

HOUSE BILL NO. 117  
INTRODUCED BY J. BROWN

IN THE HOUSE

JANUARY 8, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

JANUARY 9, 1991                   FIRST READING.

FEBRUARY 7, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 8, 1991                  PRINTING REPORT.

FEBRUARY 9, 1991                  SECOND READING, DO PASS.

FEBRUARY 11, 1991                ENGROSSING REPORT.

FEBRUARY 12, 1991                THIRD READING, PASSED.  
AYES, 95; NOES, 1.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 13, 1991                INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 20, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 23, 1991                   SECOND READING, CONCURRED IN.

MARCH 25, 1991                   THIRD READING, CONCURRED IN.  
AYES, 47; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 25, 1991                   RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 117  
2 INTRODUCED BY J. Brown

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FUNERAL  
5 PROCESSION THE RIGHT-OF-WAY THROUGH STREET AND HIGHWAY  
6 INTERSECTIONS; REGULATING THE CONDUCT OF A FUNERAL  
7 PROCESSION; DEFINING THE CIRCUMSTANCES WHEN THE PERSON  
8 CONDUCTING A FUNERAL PROCESSION IS LIABLE FOR DAMAGES; AND  
9 AMENDING SECTION 61-8-201, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 61-8-201, MCA, is amended to read:

13 "61-8-201. Obedience to traffic-control devices --  
14 exception for emergency vehicles and funeral processions.

15 (1) The driver of any a vehicle shall obey the instructions  
16 of any an official traffic-control device applicable thereto  
17 to his vehicle and placed in accordance with the provisions  
18 of this chapter unless otherwise directed by a highway  
19 patrol officer or police officer, subject to the exceptions  
20 granted in this chapter to the driver of an authorized  
21 emergency vehicle in this chapter and to the driver of a  
22 motor vehicle in a funeral procession.

23 (2) No A provision of this chapter for which signs are  
24 required shall may not be enforced against an alleged  
25 violator if at the time and place of the alleged violation

1 an official sign is not in proper position and sufficiently  
2 legible to be seen by an ordinarily observant person.  
3 Whenever a particular section does not state the signs are  
4 required, such the section shall-be is effective even though  
5 no signs are erected or in place."

6 NEW SECTION. Section 2. Funeral escort vehicle.

7 "Funeral escort vehicle" means a motor vehicle properly  
8 equipped pursuant to [section 6] driven by a person who  
9 holds a valid motorcycle endorsement to his driver's  
10 license.

11 NEW SECTION. Section 3. Funeral lead vehicle. "Funeral

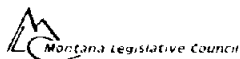
12 lead vehicle" means a motor vehicle, including a funeral  
13 hearse, properly equipped pursuant to [section 6] leading  
14 and facilitating the movement of a funeral procession and  
15 driven by a person who holds a valid commercial vehicle  
16 operator's endorsement to his driver's license.

17 NEW SECTION. Section 4. Funeral procession. "Funeral

18 procession" means two or more motor vehicles, one of which  
19 is carrying the remains of a deceased person, in the  
20 daylight hours, including a funeral lead vehicle and a  
21 funeral escort vehicle.

22 NEW SECTION. Section 5. Funeral procession

23 right of-way -- funeral lead vehicle and funeral escort  
24 vehicle in funeral procession. (1) Except as provided in  
25 subsection (4), pedestrians and operators of motor vehicles



INTRODUCED BILL

1 shall yield the right-of-way to a motor vehicle that is part  
2 of a funeral procession being led by a funeral lead vehicle  
3 or a funeral escort vehicle.

4 (2) After a funeral lead vehicle enters an  
5 intersection, the other vehicles in the funeral procession  
6 may continue to follow the funeral lead vehicle through the  
7 intersection despite any official traffic-control device,  
8 right-of-way provisions of this chapter, or local ordinance  
9 if the operator exercises reasonable care toward any other  
10 vehicle or pedestrian.

11 (3) Except as provided in subsection (4), a driver of a  
12 funeral escort vehicle may direct the drivers of other  
13 vehicles in a funeral procession to proceed through an  
14 intersection or to make turns or other movements despite any  
15 official traffic-control device. The driver of a funeral  
16 escort vehicle may direct and control the drivers of  
17 vehicles not in a funeral procession, including those in or  
18 approaching an intersection, to stop, proceed, or make turns  
19 or other movements without regard to an official  
20 traffic-control device. A funeral escort vehicle may exceed  
21 the speed limit by 15 miles per hour when overtaking the  
22 funeral procession to direct traffic at the next  
23 intersection. However, use of a funeral escort vehicle is  
24 not required.

