to a cemetery. The vehicles in the procession must display a special orange flag to be accorded this privilege. The law contains no provision requiring lighted headlights. The Michigan courts have apparently defined "place of burial" to include the procession to both the place where the services are conducted and the cemetery. However, the law is not specific with respect to intersections controlled by traffic lights, but Michigan courts have interpreted it to include

signalized intersections as well, although the driver in the procession is expected to exercise due care. *Mentel v. Monroe Public Schools*, 209 N.W.2d 506 (Mich. App. 1973). Michigan law prohibits passing through a funeral procession. Mich. Comp. Laws § 257.654.

MINNESOTA: Minnesota law generally requires all vehicles, except emergency vehicles, to yield the right-of-way to a funeral procession when all its cars are in close formation with headlights lit. Since it contains no other specific language establishing precedence at intersections controlled by traffic lights, the implication seems to be that all vehicles must observe the traffic signal. M.S.A. § 169.20(6).

MISSISSIPPI: There are no state laws governing funeral processions.

MISSOURI: A funeral procession is defined as two or more vehicles accompanying the body of a dead person from a funeral establishment to the place of final disposition or a place where additional funeral services will be performed. Funeral lead vehicles must have an amber or purple light or lens or alternating flashing headlamps. The law gives the procession the right-of-way, except it must yield to emergency vehicles. Once the lead vehicle lawfully enters an intersection, all other vehicles in the procession may follow without stopping but must exercise due care. All vehicles in the procession must follow each other as closely as safely possible, and toll-free passage is given to processions on any toll bridges, tunnels, or other roads. Other vehicles are prohibited from driving between, joining, attempting to pass, or crossing the path of a funeral procession. Mo. Rev. Stat. § 194.500-509.

MONTANA: Montana law is not specific with regard to right-of-way for the escort vehicle at intersections, but states that the driver of the funeral escort vehicle may direct the other vehicles in the procession to proceed through an intersection or make any other movements despite any traffic control device. Once the lead escort vehicle has entered an intersection lawfully, all other vehicles may proceed without regard to the traffic signal. This implies that the lead funeral escort vehicle can disregard a red traffic signal. Montana requires pedestrians and other vehicles, except emergency vehicles and when a police officer directs otherwise, to yield the right-of-way to funeral processions. Mont. Code Ann. § 61-8-380.

NEBRASKA: There are no state laws governing funeral processions, however, an Omaha city ordinance prohibits vehicles from driving through a funeral procession while they are in motion and when the vehicles are conspicuously designated by headlamps or flags. Vehicles in a funeral procession have the right-of-way in intersections, including at red lights. The driver in a procession still has the duty to exercise ordinary care, and if they are detached from the procession, the right-of-way is lost. *Herman v. Lee*, 316 N.W.2d 56 (Neb. 1982).

NEVADA: Nevada is the only state which specifically allows the lead or escort vehicle in a funeral procession to go *through* a red light. The law authorizes a vehicle escorting a funeral procession to (1) go through a red light or stop sign after slowing down as necessary, (2) exceed the posted speed limit by up to 15 miles per hour to overtake the procession and direct traffic at the next intersection, and (3) disregard regulations on direction of movement or turning when directing the movement of the other vehicles in the procession. N.R.S. § 484B.700. While these privileges are part of the law authorizing special actions by police and other emergency vehicles, the law does not expressly require a funeral escort vehicle to be such a police or emergency vehicle.

NEW HAMPSHIRE: New Hampshire law requires the operator of the lead escort vehicle to comply with all stop signs and traffic control signals. When the lead vehicle has entered an intersection lawfully, the other vehicles may proceed without regard to the traffic signal. Funeral processions have the right-of-way. All vehicles in the procession must follow one another as closely as safely possible and should be marked with funeral flags

or windshield signs, headlights and taillights lit, and hazard flashers. The escort vehicle must have a purple flashing or emergency light. N.H. Rev. Stat. Ann. § 265:156.

