

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 349

5 By: Senator L. Eads  
6 By: Representative J. Williams  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE TRAFFIC LAWS FOR A FUNERAL  
10 PROCESSION; TO GRANT A FUNERAL PROCESSION THE RIGHT-  
11 OF-WAY; TO PROHIBIT OTHER MOTOR VEHICLES FROM  
12 INTERFERING WITH A FUNERAL PROCESSION; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15  
16 CONCERNING THE TRAFFIC LAWS FOR A FUNERAL  
17 PROCESSION; TO GRANT A FUNERAL PROCESSION  
18 THE RIGHT-OF-WAY; AND TO PROHIBIT OTHER  
19 MOTOR VEHICLES FROM INTERFERING WITH A  
20 FUNERAL PROCESSION.  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code § 27-36-208(c), concerning special  
27 restrictions on lamps, is amended to read as follows:

28 (c) Flashing lights are prohibited except on:

29 (1) an An authorized emergency vehicle;

30 (2) A school bus;

31 (3) A funeral procession as provided in § 27-49-113;

32 (4) or on any Any vehicle as a means of indicating a right or  
33 left turn; or

34 (5) Any vehicle as a means of indicating the presence of a  
35 vehicular traffic hazard requiring unusual care in approaching, overtaking,  
36 or passing.



1  
2 SECTION 2. Arkansas Code § 27-36-306 is amended to read as follows:

3 27-36-306. Other nonemergency vehicles – Funeral processions.

4 (a)(1) ~~Motor vehicles~~ A funeral escort vehicle engaged in leading or  
5 escorting a funeral procession ~~or any vehicle that is part of a funeral~~  
6 ~~procession may~~ shall be equipped with flashing, rotating, or oscillating  
7 purple lights, ~~which shall not be activated except during a funeral~~  
8 ~~procession.~~

9 (2) Except as required by subdivision (a)(1) of this section, a  
10 motor vehicle that is a part of a funeral procession may be equipped with  
11 flashing, rotating, or oscillating purple lights.

12 (3) The flashing, rotating, or oscillating purple lights allowed  
13 under subdivisions (a)(1) and (2) of this section shall not be activated  
14 except during a funeral procession.

15 (b) ~~The purple flashing, rotating, or oscillating~~ flashing, rotating,  
16 or oscillating purple lights shall be a warning to other motorists of the  
17 approach of the funeral procession.

18  
19 SECTION 3. Arkansas Code Title 27, Chapter 49, Subchapter 1, is  
20 amended to add an additional section to read as follows:

21 27-49-113. Funeral processions – Right-of-way.

22 (a) As used in this section:

23 (1) "Funeral escort vehicle" means a motor vehicle that leads or  
24 facilitates the movement of a funeral procession and is equipped as required  
25 by § 27-36-306(a)(1), including without limitation:

26 (A) A hearse;

27 (B) A motor vehicle owned by a funeral home or private  
28 funeral escort company; or

29 (C) A motorcycle owned by a funeral home or private  
30 funeral escort company;

31 (2) "Funeral procession" means a funeral escort vehicle and one  
32 (1) or more motor vehicles accompanying the body or cremated remains of a  
33 deceased person from a funeral home, church, or other location to the burial  
34 site or cemetery;

35 (3) "Immediate hazard" means any motor vehicle approaching so  
36 near or so quickly that a reasonably careful person would realize that there

1 is a danger of collision or accident; and

2 (4) "Motor vehicle" means a vehicle that is self-propelled and  
3 used to transport a person or property upon a street or highway, including  
4 without limitation a motorcycle.

5 (b) Except as provided in subsection (c) of this section, a funeral  
6 procession may proceed through an intersection without stopping after a  
7 funeral escort vehicle has proceeded into the intersection in compliance with  
8 any official traffic control device governing the traffic in the  
9 intersection.

10 (c)(1) A funeral procession has the right-of-way at an intersection as  
11 described under subsection (b) of this section, except that a funeral escort  
12 vehicle or a motor vehicle that is a part of a funeral procession shall yield  
13 the right-of-way:

14 (A) To an authorized emergency vehicle as defined in § 27-  
15 49-219 if the authorized emergency vehicle is displaying its rotating or  
16 flashing emergency lights;

17 (B) When directed to yield or stop by a law enforcement  
18 officer;

19 (C) To an approaching railroad train; or

20 (D) To oncoming traffic that constitutes an immediate  
21 hazard.

22 (2) If a motor vehicle that is a part of a funeral procession  
23 becomes separated from the funeral procession so that the funeral procession  
24 is no longer continuous, the driver of the motor vehicle shall:

25 (A) Proceed to his or her destination; and

26 (B) Obey all official traffic control devices and general  
27 rules of the road.

28 (d) A motor vehicle that is a part of a funeral procession shall:

29 (1) Display its lighted:

30 (A) Headlamps;

31 (B) Tail lamps; and

32 (C) Flashing lights as provided in § 27-36-208(c); and

33 (2) Follow the preceding motor vehicle in the funeral procession  
34 as close as is reasonable and prudent to keep the motor vehicles in the  
35 funeral procession together.

36

1 SECTION 4. Arkansas Code Title 27, Chapter 51, Subchapter 14, is  
2 amended to add an additional section to read as follows:

3 27-51-1408. Operation of motor vehicles on approach of funeral  
4 procession.

5 (a) A person driving a motor vehicle that is not a part of a funeral  
6 procession shall not:

7 (1) Drive between the motor vehicles of a funeral procession  
8 while the motor vehicles are in motion;

9 (2) Join a funeral procession for the purpose of securing the  
10 right-of-way allowed by § 27-49-113(c)(1);

11 (3) Pass a funeral procession on a multiple-lane highway on the  
12 right side of the funeral procession unless the funeral procession is in the  
13 leftmost lane; or

14 (4) Enter an intersection when a funeral procession is  
15 proceeding through a red official traffic control signal as permitted by §  
16 27-49-113(c)(1) unless the driver of the motor vehicle enters the  
17 intersection without crossing the path of the funeral procession.

18 (b) Upon conviction, a person who violates this section is guilty of a  
19 violation and may be fined not more than two hundred fifty dollars (\$250).

20  
21 SECTION 5. Arkansas Code § 27-52-103 is amended to read as follows:

22 27-52-103. Obedience to official traffic control devices required.

23 ~~No~~ The driver of a motor vehicle or operator of a streetcar shall  
24 ~~disobey~~ obey the instructions of any official traffic control device placed  
25 in accordance with the provisions of this chapter unless ~~at the time~~  
26 ~~otherwise directed by a~~ he or she is:

27 (1) Directed by a police officer-; or

28 (2) Yielding the right-of-way to a funeral procession as  
29 required by § 27-51-1408.

30  
31  
32 **APPROVED: 04/03/2017**