## Senate . . . . . . . . . . . . . No. 2568

Message from His Honor, the Lieutenant-Governor, Acting Governor, (pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts) returning with recommendation of amendment the engrossed Bill regulating funeral processions.

## The Commonwealth of Massachusetts



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DEVAL L. PATRICK GOVERNOR TIMOTHY P. MURRAY LIEUTENANT GOVERNOR

7/23/2010

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Senate Bill No. 1884, "An Act Regulating Funeral Processions."

This bill establishes and codifies traffic rules for funeral processions and provides funeral directors with immunity from liability for damages caused by cars in funeral processions that are not driven by funeral directors, their agents or employees.

I am in favor of the overall bill but am concerned that several of its provisions pose an unnecessary risk to public safety. First, the bill requires that vehicles in processions drive as closely as is practicable and exempts said vehicles from any provision of law that requires motorists to maintain sufficient space between cars to enable another vehicle to enter. This may inadvertently encourage tailgating, which creates a safety hazard, especially on highways where the vehicles are permitted to drive up to 55-mph. In addition, this provision is unnecessary because the bill prohibits other vehicles from breaking into processions.

The bill also permits operators of funeral escort vehicles to exceed the speed limit by 10-mph to overtake the procession to direct it through intersections. I am concerned that permitting

unregulated persons without training in traffic maneuvering or control to perform this function poses a risk to the safety of motorists and pedestrians.

The last provision with which I have concerns permits funeral home vehicles to mount and use certain flashing lights when in a procession or when responding to a fatality on behalf of OCME. The bill exempts the use of such lights from the standard RMV permitting process, leaving them unregulated. I have two concerns with this section. First, I do not believe that civilians should be able to use flashing lights when responding to fatalities, even on behalf of OCME, both because of the public safety risk and because the statute's immunity provisions do not extend to accidents that occur when responding to fatalities, thus exposing OCME to liability. I also question the necessity of exempting funeral vehicles and their operators from the RMV permitting process. Notably, this would subject funeral directors and their agents to a lower standard than law enforcement personnel, and emergency fire and medical personnel, who are subject to RMV regulation when mounting and displaying lights on private vehicles.

For these reasons, I am returning Senate Bill No. 1884 for amendment and recommend that it be amended all follows:

By striking out, in Section 14A, subsection (b)(1), the word "shall" and inserting in place thereof the word: "may"

By striking out, in Section 14A, subsection (b)(1), the words "Any general law, ordinance or regulation requiring that motor vehicles be operated to allow sufficient space between them to enable another vehicle to enter and occupy that space without danger shall not be applicable to vehicles in a funeral procession."

By striking out, in Section 14A, subsection (c)(3), the words "Funeral escort vehicles may exceed the speed limit by 10 miles per hour when overtaking the funeral procession in order to arrive at the next intersection ahead of the procession so as to direct the procession through."

By striking out, in Section 14A, subsection (d)(5), the words "purple/violet, amber and or clear", the words ",or responding to a fatality on behalf of the chief medical examiner's office", and the words "A permit for the use of said lights shall not be required from the registrar of motor vehicles."

By inserting, in Section 14A, subsection (d)(5), after the word "lights" in the first sentence, line 5, the words:- "as may be assigned by the registrar of motor vehicles."

Respectfully submitted, TIMOTHY P. MURRAY, Lieutenant-Governor, Acting Governor.