

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1376

Session of
1987

INTRODUCED BY KENNEY, J. TAYLOR, CARLSON, LASHINGER, REBER,
J. L. WRIGHT, O'BRIEN, HERSHEY, JOHNSON, JACKSON, SAURMAN,
TRELLO, FOX, R. C. WRIGHT, KOSINSKI AND LANGTRY, MAY 12, 1987

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 12, 1988

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, ~~providing for the operation of vehicles in funeral~~ <—
3 ~~processions; and providing for the offense of interruption of~~
4 ~~a funeral procession.~~ FURTHER PROVIDING FOR FUNERAL <—
5 PROCESSIONS.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Section 1535(a) of Title 75 of the Pennsylvania~~ <—
9 ~~Consolidated Statutes, amended December 11, 1986 (P.L.1530,~~
10 ~~No.166), is amended to read:~~

11 ~~§ 1535. Schedule of convictions and points.~~

12 ~~(a) General rule. A point system for driver education and~~
13 ~~control is hereby established which is related to other~~
14 ~~provisions for use, suspension and revocation of the operating~~
15 ~~privilege as specified under this title. Every driver licensed~~
16 ~~in this Commonwealth who is convicted of any of the following~~
17 ~~offenses shall be assessed points as of the date of violation in~~
18 ~~accordance with the following schedule:~~

1	Section Number	Offense	Points
2	1512	Violation of restriction on	
3		driver's license.	2
4	1571	Violation concerning license.	3
5	3102	Failure to obey policeman or	
6		authorized person.	2
7	3112(a)(3)(i)	Failure to stop for a red light.	3
8	3114(a)(1)	Failure to stop for a flashing	
9		red light.	3
10	3302	Failure to yield half of roadway	
11		to oncoming vehicle.	3
12	3303	Improper passing.	3
13	3304	Other improper passing.	3
14	3305	Other improper passing.	3
15	3306(a)(1)	Other improper passing.	4
16	3306(a)(2)	Other improper passing.	3
17	3306(a)(3)	Other improper passing.	3
18	3307	Other improper passing.	3
19	3310	Following too closely.	3
20	3321	Failure to yield to driver on the	
21		right at intersection.	3
22	3322	Failure to yield to oncoming	
23		driver when making left turn.	3
24	3323(b)	Failure to stop for stop sign.	3
25	3323(c)	Failure to yield at yield sign.	3
26	3324	Failure to yield when entering or	
27		crossing roadway between inter-	
28		sections.	3
29	3327	Interruption of funeral procession.	3

1	3332	Improper turning around.	3
2	3341	Failure to stop for flashing red	
3		lights or gate at railroad	
4		crossing.	3
5	3344	Failure to stop when entering from	
6		alley, driveway or building.	3
7	3345(a)	Failure to stop for school bus	
8		with flashing red lights.	5
9		(and 60 days suspension)	
10	3361	Driving too fast for conditions.	2
11	3362	Exceeding maximum speed. Over Limit:	
12		6-10	2
13		11-15	3
14		16-25	4
15		26-30	5
16		31-over	5
17		(and departmental hearing	
18		and sanctions provided	
19		under section 1538(d))	
20	3365(b)	Exceeding special speed limit	
21		in school zone.	3
22	3365(c)	Exceeding special speed limit	
23		for trucks on downgrades.	3
24	3542(a)	Failure to yield to pedestrian in	
25		crosswalk.	2
26	3547	Failure to yield to pedestrian on	
27		sidewalk.	3
28	3549(a)	Failure to yield to blind	
29		pedestrian.	3
30	3702	Improper backing.	3

1 3714 Reckless driving. 3
2 3745 Leaving scene of accident
3 involving property damage only. 4

4 * * *

5 Section 2. Title 75 is amended by adding sections to read:

6 ~~§ 3107. Operators of vehicles in funeral processions.~~

7 ~~(a) General rule. The operator of a vehicle in a funeral~~
8 ~~procession may proceed past a red signal indication or stop~~
9 ~~sign, but only after slowing down as may be necessary for safe~~
10 ~~operation. The privilege granted in this section shall only~~
11 ~~apply to a funeral procession meeting the following conditions:~~

12 ~~(1) the operator of the lead vehicle shall be the owner~~
13 ~~or employee of a licensed funeral establishment; and~~

14 ~~(2) if required by any regulation of the department~~
15 ~~adopted after the effective date of this section, the lead~~
16 ~~vehicle shall be equipped with an audible signal and visual~~
17 ~~signals meeting and operated in accordance with any~~
18 ~~requirements and standards adopted by regulation.~~

19 ~~(3) Funeral flags are attached to the vehicles~~
20 ~~participating from the outset of the funeral procession.~~

21 ~~(b) Defenses.~~

22 ~~(1) It shall be a defense to any prosecution of the~~
23 ~~operator of a vehicle in a funeral procession, other than a~~
24 ~~lead vehicle, for the summary offense of proceeding past a~~
25 ~~red signal indication or a stop sign if the operator~~
26 ~~establishes that:~~