25 (4) A funeral procession has the right-of-way at

1 intersections regardless of official traffic-control  
2 devices, except that an operator of a vehicle in a funeral  
3 procession shall yield the right-of-way to an approaching  
4 authorized emergency vehicle giving an audible or visible  
5 signal or when directed to do so by a highway patrol officer  
6 or police officer.

7 NEW SECTION. **Section 6.** Equipment required for funeral  
8 vehicle -- restricted light use. (1) A funeral escort  
9 vehicle or a funeral lead vehicle must be equipped with at  
10 least one lighted circulation lamp exhibiting an amber light  
11 or lens visible under normal atmospheric conditions for a  
12 distance of 500 feet from the front of the vehicle.

13 (2) A funeral escort vehicle or a funeral lead vehicle  
14 may illuminate a flashing amber light only when the vehicle  
15 is in use in a funeral procession.

16 NEW SECTION. **Section 7.** Driving in funeral procession.  
17 (1) A vehicle in a funeral procession shall follow the  
18 preceding vehicle in the funeral procession as closely as is  
19 practicable and safe.

20 (2) An ordinance, law, or regulation requiring that  
21 motor vehicles be operated to allow sufficient space between  
22 them to enable another vehicle to enter and occupy that  
23 space without danger does not apply to vehicles in a funeral  
24 procession.

25 (3) The driver of a motor vehicle in a funeral

1 procession may not drive the vehicle at a speed greater  
2 than:

3 (a) 55 miles per hour on a highway where the posted  
4 speed limit is 55 miles per hour or more; or

5 (b) 5 miles per hour below the posted speed limit on  
6 other streets or roads.

7 (4) A vehicle being operated in a funeral procession  
8 must have its headlights and taillights illuminated.

9 (5) The turn signals must be flashing simultaneously as  
10 warning lights on a vehicle that:

11 (a) is the first vehicle in a funeral procession; or

12 (b) the driver has reason to believe is the last  
13 vehicle in a funeral procession.

14 NEW SECTION. Section 8. Vehicles not in funeral  
15 procession. The driver of a vehicle that is not part of a  
16 funeral procession may not:

17 (1) drive between the vehicles forming a funeral  
18 procession while they are in motion except when:

19 (a) authorized to do so by a police officer; or

20 (b) driving an authorized emergency vehicle emitting an  
21 audible or visible signal;

22 (2) join a funeral procession to secure the  
23 right-of-way granted by [section 5];

24 (3) pass a funeral procession on a multiple-lane  
25 highway on the funeral procession's right side unless the

1 funeral procession is in the farthest left lane;

2 (4) enter an intersection, even if the driver is facing  
3 a green traffic-control signal, when a funeral procession is  
4 proceeding through a red traffic-control signal at that  
5 intersection as permitted by [section 5] unless the driver  
6 can do so without crossing the path of the funeral  
7 procession. If the red signal changes to green while the  
8 funeral procession is within the intersection, the driver of  
9 a vehicle facing a green signal may proceed subject to the  
10 right-of-way of the funeral procession.

11 NEW SECTION. Section 9. Liability. (1) A funeral  
12 director or mortician in charge of a funeral procession and  
13 his employees and agents are not liable for death, personal  
14 injury, or property damage that is suffered by a person in a  
15 funeral procession or that is caused by or is the result of  
16 an action or inaction of the operator of a motor vehicle in  
17 a funeral procession unless the death, personal injury, or  
18 property damage was proximately caused by the negligent or  
19 intentional act of the funeral director, the mortician, or  
20 the employee or agent of the director or mortician.

21 (2) The operator of a motor vehicle in a funeral  
22 procession is not an agent of the funeral director or  
23 mortician unless the operator:

24 (a) is an employee of the funeral director or mortician  
25 acting in the course and scope of his employment; or

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1 (b) was retained as an independent contractor by the  
2 funeral director or mortician and was performing services  
3 pursuant to that contract.

