

RIGHT-OF-WAY OF FUNERAL PROCESSIONS

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You asked which states have laws specifically authorizing drivers in a funeral procession to go through a red traffic light legally.

SUMMARY

Only one state, Nevada, specifically allows the lead or escort vehicle in a funeral procession to go through a red light. Five states, Arizona, Idaho, Kentucky, Montana, and North Dakota, grant funeral processions the right-of-way at intersections without regard to any traffic control signal. In these states, the escort vehicle driver can direct the procession to proceed through an intersection or make any necessary movements despite any traffic control signals. These laws imply that the lead funeral escort vehicle can disregard a red traffic signal.

In 15 other states, properly identified vehicles in a funeral procession can disregard a red light and pass through the intersection if the lead vehicle lawfully went through the signal when it was green and subsequently changed to red.

Proper identification usually involves lighted headlights, but some states also require other identification, such as flags or flashing lights. In Michigan, the law gives funeral processions the right-of-way at intersections, but it is not specific with respect to traffic signals. Several court decisions have interpreted the authority to include signalized intersections as well.

In Iowa, the law is not specific regarding intersections, but provides that drivers of vehicles in the procession cannot be charged with violating traffic rules and regulations with regard to traffic devices and signals, unless operating the vehicle recklessly.

Six other states also have laws relating to the continuity of funeral processions, although they do not specifically grant right-of-way.

STATES WITH LAWS GRANTING RIGHT-OF-WAY

States with Laws Concerning Right-of-Way at Intersections

Nevada. The law authorizes a vehicle escorting a funeral procession to (1) go through a red light or stop sign after slowing down as necessary, (2) exceed the posted speed limit by up to 15 miles per hour to overtake the procession and direct traffic at the next intersection, and (3) disregard regulations on direction of movement or turning when directing the movement of the other vehicles in the procession (Nev. Rev. Stat. 484. 261). While these privileges are part of the law authorizing special actions by police and other emergency vehicles, the law does not expressly require a funeral escort vehicle to be such a police or emergency vehicle.

Arizona. The law allows a funeral escort vehicle driver holding a class D driver's license and exhibiting a red or red and blue light to (1) direct the vehicles in the procession and other vehicles approaching the procession to stop, proceed, or make any necessary movements without regard to any traffic control device and (2) exceed the speed limit by up to 15 miles per hour to overtake the procession so it can direct traffic at the next intersection. All other vehicles and pedestrians, except emergency vehicles, must yield the right-of-way to funeral processions. Vehicles in the procession must exercise due care (Ariz. Rev. Stat. § 28-776).

Idaho. The law defines a funeral procession as two or more vehicles accompanying the body of a dead person in the daytime. Funeral processions have the right-of-way at intersections regardless of traffic control devices. The funeral escort vehicle may (1) direct the other vehicles in the procession to proceed through an intersection or to make any other movements or turns, regardless of any traffic control device, and (2) exceed the speed limit by up to 15 miles per hour when overtaking the procession to direct traffic at the next intersection. Processions must yield the right-of-way to emergency vehicles or when directed by a police officer. The law also provides that whenever the funeral escort vehicle enters an intersection, the other vehicles can follow without regard to any traffic control device, provided they exercise reasonable care (Idaho Code § 49-2701).

Kentucky. The law defines a funeral procession as at least two vehicles accompanying the body of a dead person when every vehicle has its headlights lit or displays a pennant. It is not specific as to whether funeral processions may go through a red light, but it grants them right-of-way at intersections if the escort vehicle displays flashing red, yellow, or blue lights, and each vehicle exercises due care. Processions must yield to emergency vehicles, trains, or when directed otherwise by a police officer. Other vehicles cannot drive between, interfere with, or pass the procession unless directed by a police officer (Ky. Rev. Stat. Ann. § 189. 378).

Montana. The law requires pedestrians and other vehicles, except emergency vehicles and when a police officer directs otherwise, to yield the right-of-way to funeral processions. It is not specific with regard to right-of-way for the escort vehicle at intersections, but states that the driver of the funeral escort vehicle may direct the other vehicles in the procession to proceed through an intersection or make any other movements despite any traffic control device. Once the lead escort vehicle has entered an intersection lawfully, all other vehicles may proceed without regard to the traffic signal (Mon. Code Ann. § 61-8-380).

North Dakota. The law grants processions the right-of-way and allows a law enforcement officer leading a funeral procession to proceed through an intersection or direct traffic despite any traffic control device. The other vehicles in the procession can then follow the police officer, regardless of the traffic signal. Vehicles in a funeral procession must yield the right-of-way to emergency vehicles or if directed by a police officer. All vehicles in the procession must have their headlights lit, and their emergency lights flashing and they must be as closely spaced as safely possible. Other vehicles may not drive between, join, pass on a two-lane road, or cross the path of vehicles in a funeral procession (N. D. Cent. Code § 39-10-72).

