**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4615**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. King and Henegan

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Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Funeral processions

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/16/2023 House Prefiled

 11/16/2023 House Referred to Committee on **Labor, Commerce and Industry**

 1/9/2024 House Introduced and read first time (House Journal‑page 99)

 1/9/2024 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 99)

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**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4615_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-5-850 so as to provide definitions, to provide certain equipment must be maintained on funeral escort and lead vehicles, to provide right of way conditions for funeral processions and conditions for the operation of vehicles in funeral processions, to provide for the imposition of liability for injuries that occur in funeral processions, and to provide penalties; AND BY AMENDING SECTION 56-5-950, RELATING TO OBEDIENCE TO TRAFFIC-CONTROL DEVICES, SO AS TO PROVIDE DRIVERS OF FUNERAL LEAD VEHICLES, FUNERAL ESCORT VEHICLES, AND VEHICLES IN FUNERAL PROCESSIONS ARE EXEMPT FROM PROVISIONS CONTAINED IN THIS SECTION.

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

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

 Section 56-5-850. (A) As contained in this section:

 (1) “Funeral director” and “funeral home” shall have the same meaning as contained in Section 40-19-20.

 (2) “Funeral procession” means two or more vehicles accompanying the body of a deceased person, or traveling to the church, chapel, or other location at which the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort vehicle.

 (3) “Funeral lead vehicle” means any authorized law enforcement or non-law enforcement motor vehicle properly equipped pursuant to subsection (B) or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

 (4) “Funeral escort” means a person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies.

 (5) “Funeral escort vehicle” means any motor vehicle that is properly equipped pursuant to subsection (B) and which escorts a funeral procession.

 (B) All nonlaw enforcement funeral escort vehicles and funeral lead vehicles must be equipped with at least one lighted circulation lamp exhibiting an amber or purple light or lens visible under normal atmospheric conditions for a distance of 500 feet from the front of the vehicle. Flashing amber or purple lights may be used only when these vehicles are used in a funeral procession.

 (C) A law enforcement funeral escort vehicle may be equipped with red, blue, or amber flashing lights which meet the criteria contained in subsection (A).

 (D) Regardless of a traffic control device or right of way provision prescribed by the State or local ordinance, pedestrians and operators of all vehicles, except as stated in subsection (F), shall yield the right of way to any vehicle which is part of a funeral procession being led by a funeral escort vehicle or a funeral lead vehicle.

 (E) When the funeral lead vehicle lawfully enters an intersection, either by reason of a traffic control device or at the direction of law enforcement personnel, the remaining vehicles in the funeral procession may follow through the intersection regardless of any traffic control devices or right of way provisions prescribed by state or local law.

 (F) Funeral processions shall have the right of way at intersections regardless of traffic control devices, subject to the following conditions and exceptions:

 (1) Drivers of vehicles in a funeral procession shall yield the right of way to an approaching emergency vehicle giving an audible or visible signal.

 (2) Drivers of vehicles in a funeral procession shall yield the right of way when directed to do so by a law enforcement officer.

 (3) Drivers of vehicles in a funeral procession must exercise due care when participating in a funeral procession.

 (G) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

 (H) Any ordinance, law, or regulation stating motor vehicles shall be operated to allow sufficient space enabling any other vehicle to enter and occupy such space without danger shall not be applicable to vehicles in a funeral procession.

 (I) Each vehicle which is part of a funeral procession shall have its headlights, either high or low beam, and taillights lighted and may also use the flashing hazard lights if the vehicle is so equipped.

 (J) Liability for any death, personal injury, or property damage suffered on or after October 1, 2024, by any person in a funeral procession must not be imposed upon the funeral director or funeral home or their employees or agents unless the death, personal injury, or property damage is proximately caused by the negligent or intentional act of an employee or agent of the funeral director or funeral home.

 (K) A funeral director, funeral home, funeral escort, or other participant that leads, organizes, or participates in a funeral procession in accordance with this section shall be presumed to have acted with reasonable care.

 (L) Except for a grossly negligent or intentional act by a funeral director or funeral home, there shall be no liability on the part of a funeral director or funeral home for failing, on or after October 1, 2024, to use reasonable care in the planning or selection of the route to be followed by the funeral procession.

 (M) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars.

SECTION 2. Section 56-5-950(a) of the S.C. Code is amended to read:

 (a) The driver of any vehicle shall obey the instructions of any official traffic-control device, applicable thereto placed or held in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle, the driver of a funeral lead vehicle, the driver of a funeral escort vehicle, or drivers of vehicles in a funeral procession in this chapter.

SECTION 3. This act takes effect upon approval by the Governor.

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