4 NEW SECTION. **Section 10.** Codification instructions.

5 (1) [Sections 2 through 4] are intended to be codified as an  
6 integral part of Title 61, chapter 1, part 4, and the  
7 provisions of Title 61, chapter 1, part 4, apply to  
8 [sections 2 through 4].

9 (2) [Sections 5 through 9] are intended to be codified  
10 as an integral part of Title 61, chapter 8, part 3, and the  
11 provisions of Title 61, chapter 8, part 3, apply to  
12 [sections 5 through 9].

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FUNERAL PROCESSION THE RIGHT-OF-WAY THROUGH STREET AND HIGHWAY INTERSECTIONS; REGULATING THE CONDUCT OF A FUNERAL PROCESSION; ~~DEFINING--THE--CIRCUMSTANCES--WHEN--THE--PERSON CONDUCTING--A--FUNERAL--PROCESSION--IS--LIABLE--FOR--DAMAGES~~ PROVIDING THAT AN OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION IS NOT NEGLIGENT IF HE FOLLOWS THE REQUIREMENTS OF THIS ACT; PROVIDING THAT NEGLIGENCE MAY NOT BE IMPUTED TO A FUNERAL DIRECTOR OR MORTICIAN IF NO NEGLIGENCE EXISTS ON THE PART OF THE OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION; AND AMENDING SECTION 61-8-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-8-201, MCA, is amended to read:

"61-8-201. Obedience to traffic-control devices -- exception for emergency vehicles and funeral processions.

(1) The driver of any a vehicle shall obey the instructions of any an official traffic-control device applicable thereto to his vehicle and placed in accordance with the provisions of this chapter unless otherwise directed by a highway patrol officer or police officer, subject to the exceptions granted in this chapter to the driver of an authorized

~~emergency vehicle in-this-chapter and to the driver of a motor vehicle in a funeral procession.~~

(2) ~~No~~ A provision of this chapter for which signs are required ~~shall~~ may not be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state the signs are required, ~~such the~~ section shall-be is effective even though no signs are erected or in place."

NEW SECTION. Section 2. Funeral escort vehicle.

"Funeral escort vehicle" means a motor vehicle properly equipped pursuant to [section 6] ~~driven-by-a-person-who holds--a--valid--motorcycle--endorsement--to--his---driver's license.~~

NEW SECTION. Section 3. Funeral lead vehicle. "Funeral

lead vehicle" means a motor vehicle, including a funeral hearse, properly equipped pursuant to [section 6] leading and facilitating the movement of a funeral procession and ~~driven-by-a-person-who--holds--a--valid--commercial--vehicle operator's-endorsement-to-his-driver's-license.~~

NEW SECTION. Section 4. Funeral procession. "Funeral

procession" means two or more motor vehicles, one of which is carrying the remains of a deceased person, in the daylight hours, including a funeral lead vehicle and a

SECOND READING



1 funeral escort vehicle.

2 NEW SECTION. Section 5. Funeral procession  
3 right-of-way -- funeral lead vehicle and funeral escort  
4 vehicle in funeral procession. (1) Except as provided in  
5 subsection (4), pedestrians and operators of motor vehicles  
6 shall yield the right-of-way to a motor vehicle that is part  
7 of a funeral procession being led by a funeral lead vehicle  
8 or a funeral escort vehicle.

9 (2) After a funeral lead vehicle enters an  
10 intersection, the other vehicles in the funeral procession  
11 may continue to follow the funeral lead vehicle through the  
12 intersection despite any official traffic-control device,  
13 right-of-way provisions of this chapter, or local ordinance  
14 if the operator exercises reasonable care toward any other  
15 vehicle or pedestrian. WHEN THE FUNERAL LEAD VEHICLE ARRIVES  
16 AT AN INTERSECTION, IT MUST COMPLY WITH THE REQUIREMENTS OF  
17 ANY OFFICIAL TRAFFIC-CONTROL DEVICE, RIGHT-OF-WAY PROVISION  
18 OF THIS CHAPTER, AND LOCAL ORDINANCE.

