

# SENATE NO. 2022

## AN ACT FURTHER REGULATING FUNERAL PROCESSIONS

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 85 of the General Laws is hereby amended by striking out section 14A  
2 and inserting in place thereof the following section:-

3 Section 14A. (a) For purposes of this section, the following words shall have the following  
4 meanings:-

5 “Funeral directing”, the business, practice or profession, as commonly practiced, of (a) directing  
6 or supervising funerals or providing funeral service; (b) handling or encasing, or providing  
7 services for handling or encasing, dead human bodies, and preparation of dead human bodies,  
8 otherwise than by embalming, for burial or disposal; (c) providing embalming services; (d)  
9 providing transportation, interment and disinterment of dead human bodies; and (e) maintaining  
10 an establishment so located, constructed and equipped as to permit the decent and sanitary  
11 handling of dead human bodies with suitable equipment in such establishment for such  
12 handling.

13 “Funeral director”, any person engaged, or holding himself out as engaged, in the business,  
14 practice or profession of funeral directing.

15 “Funeral escort”, a person or entity that provides vehicle escort services for funeral processions  
16 including, but not limited to, law enforcement personnel.

17 “Funeral escort vehicle”, a vehicle that operated by a funeral escort.

18 “Funeral home”, a “licensed funeral establishment” as defined in regulations of the board of  
19 registration in embalming and funeral directing.

20 “Funeral lead vehicle”, any motor vehicle, including a funeral hearse, leading and facilitating  
21 the movement of a funeral procession.

22 “Funeral procession”, 2 or more vehicles accompanying the body or the cremated remains of a  
23 deceased person, in the daylight hours, including a funeral lead vehicle or a funeral escort  
24 vehicle.

25 (b)(1) Operators of vehicles in a funeral procession must exercise due care while driving in a  
26 funeral procession. A vehicle in a funeral procession shall follow the preceding vehicle in the  
27 funeral procession as closely as is practicable and safe. Any general law, ordinance or  
28 regulation requiring that motor vehicles be operated to allow sufficient space between them to  
29 enable another vehicle to enter and occupy that space without danger shall not be applicable to  
30 vehicles in a funeral procession.

31 (2) The operator of a motor vehicle in a funeral procession may not drive the vehicle at a  
32 speed greater than 55 miles per hour on a highway where the posted speed limit is 55 miles per  
33 hour or more or greater than 5 miles per hour below the posted speed limit on a street or road  
34 that is not a highway.

35 (3) A vehicle being operated in any funeral procession must have its headlights and taillights  
36 illuminated.

37 (4) The turn signals must be flashing simultaneously as warning lights on a vehicle that is the  
38 first vehicle in a funeral procession and on a vehicle which the operator has reason to believe is  
39 the last vehicle in the funeral procession.

40 (c) (1) Except as provided in paragraph (4) of this subsection, pedestrians and operators of all  
41 vehicles shall yield the right-of-way to any vehicle which is part of a funeral procession being  
42 led by a funeral escort vehicle or a funeral lead vehicle.

43 (2) Whenever the funeral escort vehicle or funeral lead vehicle in a funeral procession lawfully  
44 enters an intersection, either by reason of a traffic control device or at the direction of law  
45 enforcement personnel, the remaining vehicles in the funeral procession may continue to follow  
46 the funeral lead vehicle through the intersection despite any traffic control device, general law  
47 or ordinance to the contrary relative to right-of-way, if the operator of each vehicle exercises  
48 reasonable care toward other vehicles and any pedestrians on the roadway.

49 (3) Except as provided in paragraph (4) of this subsection, an operator of a funeral escort  
50 vehicle may, while exercising due care, direct operators of other vehicles in a funeral  
51 procession to proceed through an intersection or to make turns or other movements despite any  
52 traffic control device signal to the contrary. Funeral escort vehicles may exceed the speed limit  
53 by 10 miles per hour when overtaking the funeral procession in order to arrive at the next  
54 intersection ahead of the procession so as to direct the procession through.

55 (4) A funeral procession shall have the right-of-way at intersections regardless of traffic  
56 control devices subject to the following conditions and exceptions:

57 (i) operators of vehicles in a funeral procession shall yield the right-of-way to an approaching  
58 emergency vehicle emitting an audible siren or flashing emergency lights;

59 (ii) operators of vehicles in a funeral procession shall yield the right-of-way when directed to  
60 do so by law enforcement personnel; and

61 (iii) operators of vehicles in a funeral procession must exercise due care when participating in a  
62 funeral procession.

63 (d) The operator of a vehicle that is not part of a funeral procession shall not:

64 (1) drive between the vehicles forming a funeral procession while the vehicles are in motion  
65 except when authorized to do so by law enforcement personnel or when driving an authorized  
66 emergency vehicle emitting an audible siren or flashing emergency lights;

67 (2) join a funeral procession to secure the right-of-way as granted by subsection (c);

68 (3) pass a funeral procession on a multiple lane highway on the funeral procession's right side  
69 unless the funeral procession is in the farthest left lane; or

70 (4) enter an intersection, even if the operator is facing a green traffic control signal when a  
71 funeral procession is proceeding through a red traffic control signal at the intersection as  
72 permitted under subsection (c), unless the operator may do so without crossing the path of the  
73 funeral procession. If the red signal changes to green while the funeral procession is within the  
74 intersection, the operator of the vehicle facing the green may proceed, subject to the right-of-  
75 way of a vehicle participating in a funeral procession.

76 (e)(1) Liability for any death, personal injury or property damage suffered by any person in a  
77 funeral procession shall not be imposed upon the funeral director, funeral home, funeral escort  
78 or their employees or agents if the funeral procession was operating in accordance with  
79 subsections (b) to (d), inclusive, or would have been operating in such compliance but for the  
80 failure of the operator of one or more vehicles in the funeral procession to exercise due care.

81 (2) Liability for any death, personal injury or property damage that results from, is caused by,  
82 or arises out of any action or inaction of any operator of a vehicle in a funeral procession under  
83 the control of a funeral director, funeral home, funeral escort or their employees or agents shall  
84 not be imposed on such funeral director, funeral home, funeral escort or their employees or  
85 agents if the funeral procession was operating in accordance with subsections (b) to (d),  
86 inclusive, or would have been operating in such compliance but for the operator of one or more  
87 vehicles in the funeral procession not exercising due care.

88 (3) This subsection shall not apply if the death, personal injury, or property damage allegedly  
89 arose from a negligent act or omission in the operation of a vehicle by the funeral director,  
90 funeral home, funeral escort or their employees or agents. The operator of a vehicle in a funeral  
91 procession shall not be deemed to be an agent of the funeral director, funeral home, or funeral  
92 escort unless such operator is an employee of the funeral director, funeral home, or funeral  
93 escort and is acting in the course of his employment, or unless the operator was retained as an  
94 independent contractor of the funeral director, funeral home or funeral escort and is performing  
95 services therefore.

96 (f) This section shall not create a new cause of action or substantive legal rights against any  
97 funeral director, funeral home, funeral escort or their employees or agents. This section shall  
98 not affect any immunities from civil liability or defenses established by general law or any  
99 immunity from civil liabilities or defense available at common law to which a funeral director,  
100 funeral home, funeral escort, or their employees or agents may be entitled.

101 (g) A funeral procession of not more than 10 vehicles shall have the right, except on Sundays  
102 and legal holidays, to use any parkway, boulevard or other public way to the same extent and

103 subject to the same regulations and restrictions as vehicles commonly known as pleasure  
104 vehicles.