NEW JERSEY: New Jersey law states that if any procession takes longer than five minutes to pass a given point, it must be interrupted every five minutes for waiting traffic. N.J.S.A. § 39:4-93. The ambiguity of the law was interpreted by a New Jersey court in 1978, which concluded that it was not intended to give a funeral procession a preferential right-of-way, nor did it take precedence over the requirement to stop for a red light. The case arose when a driver entering an intersection under a green light collided with a member of a procession who had entered against a red light. *Pohi v. Topal*, 383 A.2d 435 (N.J. Super. 1978). Authorized emergency vehicles, U.S. mail vehicles, and physicians' vehicles have the right-of-way through a procession.

NEW MEXICO: There are no state laws governing funeral processions.

NEW YORK: There are no state laws governing funeral processions, however, the state's Vehicle and Traffic Laws do not provide any exceptions to following traffic control signals, except in the case of emergency vehicles. If a funeral procession is to be granted ability to disobey traffic signals, there must be a traffic officer present to regulate traffic. *Vinci v. Charney*, 80 N.Y.S.2d 521 (N.Y. 1948).

NORTH CAROLINA: When the lead vehicle has entered an intersection lawfully, the other vehicles may proceed without regard to the traffic signal. Funeral processions have the right-of-way, but they must yield to emergency vehicles or when directed by a police officer. The lead vehicle must be marked with a flashing light, flag or other insignia indicating a funeral procession. Each vehicle in the procession must have its headlights lit and hazard warning lights on. Other vehicles may not attempt to pass or knowingly drive between vehicles in a funeral procession. N.C.G.S.A. § 20-157.1.

NORTH DAKOTA: North Dakota law grants funeral processions the right-of-way at intersections without regard to any traffic control signal. The escort vehicle driver can direct the procession to proceed through an intersection or make any necessary movements despite any traffic control signals. This implies that the lead funeral escort vehicle can disregard a red traffic signal. Specifically, the law grants processions the right-of-way and allows a law enforcement officer leading a funeral procession to proceed through an intersection or direct traffic despite any traffic control device. The other vehicles in the procession can then follow the police officer, regardless of the traffic signal. Vehicles in a funeral procession must yield the right-of-way to emergency vehicles or if directed by a police officer. All vehicles in the procession must have their headlights lit, and their emergency lights flashing and must be as closely spaced as safely possible. Other vehicles may not drive between, join, pass on a two-lane road, or cross the path of vehicles in a funeral procession. N.D.C.C. § 39-10-72.

OHIO: This law defines a funeral procession as two or more vehicles accompanying a dead person in the daytime and operating with headlights lit and displaying a purple and white pennant. Pedestrians and other vehicles, except emergency vehicles or vehicles directed by a police officer, must yield right-of-way to the procession. The other vehicles in the procession can follow the lead vehicle that lawfully entered the intersection regardless of the traffic signal, provided they exercise due care. Ohio Rev. Code Ann. § 4511.451.

OKLAHOMA: Oklahoma has very little law governing the operation of funeral processions. Section 11-315 provides that no driver of a motor vehicle can drive between the vehicles comprising a funeral or other authorized procession while the vehicles are in motion and when such vehicles are

conspicuously designated. This provision does not apply at intersections where traffic is controlled by traffic control signals or police officers. Okla. Stat. Ann. Tit. 47, § 11-315.

OREGON: Oregon law requires other vehicles to yield the right-of-way to funeral processions, to stop at intersections to allow the funeral procession to pass, and obey any directions given by the driver of a funeral escort vehicle. If the funeral escort lead vehicle enters the intersection lawfully, the other vehicles may follow without stopping. Processions must yield the right-of-way to emergency vehicles or if directed by a police officer. The escort vehicle may exceed the speed limit by 10 miles per hour and cross the center line of a road. Other vehicles may not drive between or join a funeral procession. Funeral processions are allowed to pass toll-free through all tollgates. O.R.S. § 811.802 – 812.

PENNSYLVANIA: Pennsylvania law allows vehicles in a funeral procession to proceed past a red light or stop sign if the lead vehicle entered the intersection while the light was green or if it made a full stop at the stop sign. Each vehicle in the procession must have its headlights lit, emergency flashers on, and a flag or other insignia indicating it is part of the procession. They must yield the right-of-way to emergency vehicles. 75 Pa. Cons. Stat. Ann. § 3107.

