

House Bill 77

By: Representatives Franklin of the 160<sup>th</sup>, Yearta of the 152<sup>nd</sup>, Cameron of the 1<sup>st</sup>, Richardson of the 125<sup>th</sup>, and Corbett of the 174<sup>th</sup>

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 vehicle not participating in such funeral procession shall  
27 yield the right of way and shall immediately drive to a position parallel to, and as close as  
28 possible to, the right-hand edge or curb of the roadway clear of any intersection and shall  
29 stop and remain in such position until the funeral procession has passed, except when  
30 otherwise directed by a traffic officer. Local governments may, by ordinance, provide for  
31 ~~such~~ law enforcement escort service and provide for the imposition of reasonable fees to  
32 defray the cost of such service.

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

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

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

42 (g) Any person violating ~~subsection (d), (e), or (f)~~ of this Code section shall be guilty of  
43 a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed  
44 \$100.00.

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

49 **SECTION 2.**

50 All laws and parts of laws in conflict with this Act are repealed.