19 (3) Except as provided in subsection (4), a driver of a  
20 funeral escort vehicle may direct the drivers of other  
21 vehicles in a funeral procession to proceed through an  
22 intersection or to make turns or other movements despite any  
23 official traffic-control device. The driver of a funeral  
24 escort vehicle may direct and control the drivers of  
25 vehicles not in a funeral procession, including those in or

1 approaching an intersection, to stop, proceed, or make turns  
2 or other movements without regard to an official  
3 traffic-control device. ~~A funeral escort vehicle may exceed~~  
4 ~~the speed limit by 15 miles per hour when overtaking the~~  
5 ~~funeral procession to direct traffic at the next~~  
6 ~~intersection.~~ PERSONS DIRECTING TRAFFIC SHALL COMPLY WITH  
7 THE PROVISIONS OF 61-1-411. However, use of a funeral escort  
8 vehicle is not required.

9 (4) A VEHICLE IN A funeral procession has the  
10 right-of-way at intersections regardless of official  
11 traffic-control devices PROVIDED THE DRIVER OF THAT VEHICLE  
12 AND THE DRIVERS OF ALL VEHICLES IN THE FUNERAL PROCESSION  
13 MEET ALL THE REQUIREMENTS OF [SECTIONS 2 THROUGH 8], except  
14 that an operator of a vehicle in a funeral procession shall  
15 yield the right-of-way to an approaching authorized  
16 emergency vehicle giving an audible or visible VISUAL signal  
17 or when directed to do so by a highway patrol officer or  
18 police officer. THIS SECTION DOES NOT RELIEVE THE DRIVER OF  
19 A VEHICLE IN A FUNERAL PROCESSION FROM THE DUTY TO DRIVE  
20 WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS USING THE  
21 HIGHWAY.

22 NEW SECTION. Section 6. Equipment required for funeral  
23 vehicle -- restricted light use. (1) A funeral escort  
24 vehicle or a funeral lead vehicle must be equipped with at  
25 least one lighted ~~circulation~~ ROTATING OR OSCILLATING lamp

1 exhibiting an amber light or lens visible under normal  
 2 atmospheric conditions for a distance of 500 feet from the  
 3 front of the vehicle.

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 5 may illuminate a ~~flashing~~ ROTATING OR OSCILLATING amber  
 6 light only when the vehicle is in use in a funeral  
 7 procession.

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9 (1) A vehicle in a funeral procession shall follow the  
 10 preceding vehicle in the funeral procession as closely as is  
 11 practicable and safe.

12 (2) An ordinance, law, or regulation requiring that  
 13 motor vehicles be operated to allow sufficient space between  
 14 them to enable another vehicle to enter and occupy that  
 15 space without danger does not apply to vehicles in a funeral  
 16 procession.

17 (3) The driver of a motor vehicle in a funeral  
 18 procession may not drive the vehicle at a speed greater  
 19 than:

20 (a) 55 miles per hour on a highway where the posted  
 21 speed limit is 55 miles per hour or more; or

22 (b) 5 miles per hour below the posted speed limit on  
 23 other streets or roads.

24 (4) A vehicle being operated in a funeral procession  
 25 must have its headlights and taillights illuminated.

1 (5) The turn signals must be flashing simultaneously as  
 2 warning lights on a vehicle that:

3 (a) is the first vehicle in a funeral procession; or

4 (b) the driver has reason to believe is the last  
 5 vehicle in a funeral procession.

6 NEW SECTION. Section 8. Vehicles not in funeral  
 7 procession. The driver of a vehicle that is not part of a  
 8 funeral procession may not:

9 (1) drive between the vehicles forming a funeral  
 10 procession while they are in motion except when:

11 (a) authorized to do so by a police officer; or

12 (b) driving an authorized emergency vehicle emitting an  
 13 audible or visible signal;

14 (2) join a funeral procession to secure the  
 15 right-of-way granted by [section 5];

16 (3) pass a funeral procession on a multiple-lane  
 17 highway on the funeral procession's right side unless the  
 18 funeral procession is in the farthest left lane;

19 (4) enter an intersection, even if the driver is facing  
 20 a green traffic-control signal, when a funeral procession  
 21 BEING CONDUCTED IN COMPLIANCE WITH [SECTIONS 2 THROUGH 8] is  
 22 proceeding through a red traffic-control signal at that  
 23 intersection as permitted by [section 5] unless the driver  
 24 can do so without crossing the path of the funeral  
 25 procession. If the red signal changes to green while the



1 funeral procession is within the intersection, the driver of  
2 a vehicle facing a green signal may proceed subject to the  
3 right-of-way of the A VEHICLE PARTICIPATING IN A funeral  
4 procession.

