

**SENATE . . . . . No. 1884**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Steven A. Baddour**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act Relative to Funeral Processions .**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven A. Baddour	First Essex
Steven C. Panagiotakos	First Middlesex
Brian S. Dempsey	3rd Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO 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  
2   14A and inserting in place thereof the following section:-

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

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

15 “Funeral escort”, a person or entity that provides vehicle escort services for funeral  
16 processions 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  
19 of registration in embalming and funeral directing.

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

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

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

31 (2) The operator of a motor vehicle in a funeral procession may not drive the  
32 vehicle at a speed greater than 55 miles per hour on a highway where the posted speed

33 limit is 55 miles per hour or more or greater than 5 miles per hour below the posted speed  
34 limit on a street or road that is not a highway.

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

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

40 (c) (1) Except as provided in paragraph (4) of this subsection, pedestrians and operators  
41 of all vehicles shall yield the right-of-way to any vehicle which is part of a funeral procession  
42 being 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  
44 procession lawfully enters an intersection, either by reason of a traffic control device or at  
45 the direction of law enforcement personnel, the remaining vehicles in the funeral  
46 procession may continue to follow the funeral lead vehicle through the intersection  
47 despite any traffic control device, general law or ordinance to the contrary relative to  
48 right-of-way, if the operator of each vehicle exercises reasonable care toward other  
49 vehicles and any pedestrians on the roadway.

50 (3) Except as provided in paragraph (4) of this subsection, an operator of a  
51 funeral escort vehicle may, while exercising due care, direct operators of other vehicles  
52 in a funeral procession to proceed through an intersection or to make turns or other  
53 movements despite any traffic control device signal to the contrary. Funeral escort

54 vehicles may exceed the speed limit by 10 miles per hour when overtaking the funeral  
55 procession in order to arrive at the next intersection ahead of the procession so as to  
56 direct the procession through.

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

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

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

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

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

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

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

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

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

82 (5) A vehicle owned by a funeral home establishment or a licensed or registered  
83 certified funeral director, and operated by a funeral director, an employee or an  
84 independent contractor of a funeral home may have mounted thereon flashing, rotating or  
85 oscillating purple/violet, amber and or clear lights. Such vehicle may display a flashing,  
86 rotating or oscillating red light in the opposite direction in which the vehicle is  
87 proceeding. Such lights shall only be displayed when such owner or operator is  
88 proceeding in a funeral procession, or responding to a fatality on behalf of the Chief  
89 Medical Examiner's Office and at no other time. A permit for the use of said lights will  
90 not be required from the Registrar of Motor Vehicles.

91 (e)(1) Liability for any death, personal injury or property damage suffered by any person  
92 in a funeral procession shall not be imposed upon the funeral director, funeral home, funeral  
93 escort or their employees or agents if the funeral procession was operating in accordance with

94 subsections (b) to (d), inclusive, or would have been operating in such compliance but for the  
95 failure of the operator of one or more vehicles in the funeral procession to exercise due care.

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

104 (3) This subsection shall not apply if the death, personal injury, or property  
105 damage allegedly arose from a negligent act or omission in the operation of a vehicle by  
106 the funeral director, funeral home, funeral escort or their employees or agents. The  
107 operator of a vehicle in a funeral procession shall not be deemed to be an agent of the  
108 funeral director, funeral home, or funeral escort unless such operator is an employee of  
109 the funeral director, funeral home, or funeral escort and is acting in the course of his  
110 employment, or unless the operator was retained as an independent contractor of the  
111 funeral director, funeral home or funeral escort and is performing services therefore.

112 (f) This section shall not create a new cause of action or substantive legal rights against  
113 any funeral director, funeral home, funeral escort or their employees or agents. This section shall  
114 not affect any immunities from civil liability or defenses established by general law or any

115 immunity from civil liabilities or defense available at common law to which a funeral director,  
116 funeral home, funeral escort, or their employees or agents may be entitled.

117 (g) A funeral procession of not more than 10 vehicles shall have the right, except on  
118 Sundays and legal holidays, to use any parkway, boulevard or other public way to the same  
119 extent and subject to the same regulations and restrictions as vehicles commonly known as  
120 pleasure vehicles.