Other States Granting Right-of-Way

Iowa. Funeral procession lead vehicles must have flashing emergency lights, lit headlights, and identifying flags. All vehicles in the procession must keep headlights lit and drive close together. Other vehicles, except emergency vehicles, must yield the right-of-way to the procession. The law is not specific regarding intersections, but it provides that drivers of vehicles in the procession cannot be charged with violating traffic rules and regulations with regard to traffic devices and signals, unless operating the vehicle recklessly (Iowa Code § 321. 324A).

Illinois. The law gives funeral processions the right-of-way at intersections when headlights are lit. The lead vehicle must comply with stop signs and traffic lights, but once it has done so, all the following vehicles can proceed without stopping, provided they exercise due caution. Also, the procession must yield to an approaching emergency vehicle or when directed by a police officer. Vehicles not in the procession cannot enter it unless directed by a police officer and other vehicles cannot join the procession and turn on their headlights in order to gain the right-of-way granted to the procession (625 Ill. Comp. Stat. 5/11-1420).

Indiana. This law is identical to the Illinois statute in its requirements except that the lead vehicle in the procession must have alternatively flashing red and blue lights (Ind. Code § 9-21-13-1 to -6).

Wisconsin. This law is identical to the Illinois statute in its requirements except that it grants these privileges to military convoys as well as funeral processions (Wis. Stat. § 346. 20).

Florida. This law defines a funeral procession as two or more vehicles accompanying the body of a dead person in the daytime when all vehicles have their headlights lit. The lead vehicle, if not a law enforcement vehicle, must have a flashing amber light. The law requires all pedestrians and vehicles, except emergency vehicles, to yield right-of-way to the procession. If the lead vehicle enters an intersection legally, the other vehicles may follow it regardless of a changing traffic signal, stop sign, or yield sign provided they exercise due care to prevent collisions. Other drivers are prohibited from driving between vehicles in the procession, if their headlights are on, unless directed by a police officer (Fla. Stat. § 316. 1974).

Maryland. The law allows anyone in a procession to pass through a red light as long as the first vehicle in the procession went through it while it was still green. This privilege is accorded only if a vehicle's headlights are on. While the procession goes through the red signal, any other vehicle with a green light can enter the intersection only if it will not cross the procession's path (Md. Code Ann. § 21-207).

Michigan. The law gives a funeral procession the right-of-way over all other vehicles, except emergency vehicles, when it is going to a place of burial. The vehicles in the procession must display a special orange flag to be accorded this privilege. The law contains no provision requiring lighted headlights. The Michigan courts have apparently defined "place of burial" to include the procession to both the place where the services are conducted and the cemetery.

The law is not specific with respect to intersections controlled by traffic lights, but Michigan courts have interpreted it to include signalized intersections as well, although the driver in the procession is expected to exercise due care (Mentel v. Monroe Public Schools, 47 Mich. App. 467; McClure v. Dukes, 61 Mich. App. 339). The Michigan law prohibits passing through a funeral procession (Mich. Comp. Laws § 257. 654).

Minnesota. This law generally requires all vehicles, except emergency vehicles, to yield the right-of-way to a funeral procession when all its cars are in close formation with headlights lit. Since it contains no

other specific language establishing a precedence at intersections controlled by traffic lights, the implication seems to be that all vehicles must observe the signal (Minn. Stat. § 169. 20).

Missouri. A funeral procession is defined as two or more vehicles accompanying the body of a dead person from a funeral establishment to the place of final disposition or to a place where additional funeral services will be performed. Funeral lead vehicles must have an amber or purple light or lens or alternating flashing headlamps. The law gives the procession the right-of-way, except it must yield to emergency vehicles. Once the lead vehicle lawfully enters an intersection, all other vehicles in the procession may follow without stopping, but must exercise due care. All vehicles in the procession must follow each other as closely as safely possible, and toll-free passage is given to processions on any toll bridges, tunnels, or other roads. Other vehicles are prohibited from driving between, joining, attempting to pass, or crossing the path of a funeral procession (Mo. Rev. Stat. § 194. 500-509).

New Hampshire. The law requires the operator of the lead escort vehicle to comply with all stop signs and traffic control signals. When the lead vehicle has entered an intersection lawfully, the other vehicles may proceed without regard to the traffic signal. Funeral processions have the right-of-way. All vehicles in the procession must follow one another as closely as safely possible and should be marked with funeral flags or windshield signs, headlights, taillights, and hazard flashers. The escort vehicle must have a purple flashing or emergency light (N. H. Rev. Stat. Ann. § 265: 156).

North Carolina. When the lead vehicle has entered an intersection lawfully, the other vehicles may proceed without regard to the traffic signal. Funeral processions have the right-of-way, but they must yield to emergency vehicles or when directed by a police officer. The lead vehicle must be marked with a light, flag or other insignia indicating a funeral procession. Each vehicle in the procession must have its headlights lit and hazard warning lights on. Other vehicles may not attempt to pass or knowingly drive between vehicles in a funeral procession (N. C. Gen. Stat. § 20-157. 1).