5 NEW SECTION. Section 9. Liability. ~~{1} A funeral~~  
6 ~~director or mortician in charge of a funeral procession and~~  
7 ~~his employees and agents are not liable for death, personal~~  
8 ~~injury, or property damage that is suffered by a person in a~~  
9 ~~funeral procession or that is caused by or is the result of~~  
10 ~~an action or inaction of the operator of a motor vehicle in~~  
11 ~~a funeral procession unless the death, personal injury, or~~  
12 ~~property damage was proximately caused by the negligent or~~  
13 ~~intentional act of the funeral director, the mortician, or~~  
14 ~~the employee or agent of the director or mortician.~~

15 ~~{2} The operator of a motor vehicle in a funeral~~  
16 ~~procession is not an agent of the funeral director or~~  
17 ~~mortician unless the operator:~~

18 ~~{a} is an employee of the funeral director or mortician~~  
19 ~~acting in the course and scope of his employment; or~~

20 ~~{b} was retained as an independent contractor by the~~  
21 ~~funeral director or mortician and was performing services~~  
22 ~~pursuant to that contract.~~

23 THE OPERATOR OF A VEHICLE IN A  
24 FUNERAL PROCESSION, INCLUDING A LEAD VEHICLE OR AN ESCORT  
25 VEHICLE, IS NOT NEGLIGENT IF HE OPERATES THE VEHICLE IN  
ACCORDANCE WITH THE REQUIREMENTS OF [SECTIONS 2 THROUGH 8].

1 WHEN NO NEGLIGENCE EXISTS ON THE PART OF THE OPERATOR OF A  
2 VEHICLE IN A FUNERAL PROCESSION, NONE MAY BE IMPUTED TO THE  
3 FUNERAL DIRECTOR OR MORTICIAN ORGANIZING THE PROCESSION, TO  
4 THE AGENT OF THE FUNERAL DIRECTOR OR MORTICIAN, OR TO A  
5 MEMBER OF A LOCAL LAW ENFORCEMENT AGENCY ACTING AS THE  
6 AGENT, WITH OR WITHOUT COMPENSATION, OF THE FUNERAL DIRECTOR  
7 OR MORTICIAN.

8 NEW SECTION. Section 10. Codification instructions.

9 (1) [Sections 2 through 4] are intended to be codified as an  
10 integral part of Title 61, chapter 1, part 4, and the  
11 provisions of Title 61, chapter 1, part 4, apply to  
12 [sections 2 through 4].

13 (2) [Sections 5 through 9] are intended to be codified  
14 as an integral part of Title 61, chapter 8, part 3, and the  
15 provisions of Title 61, chapter 8, part 3, apply to  
16 [sections 5 through 9].

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emergency vehicle ~~in this chapter~~ and to the driver of a motor vehicle in a funeral procession.

(2) No A provision of this chapter for which signs are required ~~shall~~ may not be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state the signs are required, ~~such the~~ section ~~shall be~~ is effective even though no signs are erected or in place."

**NEW SECTION. Section 2. Funeral escort vehicle.** "Funeral escort vehicle" means a motor vehicle properly equipped pursuant to [section 6] ~~driven-by-a-person-who holds--a--valid--motorcycle--endorsement--to--his--driver's license.~~

**NEW SECTION. Section 3. Funeral lead vehicle.** "Funeral lead vehicle" means a motor vehicle, including a funeral hearse, properly equipped pursuant to [section 6] leading and facilitating the movement of a funeral procession and ~~driven-by-a-person-who--holds--a--valid--commercial--vehicle operator's-endorsement-to-his-driver's-license.~~

**NEW SECTION. Section 4. Funeral procession.** "Funeral procession" means two or more motor vehicles, one of which is carrying the remains of a deceased person, in the daylight hours, including a funeral lead vehicle and a

THIRD READING



1 funeral escort vehicle.

