

SESSION OF 2021

SUPPLEMENTAL NOTE ON SENATE BILL NO. 131

As Recommended by Senate Committee on
Transportation

Brief*

SB 131 would add law regarding funeral processions and right of way.

The bill would define “funeral procession,” “funeral lead vehicle,” and “funeral escort.”

The bill would authorize funeral escorts to reasonably direct vehicle and pedestrian traffic to allow funeral processions to pass through intersections and disregard traffic control devices, notwithstanding any state law, city ordinance, or county resolution relating to traffic control devices or right-of-way provisions.

The bill would permit vehicles in a funeral procession to follow a funeral lead vehicle through an intersection regardless of traffic control devices or any right-of-way provision in state law, city ordinance, or county resolution if the funeral lead vehicle lawfully entered the intersection through a traffic control device when directed by a funeral escort.

The bill would state funeral processions have the right-of-way at intersections regardless of traffic control devices if operators of vehicles in the funeral procession:

- Yield the right-of-way to approaching authorized emergency vehicles;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Yield the right-of-way when directed by a police officer; and
- Exercise due care when participating in the funeral procession to avoid colliding with any other vehicle or pedestrian.

The bill would state the operator of a vehicle in a funeral procession would not have the right-of-way if such vehicle is more than 300 feet behind the immediately preceding vehicle in such procession.

The bill would require all vehicles in a funeral procession to follow the preceding vehicle in the procession as closely as is safe and practical. The bill would exempt vehicles in a funeral procession from any state law, city ordinance, or county resolution prohibiting a vehicle from following another vehicle too closely.

The bill would require each vehicle in a funeral procession to have lighted the vehicle's headlights (high beam or low beam) and taillights and would permit flashing hazard lights.

The bill would state a city or county could require a law enforcement or non-law enforcement funeral lead vehicle or funeral escort for a funeral procession. The bill would allow cities or counties to require prior notice of any planned funeral procession be given to the city police department or county sheriff. The bill would further state none of its provisions would prohibit cities or counties from requiring compliance with any city ordinance or county resolution not in conflict with provisions of the bill.

Background

The bill was introduced by Senator Pittman.

[*Note*: SB 131 contains provisions similar to those of HB 2107 and 2020 HB 2608, as amended by the House Committee.]

Senate Committee on Transportation

In the Senate Committee hearing, Senator Pittman, a representative of the Kansas Funeral Directors Association, and two representatives of Patriot Guard Riders, Kansas, provided **proponent** testimony, indicating the bill would be an important safety measure to formally recognize and clarify the right-of-way privileges of funeral processions and protect the safety of funeral escorts. A representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association; a representative of the League of Kansas Municipalities (LKM); a licensed funeral director; and four private citizens who identified themselves as motorcycle escorts for funeral processions for veterans provided written-only proponent testimony.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration indicates it cannot estimate a fiscal effect until given the opportunity to operate under the bill's provisions. The Kansas Association of Counties and LKM state enactment of the bill would have a negligible fiscal effect on local governments. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Funeral procession; funeral escort; traffic safety; right of way