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HOUSE BILL 434

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO MOTOR VEHICLES; ENACTING THE VETERANS SAFE FUNERAL ESCORT ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Veterans Safe Funeral Escort Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Veterans Safe Funeral Escort Act:

A. "department" means the department of public safety;

B. "emergency vehicle" means any fire department vehicle, police vehicle, ambulance or any emergency vehicle of a municipality or county that is designated or authorized as an emergency vehicle by the director of the New Mexico state police division of the department or local authority;

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1 C. "funeral escort" means a person or entity that
2 provides escort services for funeral processions that is
3 affiliated with a national veterans' organization;

4 D. "funeral escort vehicle" means a motor vehicle
5 having a seat or saddle for the use of the rider and designed
6 to travel on not more than three wheels in contact with the
7 ground that is clearly marked and escorts a funeral procession;

8 E. "funeral procession" means two or more vehicles
9 accompanying the body of a deceased military veteran when
10 traveling to a church, chapel, cemetery or other location at
11 which the funeral or memorial service is to be held or final
12 committal is to be conducted;

13 F. "funeral service practitioner" means a person
14 licensed to engage in the practice of funeral service at a
15 funeral establishment or commercial establishment that is
16 licensed pursuant to the Funeral Services Act;

17 G. "law enforcement agency" means any certified
18 local or state law enforcement agency, including the local
19 police, sheriff, state police or motor transportation division
20 of the department;

21 H. "lead funeral escort vehicle" means any law
22 enforcement vehicle or funeral escort vehicle utilized to lead
23 and facilitate the movement of a funeral procession;

24 I. "military veteran" means a person who served as
25 an active duty member of the United States armed forces;

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1 J. "secretary" means the secretary of public
2 safety;

3 K. "traffic control signal" means any device,
4 whether manually, electrically or mechanically operated, by
5 which traffic is alternately directed to stop and to proceed;
6 and

7 L. "United States armed forces" means the United
8 States army, navy, air force, marine corps or coast guard.

9 SECTION 3. [NEW MATERIAL] RIGHT OF WAY AT INTERSECTIONS--
10 EXCEPTIONS--SPEED LIMIT.--

11 A. Funeral processions shall have the right of way
12 at intersections regardless of traffic control signals. A
13 motor vehicle with lighted headlights driving in a funeral
14 procession has the right of way at an intersection and may
15 proceed through the intersection if the funeral procession is
16 headed by a lead funeral escort vehicle displaying flashing
17 lights or by an emergency vehicle.

18 B. A person operating a motor vehicle as a funeral
19 escort vehicle may, in the absence of a law enforcement
20 officer, direct vehicular and pedestrian traffic at
21 intersections immediately preceding and during the passage of a
22 funeral procession.

23 C. Funeral escort vehicles and other vehicles in a
24 funeral procession shall yield the right of way to an
25 approaching emergency vehicle giving an audible or visible

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1 signal.

2 D. Funeral escort vehicles and other vehicles in a
3 funeral procession shall yield the right of way when directed
4 to do so by a law enforcement officer.

5 E. Funeral escort vehicles and other vehicles in a
6 funeral procession shall exercise due care when participating
7 in a funeral procession.

8 F. Before assuming the right of way through an
9 intersection, a person who operates a lead funeral escort
10 vehicle shall exercise due caution with regard to crossing
11 traffic.

12 G. A person operating a funeral escort vehicle may
13 exceed the posted speed limit by not more than fifteen miles
14 per hour when overtaking a funeral procession in order to
15 control traffic at intersections in advance of the procession.

16 SECTION 4. [NEW MATERIAL] MARKINGS FOR FUNERAL ESCORT
17 VEHICLES--REQUIRED LIGHTS.--

18 A. The lead funeral escort vehicle in a funeral
19 procession shall be marked with the words "Funeral Escort"
20 clearly visible to oncoming and crossing traffic. The last
21 funeral escort vehicle in a funeral procession shall be marked
22 with the words "Funeral Escort" clearly visible to following
23 traffic.

24 B. Funeral escort vehicles may not bear markings
25 similar to those vehicles used by a law enforcement agency or

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1 the federal government.

2 C. Funeral escort vehicles shall not utilize words,
3 emblems, seals or other insignia that could cause a reasonable
4 person to confuse a funeral escort vehicle with a law
5 enforcement vehicle.

6 D. A non-law enforcement motor vehicle serving as a
7 funeral escort vehicle shall be equipped with and utilize
8 flashing amber, red or white lights when participating in a
9 funeral procession. Flashing blue lights shall not be utilized
10 by a non-law enforcement motor vehicle when participating in a
11 funeral procession.

12 SECTION 5. [NEW MATERIAL] DRIVING IN FUNERAL PROCESSION--
13 FORMATION--LIGHTED HEADLIGHTS--SPEED LIMIT.--

14 A. All motor vehicles participating in a funeral
15 procession shall follow a preceding vehicle in a single file as
16 closely as is practical and safe.

17 B. Any ordinance, law or rule stating that motor
18 vehicles shall be operated to allow sufficient space enabling
19 any other vehicle not part of the funeral procession to pass
20 without danger is not applicable to all vehicles in a funeral
21 procession.

22 C. All motor vehicles participating in a funeral
23 procession shall have lighted headlights.

24 D. A funeral procession shall proceed at or below
25 any posted speed limit.

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1 SECTION 6. ~~[NEW MATERIAL]~~ PASSING OF FUNERAL

2 PROCESSIONS.--A person who drives a motor vehicle that is not
3 part of a funeral procession may pass a funeral procession on
4 the procession's left side only if the procession is driving on
5 a highway with two lanes for traffic traveling in the same
6 direction as the procession if the passing can be accomplished
7 safely.

8 SECTION 7. ~~[NEW MATERIAL]~~ TRAINING.--

9 A. A person shall not operate a motor vehicle as a
10 funeral escort vehicle unless that person has been certified
11 and issued a permit to do so by the department.

12 B. The department shall develop and implement a
13 training program in motor vehicle safety and traffic control
14 safety. The training program shall instruct persons in
15 procedures necessary to safely escort a funeral procession
16 through intersections regulated in any way by traffic control
17 signals.

18 C. The secretary shall promulgate rules
19 establishing the curriculum for the training program set forth
20 in Subsection B of this section and the criteria for
21 certification as an operator of a funeral escort vehicle and
22 may establish by rule a reasonable fee for participation in the
23 funeral procession training program.

24 D. Upon successful completion of the training
25 program set forth in Subsection B of this section, the

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1 department shall issue to the operator a permit to operate a
2 motor vehicle as a funeral escort vehicle, which permit shall
3 be carried by the operator whenever operating a motor vehicle
4 as a funeral escort vehicle.

5 E. After receiving an application for approval, the
6 secretary or the secretary's designee shall approve or
7 disapprove in writing all uniforms, badges, patches or insignia
8 worn by an operator of a funeral escort vehicle.

9 SECTION 8. [NEW MATERIAL] PROHIBITIONS.--A person may
10 operate a motor vehicle as a funeral escort vehicle for a
11 funeral procession only if previously requested by a military
12 veteran whose funeral, memorial service or disposition is being
13 conducted, or by a member of the immediate family of the
14 deceased military veteran.

15 SECTION 9. [NEW MATERIAL] LIABILITY.--A funeral service
16 practitioner or an employee or agent thereof shall not be
17 liable for any death, personal injury or property damage
18 suffered by any person in the course of a funeral procession
19 unless such death, personal injury or property damage is
20 directly caused by a negligent or intentional act of a funeral
21 service practitioner or an employee or agent thereof.