2 NEW SECTION. Section 5. Funeral procession  
 3 right-of-way -- funeral lead vehicle and funeral escort  
 4 vehicle in funeral procession. (1) Except as provided in  
 5 subsection (4), pedestrians and operators of motor vehicles  
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 7 of a funeral procession being led by a funeral lead vehicle  
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 10 intersection, the other vehicles in the funeral procession  
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 10 right-of-way at intersections regardless of official  
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 23 vehicle -- restricted light use. (1) A funeral escort  
 24 vehicle or a funeral lead vehicle must be equipped with at  
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 18 procession may not drive the vehicle at a speed greater  
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 15 right-of-way granted by [section 5];

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 7 ~~his employees and agents are not liable for death, personal~~  
 8 ~~injury, or property damage that is suffered by a person in a~~  
 9 ~~funeral procession or that is caused by or is the result of~~  
 10 ~~an action or inaction of the operator of a motor vehicle in~~  
 11 ~~a funeral procession unless the death, personal injury, or~~  
 12 ~~property damage was proximately caused by the negligent or~~  
 13 ~~intentional act of the funeral director, the mortician, or~~  
 14 ~~the employee or agent of the director or mortician;~~

15 ~~(2) The operator of a motor vehicle in a funeral~~  
 16 ~~procession is not an agent of the funeral director or~~  
 17 ~~mortician unless the operator:~~

18 ~~(a) is an employee of the funeral director or mortician~~  
 19 ~~acting in the course and scope of his employment; or~~

20 ~~(b) was retained as an independent contractor by the~~  
 21 ~~funeral director or mortician and was performing services~~  
 22 ~~pursuant to that contract; THE OPERATOR OF A VEHICLE IN A~~  
 23 ~~FUNERAL PROCESSION, INCLUDING A LEAD VEHICLE OR AN ESCORT~~  
 24 ~~VEHICLE, IS NOT NEGLIGENT IF HE OPERATES THE VEHICLE IN~~  
 25 ~~ACCORDANCE WITH THE REQUIREMENTS OF [SECTIONS 2 THROUGH 8].~~

1 WHEN NO NEGLIGENCE EXISTS ON THE PART OF THE OPERATOR OF A  
 2 VEHICLE IN A FUNERAL PROCESSION, NONE MAY BE IMPUTED TO THE  
 3 FUNERAL DIRECTOR OR MORTICIAN ORGANIZING THE PROCESSION, TO  
 4 THE AGENT OF THE FUNERAL DIRECTOR OR MORTICIAN, OR TO A  
 5 MEMBER OF A LOCAL LAW ENFORCEMENT AGENCY ACTING AS THE  
 6 AGENT, WITH OR WITHOUT COMPENSATION, OF THE FUNERAL DIRECTOR  
 7 OR MORTICIAN.

8 NEW SECTION. Section 10. Codification instructions.

9 (1) [Sections 2 through 4] are intended to be codified as an  
 10 integral part of Title 61, chapter 1, part 4, and the  
 11 provisions of Title 61, chapter 1, part 4, apply to  
 12 [sections 2 through 4].

13 (2) [Sections 5 through 9] are intended to be codified  
 14 as an integral part of Title 61, chapter 8, part 3, and the  
 15 provisions of Title 61, chapter 8, part 3, apply to  
 16 [sections 5 through 9].

-End-

## HOUSE BILL NO. 117

INTRODUCED BY J. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FUNERAL PROCESSION THE RIGHT-OF-WAY THROUGH STREET AND HIGHWAY INTERSECTIONS; REGULATING THE CONDUCT OF A FUNERAL PROCESSION; ~~DEFINING THE CIRCUMSTANCES WHEN THE PERSON CONDUCTING A FUNERAL PROCESSION IS LIABLE FOR DAMAGES~~ PROVIDING THAT AN OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION IS NOT NEGLIGENT IF HE FOLLOWS THE REQUIREMENTS OF THIS ACT; PROVIDING THAT NEGLIGENCE MAY NOT BE IMPUTED TO A FUNERAL DIRECTOR OR MORTICIAN IF NO NEGLIGENCE EXISTS ON THE PART OF THE OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION; AND AMENDING SECTION 61-8-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-8-201, MCA, is amended to read:

"61-8-201. Obedience to traffic-control devices -- exception for emergency vehicles and funeral processions.

(1) The driver of any a vehicle shall obey the instructions of any an official traffic-control device applicable thereto to his vehicle and placed in accordance with the provisions of this chapter unless otherwise directed by a highway patrol officer or police officer, subject to the exceptions granted in this chapter to the driver of an authorized

emergency vehicle in this chapter and to the driver of a motor vehicle in a funeral procession.

(2) No A provision of this chapter for which signs are required ~~shall~~ may not be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state the signs are required, such the section ~~shall be~~ is effective even though no signs are erected or in place."

