

The Senate Committee on Public Safety offered the following substitute to HB 907:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to right of way for operators of motor vehicles, so as to revise responsibilities of
3 motor vehicle operators when encountering a funeral procession on a two-lane highway; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 4 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to right
8 of way for operators of motor vehicles, is amended by revising Code Section 40-6-76,
9 relating to funeral processions, as follows:

10 "40-6-76.

11 (a) As used in this Code section, the term 'funeral procession' means an array of motor
12 vehicles in which the lead vehicle displays a sign, pennant, flag, or other insignia furnished
13 by a funeral home indicating a funeral procession unless led by a state or local law
14 enforcement vehicle and each vehicle participating in the funeral procession is operating
15 its headlights.

16 (b) Funeral processions shall have the right of way at intersections subject to the following
17 conditions and exceptions:

18 (1) Operators of vehicles in a funeral procession shall yield the right of way upon the
19 approach of an authorized emergency vehicle or law enforcement vehicle giving an
20 audible and visual signal; and

21 (2) Operators of vehicles in a funeral procession shall yield the right of way when
22 directed to do so by a traffic officer.

23 (c) Funeral processions in which both the lead and rear vehicles display flashing hazard
24 lights or which are escorted by the police, a sheriff, or a sheriff's deputy shall have the right
25 of way in any ~~street or~~ highway through which they may pass, and, upon any two-lane
26 highway, the operator of every vehicle not participating in such funeral procession shall
27 yield the right of way and shall immediately drive to a position parallel to, and as close as
28 possible to, the right-hand edge or curb of the roadway clear of any intersection and shall
29 stop and remain in such position until the funeral procession has passed, except when
30 otherwise directed by a traffic officer. Local governments may, by ordinance, provide for
31 ~~such~~ law enforcement escort service and provide for the imposition of reasonable fees to
32 defray the cost of such service.

33 (d) The operator of a vehicle not in a funeral procession shall not interrupt a funeral
34 procession except when authorized to do so by a traffic officer or when such vehicle is an
35 authorized emergency vehicle or law enforcement vehicle giving an audible and visual
36 signal.

37 (e) Operators of vehicles not a part of a funeral procession shall not join a funeral
38 procession by operating their headlights for the purpose of securing the right of way
39 granted by this Code section to funeral processions.

40 (f) The operator of a vehicle not in a funeral procession shall not attempt to pass vehicles
41 in a funeral procession on a two-lane highway.

42 (g) Any person violating ~~subsection (d), (e), or (f)~~ of this Code section shall be guilty of
43 a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed
44 \$100.00.

45 (h) Any law enforcement officer who is directing or escorting a funeral procession in this
46 state, whether such service is provided while on duty or not, shall enjoy the same
47 immunities from liability as the officer possesses while in the performance of other official
48 duties."

49 **SECTION 2.**

50 All laws and parts of laws in conflict with this Act are repealed.