RHODE ISLAND: Rhode Island law provides that funeral processions have the right-of-way, including through intersections when the lead car has lawfully entered it. Exceptions to the procession's right-of-way through intersections are when vehicles are otherwise directed by law enforcement, or if an authorized emergency vehicle is approaching. R.I.G.L. § 31-52-4. Drivers not in a funeral procession may not drive between vehicles in the procession or enter an intersection when a procession is passing through, even if the traffic signal indicates to do so. R.I.G.L. § 31-52-5.

SOUTH CAROLINA: There is no state law governing funeral processions, however, the Supreme Court of South Carolina failed to recognize a group of vehicles as a funeral procession when the group had no police escort, there was no permit issued by the traffic department of the Columbia police department, and the group was not following a hearse, but rather, driving to the funeral home. *Jones v. Grissett*, 186 S.E.2d 829 (S.C. 1972). Furthermore, a vehicle in a funeral procession is not exempt from following traffic-control signals and has no right-of-way to proceed through a red light. *Nabors v. Spencer*, 207 S.E.2d 79 (S.C. 1974).

SOUTH DAKOTA: There are no state laws governing funeral processions.

TENNESSEE: Tennessee law gives the procession the right-of-way if the lead vehicle has a flashing amber light or is led by a "properly identified" escort. The lead vehicle must comply with traffic lights and signs, and the other vehicles may follow without stopping if their headlights are on. Also, the procession must yield to emergency vehicles or when directed by a police officer. The procession must drive on the right side of the roadway and be as closely spaced as safely possible. It must proceed at no less than 45 miles per hour on a limited access highway and no less than five miles per hour below the posted limit on other roads. Vehicles following the procession on a two-lane road are prohibited from attempting to pass it. Other drivers are prohibited from driving between vehicles in the procession, unless directed by a police officer. T.C.A. § 55-8-183.

TEXAS: There are no state law governing funeral processions, however, Texas courts recognize the tradition of vehicles stopping to allow a funeral procession to pass through an intersection. A driver that collides with a vehicle in a funeral possession may be liable if the procession was going through an intersection was noticeable. *Southwestern Bell Tel. Co. v. Davis*, 528 S.W.2d 191 (Tex. Civ. App. 1979).

UTAH: There are no state laws governing funeral processions.

VERMONT: There are no state laws governing funeral processions.

VIRGINIA: Virginia law gives a funeral procession a general right-of-way on any street through which it passes if it is traveling under a police or sheriff's escort. It is not explicit with respect to the issue of traffic signals or signs. It authorizes localities to provide police escort service and impose reasonable fees to defray costs. No vehicle may join, pass through, or interfere with the funeral procession. Va. Code Ann. § 46.2-828.

WASHINGTON: There are no state laws governing funeral processions, however, the Supreme Court of Washington held that a vehicle that is separated from the procession is no longer in the procession, and as such, has no rights of the procession, assuming there were rights. *Smith v. Ashmore*, 413 P.2d 651 (Wash. 1966).

WEST VIRGINIA: West Virginia law requires other vehicles, except emergency vehicles or when directed otherwise by a police officer, to yield the right-of-way to funeral processions. When the lead vehicle lawfully enters an intersection, the other vehicles in the procession may follow without regard to any traffic control devices as long as each vehicle exercises due care. Each vehicle must follow the other as closely as safely possible. All non-law enforcement escort vehicles must exhibit at least one flashing amber or purple light. W. Va. Code § 17C-23-2 to -5.

WISCONSIN: Wisconsin law is identical to the Illinois statute in its requirements except that it grants these privileges to military convoys as well as funeral processions. Wis. Stat. § 346.20.

WYOMING: Wyoming law gives the right-of-way to a procession led by a funeral car or escorted by a police car and displaying flashing lights. The lead car must comply with traffic lights or signs, but the vehicles following need not stop if their headlights are on. The procession must yield to emergency vehicles. Wyo. Stat. § 31-5-123.

If you should have any questions regarding this article or subrogation in general, please contact Gary Wickert at gwickert@mw-law.com.

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