NEW SECTION. Section 2. Funeral escort vehicle.

"Funeral escort vehicle" means a motor vehicle properly equipped pursuant to [section 6] ~~driven by a person who holds a valid motorcycle endorsement to his driver's license.~~

NEW SECTION. Section 3. Funeral lead vehicle. "Funeral

lead vehicle" means a motor vehicle, including a funeral hearse, properly equipped pursuant to [section 6] leading and facilitating the movement of a funeral procession ~~and driven by a person who holds a valid commercial vehicle operator's endorsement to his driver's license.~~

NEW SECTION. Section 4. Funeral procession. "Funeral

procession" means two or more motor vehicles, one of which is carrying the remains of a deceased person, in the daylight hours, including a funeral lead vehicle and a

1 funeral escort vehicle.

2 NEW SECTION. Section 5. Funeral procession  
 3 right-of-way -- funeral lead vehicle and funeral escort  
 4 vehicle in funeral procession. (1) Except as provided in  
 5 subsection (4), pedestrians and operators of motor vehicles  
 6 shall yield the right-of-way to a motor vehicle that is part  
 7 of a funeral procession being led by a funeral lead vehicle  
 8 or a funeral escort vehicle.

9 (2) After a funeral lead vehicle enters an  
 10 intersection, the other vehicles in the funeral procession  
 11 may continue to follow the funeral lead vehicle through the  
 12 intersection despite any official traffic-control device,  
 13 right-of-way provisions of this chapter, or local ordinance  
 14 if the operator exercises reasonable care toward any other  
 15 vehicle or pedestrian. WHEN THE FUNERAL LEAD VEHICLE ARRIVES  
 16 AT AN INTERSECTION, IT MUST COMPLY WITH THE REQUIREMENTS OF  
 17 ANY OFFICIAL TRAFFIC-CONTROL DEVICE, RIGHT-OF-WAY PROVISION  
 18 OF THIS CHAPTER, AND LOCAL ORDINANCE.

19 (3) Except as provided in subsection (4), a driver of a  
 20 funeral escort vehicle may direct the drivers of other  
 21 vehicles in a funeral procession to proceed through an  
 22 intersection or to make turns or other movements despite any  
 23 official traffic-control device. The driver of a funeral  
 24 escort vehicle may direct and control the drivers of  
 25 vehicles not in a funeral procession, including those in or

1 approaching an intersection, to stop, proceed, or make turns  
 2 or other movements without regard to an official  
 3 traffic-control device. ~~A funeral escort vehicle may exceed~~  
 4 ~~the speed limit by 15 miles per hour when overtaking the~~  
 5 ~~funeral procession to direct traffic at the next~~  
 6 ~~intersection.~~ PERSONS DIRECTING TRAFFIC SHALL COMPLY WITH  
 7 THE PROVISIONS OF 61-1-411. However, use of a funeral escort  
 8 vehicle is not required.

9 (4) A VEHICLE IN A funeral procession has the  
 10 right-of-way at intersections regardless of official  
 11 traffic-control devices PROVIDED THE DRIVER OF THAT VEHICLE  
 12 AND THE DRIVERS OF ALL VEHICLES IN THE FUNERAL PROCESSION  
 13 MEET ALL THE REQUIREMENTS OF [SECTIONS 2 THROUGH 8], except  
 14 that an operator of a vehicle in a funeral procession shall  
 15 yield the right-of-way to an approaching authorized  
 16 emergency vehicle giving an audible or visible VISUAL signal  
 17 or when directed to do so by a highway patrol officer or  
 18 police officer. THIS SECTION DOES NOT RELIEVE THE DRIVER OF  
 19 A VEHICLE IN A FUNERAL PROCESSION FROM THE DUTY TO DRIVE  
 20 WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS USING THE  
 21 HIGHWAY.

22 NEW SECTION. Section 6. Equipment required for funeral  
 23 vehicle -- restricted light use. (1) A funeral escort  
 24 vehicle or a funeral lead vehicle must be equipped with at  
 25 least one lighted ~~circulation~~ ROTATING OR OSCILLATING lamp

1 exhibiting an amber light or lens visible under normal  
2 atmospheric conditions for a distance of 500 feet from the  
3 front of the vehicle.

4 (2) A funeral escort vehicle or a funeral lead vehicle  
5 may illuminate a ~~flashing~~ ROTATING OR OSCILLATING amber  
6 light only when the vehicle is in use in a funeral  
7 procession.