27 ~~(i) he proceeded past a red signal or stop sign in~~
28 ~~reliance upon the act of the lead driver; and~~

29 ~~(ii) he had reason to believe the lead driver is the~~
30 ~~owner, employee or agent of a licensed funeral~~

~~establishment.~~

~~(2) It shall be a defense to any prosecution of the operator of the lead vehicle in a funeral procession for the summary offense of proceeding past a red signal or stop sign if the operator establishes that:~~

~~(i) he was operating the lead vehicle in a funeral procession in his capacity as the owner or employee of a licensed funeral establishment;~~

~~(ii) if required by any regulation of the department adopted after the effective date of this section, the lead vehicle was equipped with an audible signal and visual signals and that such equipment was operated in accordance with any regulation of the department; and~~

~~(iii) funeral flags were attached to the other vehicles participating from the outset of the funeral procession.~~

~~(c) Construction. Nothing in this section shall relieve any driver in a funeral procession from prosecution under section 3714 (relating to reckless driving) if the conduct of the driver in proceeding past the red signal or stop sign constitutes reckless driving. This section does not relieve the driver of any vehicle in a funeral procession from the duty to drive with due regard for the safety of all persons.~~

~~(d) Regulations. The department may promulgate any regulation authorized by this section.~~

~~§ 3327. Interruption of a funeral procession.~~

~~(a) General rule. Notwithstanding the fact that the operator of a vehicle may be otherwise entitled to the right of way, by virtue of a traffic signal or otherwise, it shall be unlawful for any operator, other than emergency vehicles on~~

~~active emergency calls, to fail to yield the right of way to a
caravan or motorcade of motor vehicles in a funeral procession
in cases where the vehicles in the procession have funeral flags
attached thereto.~~

~~(b) Penalty. Any person who violates this section is guilty
of a summary offense and shall, upon conviction, be sentenced to
pay a fine of \$100.~~

~~Section 3. This act shall take effect as follows:~~

~~(1) 75 Pa.C.S. § 3107(d) shall take effect immediately.~~

~~(2) The remainder of this act shall take effect in 90
days.~~

SECTION 1. TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED
STATUTES IS AMENDED BY ADDING A SECTION TO READ:

§ 3107. DRIVERS IN FUNERAL PROCESSIONS.

(A) GENERAL RULE.--THE DRIVER OF A VEHICLE WHICH IS BEING
DRIVEN IN A FUNERAL PROCESSION MAY:

(1) PARK OR STAND IRRESPECTIVE OF THE PROVISIONS OF THIS
PART.

(2) PROCEED PAST A RED SIGNAL INDICATION OR STOP SIGN IF
THE LEAD VEHICLE IN THE PROCESSION STARTED THROUGH THE
INTERSECTION WHILE THE SIGNAL INDICATOR WAS GREEN OR, IN THE
CASE OF A STOP SIGN, THE LEAD VEHICLE FIRST CAME TO A
COMPLETE STOP BEFORE PROCEEDING THROUGH THE INTERSECTION.

(B) VISUAL SIGNALS REQUIRED.--THE PRIVILEGES GRANTED BY THIS
SECTION SHALL APPLY ONLY IF EACH VEHICLE IN THE FUNERAL
PROCESSION DISPLAYS LIGHTED HEAD LAMPS AND EMERGENCY FLASHERS
AND BEARS A FLAG OR OTHER INSIGNIA DESIGNATING IT AS PART OF A
FUNERAL PROCESSION.

(C) RIGHT-OF-WAY TO EMERGENCY VEHICLES.--THIS SECTION DOES
NOT RELIEVE THE DRIVER OF A VEHICLE WHICH IS BEING DRIVEN IN A

1 FUNERAL PROCESSION FROM YIELDING THE RIGHT-OF-WAY TO AN
2 EMERGENCY VEHICLE MAKING USE OF AUDIBLE OR VISUAL SIGNALS, NOR
3 FROM THE DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL
4 PERSONS.

5 SECTION 2. SECTION 3310(C) OF TITLE 75 IS AMENDED TO READ:
6 § 3310. FOLLOWING TOO CLOSELY.

7 * * *

8 (C) CARAVANS AND MOTORCADES.--UPON ANY ROADWAY OUTSIDE OF AN
9 URBAN DISTRICT, MOTOR VEHICLES BEING DRIVEN IN A CARAVAN OR
10 MOTORCADE, WHETHER OR NOT TOWING OTHER VEHICLES, SHALL BE SO
11 OPERATED AS TO ALLOW SUFFICIENT SPACE BETWEEN EACH VEHICLE OR
12 COMBINATION OF VEHICLES SO AS TO ENABLE ANY OTHER VEHICLE TO
13 ENTER AND OCCUPY SPACE WITHOUT DANGER. THIS SUBSECTION DOES NOT
14 APPLY TO FUNERAL PROCESSIONS, WHICH SHALL NOT BE INTERRUPTED BY
15 ANY VEHICLE OTHER THAN AN EMERGENCY VEHICLE.

16 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.