

USE OF HAZARD LIGHTS IN A FUNERAL PROCESSION

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House Bill 4660 (H-2) as reported from committee

Sponsor: Rep. Robert J. Bezotte

Committee: Regulatory Reform

Complete to 9-28-21

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4660 would amend the Michigan Vehicle Code to specifically allow a vehicle in a funeral procession to use its hazard lights. The bill also would allow such a vehicle to display a purple flag. (Funeral procession flags now must be fluorescent orange.)

FISCAL IMPACT: The bill would have no fiscal impact on the state or local units of government.

THE APPARENT PROBLEM:

Michigan law gives vehicles in a funeral procession the right-of-way at intersections, meaning that they do not have to stop at a red light or stop sign, as long as they display a fluorescent orange flag with an authorized religious symbol. Failure to yield to vehicles in a funeral procession is a civil infraction.

In addition to displaying orange flags, vehicles in a funeral procession also commonly have their headlights turned on to help other drivers identify the procession. However, this practice dates from a time when most vehicle headlights had to be turned on and off manually and few vehicles were driven with their lights on during the day. Today, daytime running lights are standard equipment, and many vehicles have lights that come on automatically when it darkens at twilight or due to a storm. The prevalence of daytime lights has become a problem for those taking part in funeral processions, who need to stand out from ordinary traffic. Reportedly, incidents of cars cutting into or making a turn through a procession are increasing. This increases the risk of accidents and injuries.

Some have suggested that specifically allowing the use of hazard lights could increase the visibility of participants in a funeral procession and reduce the risk of accidents caused by drivers who do not recognize the approach of a funeral procession.

THE CONTENT OF THE BILL:

Currently, a vehicle in a funeral procession, when going to a place of burial, has the right-of-way over other nonemergency vehicles at an intersection if the vehicle displays a fluorescent orange flag with an authorized religious symbol (a black cross, the Star of David, or the crescent and star).

The bill would additionally allow these flags to be purple.

The bill also would specifically provide that a vehicle that is leading, escorting, or part of a funeral procession may activate the hazard warning lights described in section 698a of the code or activate the flashing, rotating, or oscillating purple or amber lights that vehicles in a funeral procession are already allowed to use under section 698(5)(g) of the code.

Section 698a now allows a driver to use hazard lights to warn other drivers of the presence of a traffic hazard that requires unusual care in approaching, overtaking, or passing.

Section 698(5)(g) now allows a vehicle leading or escorting a funeral procession, or any vehicle that is part of a funeral procession, to be equipped with flashing, rotating, or oscillating purple or amber lights and prohibits those lights from being activated except during a funeral procession.

The bill would take effect 90 days after its enactment.

MCL 257.654

ARGUMENTS:

For:

A funeral service at a funeral home or religious institution is often followed by a procession of attendees to the place of burial. While the lead vehicle (typically the hearse) and last vehicle are often marked with an oscillating lamp that makes them easy to see and identify, the other vehicles in the procession usually only have an orange flag and their headlights turned on. In particularly long processions, there may not be enough orange flags for all of the vehicles, leaving some to be identified only by their headlights. As noted above, the prevalence of automatic daylights as standard equipment may make it harder for other drivers to recognize the presence of a funeral procession. Regardless of a driver's reasons for doing so, cutting into a procession or failing to yield when the procession is moving through a red light or stop sign can result in serious injury or property damage. This is in addition to the emotional trauma of the participants, who are grieving the loss of a family member or friend, and the disruption to the graveside service. The bill would specifically allow participants in a funeral procession to turn on their hazard lights, in the hope of providing greater flexibility for funeral directors to find ways to increase the visibility of the procession and decrease unlawful incursions into it by nonparticipants.

The bill also would grant the same right-of-way to a participant vehicle displaying a purple flag as is now granted to one displaying a flag that is fluorescent orange. (The purple flags would have to bear a black cross, the Star of David, or the crescent and star.)

Against:

No arguments against the bill were made in House committee testimony.

POSITIONS:

A representative of the Michigan Funeral Directors Association testified in support of the bill. (6-8-21)

MacDonald's Funeral Home indicated support for the bill. (6-7-21)

The Department of State Police indicated a neutral position on the bill. (6-15-21)

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