

The Senate Committee on Public Safety offered the following substitute to HB 77:

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 the responsibilities of
3 operators of motor vehicles when encountering a funeral procession; to provide for related
4 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~~:

13 (1) Each participating motor vehicle operates with illuminated headlights; and

14 (2)(A) The lead vehicle displays a sign, pennant, flag, or other insignia furnished by
15 a funeral home indicating a funeral procession ~~unless; or~~

16 ~~(B) The procession is~~ led by a state or local law enforcement vehicle ~~and each vehicle~~
 17 ~~participating in the funeral procession is operating its headlights.~~

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

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

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

25 (c) Funeral processions ~~escorted by the police, a sheriff, or a sheriff's deputy~~ which are led
 26 by a state or local law enforcement vehicle shall have the right of way in any ~~street or~~
 27 highway through which they may pass.

28 (d) Local governments may, by ordinance, provide for ~~such law enforcement~~ escort service
 29 for funeral processions and provide for the imposition of reasonable fees to defray the cost
 30 of such service.

31 ~~(d)~~(e) The operator of a vehicle not participating in a funeral procession shall not ~~interrupt~~:

32 (1) Interrupt a funeral procession except when authorized to do so by a traffic officer or
 33 when such vehicle is an authorized emergency vehicle or law enforcement vehicle giving
 34 an audible and visual signal;

35 ~~(e)~~(2) Illuminate the headlights of a vehicle and join a funeral procession for the purpose
 36 ~~Operators of vehicles not a part of a funeral procession shall not join a funeral procession~~
 37 ~~by operating their headlights for the purpose~~ of securing the right of way granted to
 38 funeral processions by this Code section to ~~funeral processions~~; or

39 ~~(f)~~(3) Attempt The operator of a vehicle not in a funeral procession shall not attempt to
 40 pass vehicles in a funeral procession on a two-lane highway.

41 (f) When a funeral procession is traveling upon a two-lane highway, is led by a state or
 42 local law enforcement vehicle, and the lead and rear motor vehicles in the funeral

43 procession display flashing hazard lights, the operator of a vehicle not participating in such
44 funeral procession shall, except when otherwise directed by a traffic officer, yield the right
45 of way and drive to a position parallel to, and as close as safe and practicable to, the
46 right-hand curb or edge of the roadway, clear of any intersection, and stop and remain in
47 such position until the funeral procession has passed. The provisions of this subsection
48 shall not require the operator of a commercial motor vehicle not participating in such
49 funeral procession to act in a manner which is contrary to the safe operation of the
50 commercial motor vehicle; which would violate federal, state, or local law; or which would
51 result in an unsafe condition for the operator, vehicle, vehicle load, or traveling public.

52 (g) Any person violating ~~subsection (d), (e), or (f)~~ of this Code section shall be guilty of
53 a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed
54 \$100.00.

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

59 **SECTION 2.**

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