8 NEW SECTION. Section 7. Driving in funeral procession.

9 (1) A vehicle in a funeral procession shall follow the  
10 preceding vehicle in the funeral procession as closely as is  
11 practicable and safe.

12 (2) An ordinance, law, or regulation requiring that  
13 motor vehicles be operated to allow sufficient space between  
14 them to enable another vehicle to enter and occupy that  
15 space without danger does not apply to vehicles in a funeral  
16 procession.

17 (3) The driver of a motor vehicle in a funeral  
18 procession may not drive the vehicle at a speed greater  
19 than:

20 (a) 55 miles per hour on a highway where the posted  
21 speed limit is 55 miles per hour or more; or

22 (b) 5 miles per hour below the posted speed limit on  
23 other streets or roads.

24 (4) A vehicle being operated in a funeral procession  
25 must have its headlights and taillights illuminated.

1 (5) The turn signals must be flashing simultaneously as  
2 warning lights on a vehicle that:

3 (a) is the first vehicle in a funeral procession; or

4 (b) the driver has reason to believe is the last  
5 vehicle in a funeral procession.

6 NEW SECTION. Section 8. Vehicles not in funeral  
7 procession. The driver of a vehicle that is not part of a  
8 funeral procession may not:

9 (1) drive between the vehicles forming a funeral  
10 procession while they are in motion except when:

11 (a) authorized to do so by a police officer; or

12 (b) driving an authorized emergency vehicle emitting an  
13 audible or visible signal;

14 (2) join a funeral procession to secure the  
15 right-of-way granted by [section 5];

16 (3) pass a funeral procession on a multiple-lane  
17 highway on the funeral procession's right side unless the  
18 funeral procession is in the farthest left lane;

19 (4) enter an intersection, even if the driver is facing  
20 a green traffic-control signal, when a funeral procession  
21 BEING CONDUCTED IN COMPLIANCE WITH [SECTIONS 2 THROUGH 8] is  
22 proceeding through a red traffic-control signal at that  
23 intersection as permitted by [section 5] unless the driver  
24 can do so without crossing the path of the funeral  
25 procession. If the red signal changes to green while the



1 funeral procession is within the intersection, the driver of  
2 a vehicle facing a green signal may proceed subject to the  
3 right-of-way of the A VEHICLE PARTICIPATING IN A funeral  
4 procession.

5 NEW SECTION. Section 9. Liability. ~~{1}--A--funeral~~  
6 ~~director--or--mortician--in--charge--of--a--funeral--procession--and~~  
7 ~~his--employees--and--agents--are--not--liable--for--death--personal~~  
8 ~~injury--or--property--damage--that--is--suffered--by--a--person--in--a~~  
9 ~~funeral--procession--or--that--is--caused--by--or--is--the--result--of~~  
10 ~~an--action--or--inaction--of--the--operator--of--a--motor--vehicle--in~~  
11 ~~a--funeral--procession--unless--the--death--personal--injury--or~~  
12 ~~property--damage--was--proximately--caused--by--the--negligent--or~~  
13 ~~intentional--act--of--the--funeral--director--the--mortician--or~~  
14 ~~the--employee--or--agent--of--the--director--or--mortician--~~

15 ~~{2}--The--operator--of--a--motor--vehicle--in--a--funeral~~  
16 ~~procession--is--not--an--agent--of--the--funeral--director--or~~  
17 ~~mortician--unless--the--operator--~~

18 ~~{a}--is--an--employee--of--the--funeral--director--or--mortician~~  
19 ~~acting--in--the--course--and--scope--of--his--employment--or~~

20 ~~{b}--was--retained--as--an--independent--contractor--by--the~~  
21 ~~funeral--director--or--mortician--and--was--performing--services~~  
22 ~~pursuant--to--that--contract--~~ THE OPERATOR OF A VEHICLE IN A

23 FUNERAL PROCESSION, INCLUDING A LEAD VEHICLE OR AN ESCORT  
24 VEHICLE, IS NOT NEGLIGENT IF HE OPERATES THE VEHICLE IN  
25 ACCORDANCE WITH THE REQUIREMENTS OF [SECTIONS 2 THROUGH 8].

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15 provisions of Title 61, chapter 8, part 3, apply to  
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-End-