Ohio. This law defines a funeral procession as two or more vehicles accompanying a dead person in the daytime and operating with headlights lit and displaying a purple and white pennant. Pedestrians and other vehicles, except emergency vehicles or vehicles directed by a police officer, must yield right-of-way to the procession. The other vehicles in the procession can follow the lead vehicle that lawfully entered the intersection regardless of the traffic signal, provided they exercise due care (Ohio Code § 4511. 451).

Oregon. The law requires other vehicles to yield the right-of-way to funeral processions, to stop at intersections to allow the funeral procession to pass, and obey any directions given by the driver of a funeral escort vehicle. If the funeral escort lead vehicle enters the intersection lawfully, the other vehicles may follow without stopping. Processions must yield the right-of-way to emergency vehicles or if directed by a police officer. The escort vehicle may exceed the speed limit by 10 miles per hour and cross the center line of a road. Other vehicles may not drive between or join a funeral procession. Funeral processions are allowed to pass toll-free through all tollgates (Or. Rev. Stat. § 811. 802 – 812).

Pennsylvania. The law allows vehicles in a funeral procession to proceed past a red light or stop sign if the lead vehicle entered the intersection while the light was still green or if it made a full stop at the stop sign. Each vehicle in the procession must have its headlights lit, emergency flashers on, and a flag or other insignia indicating it is part of the procession. They must yield the right-of-way to emergency vehicles (75 Pa. Cons. Stat. § 3107).

Tennessee. The law gives the procession the right-of-way if the lead vehicle has a flashing amber light or is led by a “properly identified” escort. As with the other laws, the lead vehicle must comply with traffic lights and signs, and the other vehicles may follow without stopping if their headlights are on. Also, the procession must yield to emergency vehicles or when directed by a police officer. The procession must drive on the right side of the roadway and be as closely spaced as safely possible. It must proceed at no less than 45 miles per hour on a limited access highway and no less than five miles per hour below the posted limit on other roads. Vehicles following the procession on a two-lane road are prohibited from attempting to pass it. Other drivers are prohibited from driving between vehicles in the procession, unless directed by a police officer (Tenn. Code Ann. § 55-8-183).

Virginia. The law gives a funeral procession a general right-of-way on any street through which it passes if it is traveling under a police or sheriff’s escort. It is not explicit with respect to the issue of traffic signals or signs. It authorizes localities to provide police escort service and impose reasonable fees to defray costs. No vehicle may join, pass through, or interfere with the funeral procession (Va. Code Ann. § 46. 2-828).

West Virginia. The law requires other vehicles, except emergency vehicles or when directed otherwise by a police officer, to yield the right-of-way to funeral processions. Also, when the lead vehicle lawfully enters an intersection, the other vehicles in the procession may follow without regard to any traffic control devices as long as each vehicle exercises due care. Each vehicle must follow the other as closely as safely possible. All non-law enforcement escort vehicles must exhibit at least one flashing amber or purple light (W. Va. Code § 17C-32-1 to –5).

Wyoming. The law gives the right-of-way to a procession led by a funeral car or escorted by a police car and displaying flashing lights. The lead car must comply with traffic lights or signs, but the vehicles following need not stop if their headlights are on. The procession must yield to emergency vehicles (Wyo. Stat. § 31-5-123).

Other Statutes of Interest

California. The only law California has regarding funeral processions prohibits anyone from disregarding any traffic signal or direction given by a peace officer authorized to escort a procession and in uniform (Cal. Veh. Code § 2817).

Delaware. The law prohibits any vehicle not part of a funeral procession from driving between or interfering with a funeral procession. All vehicles in a funeral procession must be as closely-spaced as safely possible, and must have headlights and taillights lit. Vehicles in a funeral procession must exercise due caution and yield the right-of-way to emergency vehicles or when directed by a police officer (Del. Code Ann. §§ 7101-7103).

Massachusetts. The law provides that a funeral procession of 10 vehicles or fewer has the right to use any public roadway subject to the same regulations and restrictions as “pleasure vehicles” (Mass. Gen. Laws ch. 85 § 14A).

New Jersey. The law states that if any procession takes longer than five minutes to pass a given point, it must be interrupted every five minutes for waiting traffic (N. J. Stat. § 39: 4-93). The ambiguity of the law was interpreted by a New Jersey court in 1978, which concluded that it was not intended to give a funeral procession a preferential right-of-way, nor did it take precedence over the requirement to stop for a red light. The case arose when a driver entering an intersection under a green light collided with a member of a procession who had entered against a red light (Pohi v. Topal, 383 A. 2d 435). Authorized emergency vehicles, U. S. mail vehicles, and physicians’ vehicles have the right-of-way through a procession.

Rhode Island. The law prohibits anyone from “willfully” interjecting his vehicle into a funeral procession. The procession must be clearly identified by headlights, flags, signs, or other devices (R. I. Gen. Laws § 31-27-16).