**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑850 SO AS TO DEFINE THE TERM “FUNERAL PROCESSION”, TO PROVIDE DUTIES OF OPERATORS OF MOTOR VEHICLES IN AND OUTSIDE A FUNERAL PROCESSION, TO PROVIDE A PENALTY, AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO IS DIRECTING OR ESCORTING A FUNERAL PROCESSION IS IMMUNE FROM LIABILITY UNDER CERTAIN CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 5, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑850. (A) As used in this section, a ‘funeral procession’ means an array of motor vehicles in which the lead vehicle displays a sign, pennant, flag, or other insignia furnished by a funeral home indicating a funeral procession unless led by a state or local law enforcement vehicle and each vehicle participating in the funeral procession is operating its headlights.

(B) Funeral processions shall have the right of way at intersections. However, operators of vehicles in a funeral procession shall yield the right of way:

(1) upon the approach of an authorized emergency vehicle or law enforcement vehicle giving an audible and visual signal; and

(2) when directed to do so by a traffic officer.

(C) Funeral processions escorted by a law enforcement officer shall have the right of way in any street or highway through which they may pass. Local governments may, by ordinance, provide for an escort service and provide for the imposition of reasonable fees to defray the cost of this service.

(D) The operator of a vehicle not in a funeral procession shall not interrupt a funeral procession, except when authorized to do so by a law enforcement officer or when the vehicle is an authorized emergency vehicle or law enforcement vehicle giving an audible and visual signal.

(E) Operators of vehicles not in a funeral procession shall not join a funeral procession by operating their headlights for the purpose of securing the right of way granted by this section to funeral processions.

(F) The operator of a vehicle not in a funeral procession shall not attempt to pass vehicles in a funeral procession on a two‑lane highway.

(G) A person who violates subsections (D), (E), or (F) of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars.

(H) A law enforcement officer who is directing or escorting a funeral procession, whether the service is provided while on duty or not, shall enjoy the same immunities from liability as the officer possesses while in the performance of other official duties.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