

# As Passed by the House

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 322

REPRESENTATIVES Wolpert, Wilson, Seitz, Evans, Allen, Collier, Webster,  
Goodman, Fessler, Hughes, Rhine, G. Smith, Reidelbach, Lendrum, Carano,  
Perry, Flowers, Willamowski, Grendell, Jones, Sulzer, Manning, Beatty,  
Buehrer, McGregor, Kearns, Carmichael, Latta, Niehaus, Ogg, Jolivette,  
Schmidt, Hagan, Otterman, Core, Schneider, Roman, Distel, Fedor, S. Smith,  
Latell, Patton, Reinhard, Coates, Barrett, Cirelli, Damschroder, Key, Salerno,  
Woodard

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## A BILL

To amend section 4511.451 and to enact section 1  
4511.453 of the Revised Code to establish civil 2  
immunity in connection with the movement of a 3  
funeral procession and to allow the use of orange 4  
and white pennants on vehicles in a funeral 5  
procession. 6

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That section 4511.451 be amended and section 7  
4511.453 of the Revised Code be enacted to read as follows: 8

**Sec. 4511.451.** (A) As used in this section, "funeral 9  
procession" means two or more vehicles accompanying a the cremated 10  
remains or the body of a deceased person in the daytime when each 11  
of ~~such~~ the vehicles has its headlights lighted and is displaying 12  
a purple and white or an orange and white pennant attached to each 13  
vehicle in such a manner as to be clearly visible to traffic 14

approaching from any direction. 15

(B) Excepting public safety vehicles proceeding in accordance 16  
with section 4511.45 of the Revised Code or when directed 17  
otherwise by a police officer, pedestrians and the operators of 18  
all vehicles, street cars, and trackless trolleys shall yield the 19  
right of way to each vehicle ~~which~~ that is a part of a funeral 20  
procession. Whenever the lead vehicle in a funeral procession 21  
lawfully enters an intersection, the remainder of the vehicles in 22  
~~such~~ the procession may continue to follow ~~such~~ the lead vehicle 23  
through the intersection notwithstanding any traffic control 24  
devices or right of way provisions of the Revised Code, provided 25  
that the operator of each vehicle exercises due care to avoid 26  
colliding with any other vehicle or pedestrian ~~upon the roadway~~. 27

(C) No person shall operate any vehicle as a part of a 29  
funeral procession without having the headlights of ~~such~~ the 30  
vehicle lighted and without displaying a purple and white or an 31  
orange and white pennant in such a manner as to be clearly visible 32  
to traffic approaching from any direction. 33

Sec. 4511.453. (A) Neither the owner, the operator, or an 34  
employee of a funeral home nor the owner or operator of a funeral 35  
escort vehicle is liable in damages in a civil action for injury, 36  
death, or loss to person or property that allegedly arises from 37  
the movement of a funeral procession if either of the following 38  
applies: 39

(1) The movement of the funeral procession is in accordance 40  
with section 4511.451 of the Revised Code. 41

(2) The movement of the funeral procession generally is in 42  
accordance with section 4511.451 of the Revised Code, but the 43  
operator of one or more motor vehicles that are in the procession, 44  
that are not owned or operated by the owner, the operator, or an 45

employee of the funeral home, and that are not funeral escort vehicles fails to do either of the following and the injury, death, or loss to person or property allegedly arose from that failure:

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(a) Exercise due care as required by division (B) of section 4511.451 of the Revised Code;

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(b) Comply with division (C) of section 4511.451 of the Revised Code, provided that the owner, the operator, or an employee of the funeral home informed the motor vehicle operator of the requirements and made the appropriate pennant available to the motor vehicle operator.

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(B)(1) This section does not apply if the injury, death, or loss allegedly arose from any of the following:

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(a) The willful, wanton, or intentional acts or omissions of the owner, the operator, or an employee of a funeral home or the owner or the operator of a funeral escort vehicle;

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(b) The negligent or reckless acts or omissions in the operation of a motor vehicle by the owner, the operator, or an employee of a funeral home or the owner or the operator of a funeral escort vehicle.

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(2) This section does not create a new cause of action or substantive legal right against an owner, operator, or employee of a funeral home or an owner or operator of a funeral escort vehicle.

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(3) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or any immunities from civil liability or defenses available at common law to which an owner, operator, or employee of a funeral home or an owner or operator of a funeral escort vehicle may be entitled.

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(C) As used in this section: 76

(1) "Funeral home" has the same meaning as in section 4717.01 77  
of the Revised Code. 78

(2) "Funeral procession" has the same meaning as in section 79  
4511.451 of the Revised Code. 80

**Section 2.** That existing section 4511.451 of the Revised Code 81  
is hereby repealed. 82