

House Bill 907 (COMMITTEE SUBSTITUTE)

By: Representatives Franklin of the 160th, Smith of the 18th, Mathis of the 149th, Jasperse of the 11th, Collins of the 71st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to right of way for operators of motor vehicles, so as to revise responsibilities of
3 motor vehicle operators when encountering a funeral procession on a two-lane highway; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 4 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to right
8 of way for operators of motor vehicles, is amended by revising Code Section 40-6-76,
9 relating to funeral processions, as follows:

10 "40-6-76.

11 (a) As used in this Code section, a the term 'funeral procession' means an array of motor
12 vehicles in which the lead vehicle displays a sign, pennant, flag, or other insignia furnished
13 by a funeral home indicating a funeral procession unless led by a state or local law
14 enforcement vehicle and each vehicle participating in the funeral procession is operating
15 its headlights.

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16 (b) Funeral processions shall have the right of way at intersections subject to the following
17 conditions and exceptions:

18 (1) Operators of vehicles in a funeral procession shall yield the right of way upon the
19 approach of an authorized emergency vehicle or law enforcement vehicle giving an
20 audible and visual signal; and

21 (2) Operators of vehicles in a funeral procession shall yield the right of way when
22 directed to do so by a traffic officer.

23 (c) Funeral processions in which both the lead and rear vehicles display flashing hazard
24 lights or which are escorted by the police, a sheriff, or a sheriff's deputy shall have the right
25 of way in any street or highway through which they may pass, and, upon any two-lane
26 highway, the operator of every other vehicle shall yield the right of way and shall
27 immediately drive to a position parallel to, and as close as possible to, the right-hand edge
28 or curb of the roadway clear of any intersection and shall stop and remain in such position
29 until the funeral procession has passed, except when otherwise directed by a traffic officer.

30 Local governments may, by ordinance, provide for ~~such~~ law enforcement escort service
31 and provide for the imposition of reasonable fees to defray the cost of such service.

32 (d) The operator of a vehicle not in a funeral procession shall not interrupt a funeral
33 procession except when authorized to do so by a traffic officer or when such vehicle is an
34 authorized emergency vehicle or law enforcement vehicle giving an audible and visual
35 signal.

36 (e) Operators of vehicles not a part of a funeral procession shall not join a funeral
37 procession by operating their headlights for the purpose of securing the right of way
38 granted by this Code section to funeral processions.

39 (f) The operator of a vehicle not in a funeral procession shall not attempt to pass vehicles
40 in a funeral procession on a two-lane highway.

41 (g) Any person violating ~~subsection (d), (e), or (f)~~ of this Code section shall be guilty of
42 a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed
43 \$100.00.

44 (h) Any law enforcement officer who is directing or escorting a funeral procession in this
45 state, whether such service is provided while on duty or not, shall enjoy the same
46 immunities from liability as the officer possesses while in the performance of other official
47 duties."

48 **SECTION 2.**

49 All laws and parts of laws in conflict with this Act are repealed.