

**ASSEMBLY BILL**

**No. 2509**

---

---

**Introduced by Assembly Member Napolitano**

February 20, 1998

---

---

An act to amend Sections 21100, 25251, 27002, and 27605 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2509, as introduced, Napolitano. Vehicles: funeral processions.

(1) Existing law permits local authorities to adopt rules and regulations by ordinance to authorize any person to direct traffic at locations that require traffic direction for orderly traffic flow.

This bill would revise these provisions to require a local authority, whenever it authorizes the regulation of traffic by any person for a funeral procession, to issue each funeral escort, as defined, an identification card and an official insignia in the form of a patch or badge indicating that the funeral escort is authorized to direct traffic in accordance with the movement of the funeral procession. For these purposes, the bill would define "funeral escort" and "funeral procession." Thus, to the extent the bill would increase the responsibilities of local authorities, the bill would impose a state-mandated local program.

(2) Existing law prohibits flashing lights on vehicles, except, among other things, to warn other motorists of a funeral procession, as specified.

This bill also would authorize (a) a motorcycle that is used exclusively for funeral escort purposes, as described and (b) the lead vehicle in a funeral procession, whether it is a funeral coach or a limousine carrying human remains, to be equipped with white or amber, or both white and amber, flashing lights.

(3) Existing law prohibits any vehicle, except an authorized emergency vehicle, to be equipped with any siren.

This bill would authorize a motorcycle that is used exclusively for funeral escort purposes to be equipped with a siren that meets the requirements established by the Department of Transportation, provided the siren does not emit wail, high-low, or phaser sounds.

(4) Existing law prohibits a person from owning or operating a motor vehicle that is painted to resemble a motor vehicle used by a peace officer or traffic officer on duty for the primary purpose of enforcing specified provisions of the Vehicle Code, except as specified.

This bill also would except from these provisions a motorcycle that is used exclusively for funeral escort purposes, provided the motorcycle is equipped with a decal that differentiates the motorcycle from a police motorcycle and indicates that the motorcycle is for use as a funeral escort.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21100 of the Vehicle Code is  
2 amended to read:

3 21100. Local authorities may adopt rules and  
4 regulations by ordinance or resolution regarding the  
5 following matters:

6 (a) Regulating or prohibiting processions or  
7 assemblages on the highways.

8 (b) Licensing and regulating the operation of vehicles  
9 for hire and drivers of passenger vehicles for hire.

10 (c) Regulating traffic by means of traffic officers.

11 (d) Regulating traffic by means of official traffic  
12 control devices meeting the requirements of Section  
13 21400.

14 (e) (1) Regulating traffic by means of any person  
15 given temporary or permanent appointment for ~~such~~  
16 *that* duty by the local authority whenever official traffic  
17 control devices are disabled or otherwise inoperable, at  
18 the scenes of accidents or disasters, or at ~~such~~ locations as  
19 ~~may that~~ require traffic direction for orderly traffic flow.

20 No person ~~shall~~, however, *shall* be appointed pursuant  
21 to this ~~subdivision~~ *paragraph* unless and until the local  
22 authority has submitted to the commissioner or to the  
23 chief law enforcement officer exercising jurisdiction in  
24 the enforcement of traffic laws within the area in which  
25 ~~such~~ *the* person is to perform ~~such~~ *that* duty, for review,  
26 a proposed program of instruction for the training of a  
27 person for ~~such~~ *that* duty, and unless and until the  
28 commissioner or ~~such~~ other chief law enforcement officer  
29 approves the proposed program. The commissioner or  
30 ~~such~~ other chief law enforcement officer shall approve  
31 ~~such~~ *a* the proposed program if he *or she* reasonably  
32 determines that the program will provide sufficient  
33 training for persons assigned to perform the duty  
34 described in this ~~subdivision~~ *paragraph*.

35 (2) (A) *Whenever a local authority authorizes the*  
36 *regulation of traffic pursuant to paragraph (1) for a*  
37 *funeral procession, the local authority shall issue each*  
38 *funeral escort of that procession an identification card*



1 *and an official insignia in the form of a patch or badge*  
2 *indicating that the funeral escort is authorized to direct*  
3 *traffic in accordance with the movement of the funeral*  
4 *procession.*

5 *(B) For the purposes of this paragraph, the following*  
6 *definitions shall apply:*

7 *(i) "Funeral escort" means a uniformed person*  
8 *employed by a mortuary or company to direct the*  
9 *movement of a group of vehicles engaged in a funeral*  
10 *procession.*

11 *(ii) "Funeral procession" means a group of two or*  
12 *more vehicles traveling in line from a funeral service,*  
13 *whether that funeral service is held at a place of worship*  
14 *or other location, to a transportation facility, cemetery, or*  
15 *crematory. For the purposes of this paragraph, each*  
16 *vehicle shall be clearly marked with a funeral sticker and*  
17 *each vehicle shall have its headlights activated.*

18 *(f) Regulating traffic at the site of road or street*  
19 *construction or maintenance by persons authorized for*  
20 *such that duty by the local authority.*

21 *(g) Licensing and regulating the operation of tow*  
22 *truck service or tow truck drivers whose principal place*  
23 *of business or employment is within the jurisdiction of the*  
24 *local authority, ~~excepting~~ except the operation and*  
25 *operators of any auto dismantlers' tow vehicle licensed*  
26 *under Section 11505 or any tow truck operated by a*  
27 *repossessing agency licensed under Chapter 11*  
28 *(commencing with Section 7500) of Division 3 of the*  
29 *Business and Professions Code and its registered*  
30 *employees. Nothing in this subdivision shall limit the*  
31 *authority of a city or city and county pursuant to Section*  
32 *12111.*

33 *(h) Operation of bicycles, and, as specified in Section*  
34 *21114.5, electric carts by physically disabled persons, or*  
35 *persons 50 years of age or older, on the public sidewalks.*

36 *(i) Providing for the appointment of nonstudent*  
37 *school crossing guards for the protection of persons who*  
38 *are crossing a street or highway in the vicinity of a school*  
39 *or while returning thereafter to a place of safety.*



1 (j) Regulating the methods of deposit of garbage and  
2 refuse in streets and highways for collection by the local  
3 authority or by any person authorized by the local  
4 authority.

5 (k) (1) Regulating cruising.—~~The pursuant to an~~  
6 ~~ordinance or resolution adopted pursuant to this~~  
7 ~~subdivision shall regulate cruising, which shall be defined~~  
8 *define cruising* as the repetitive driving of a motor  
9 vehicle past a traffic control point in traffic ~~which~~ *that* is  
10 congested at or near the traffic control point, as  
11 determined by the ranking peace officer on duty within  
12 the affected area, within a specified time period and after  
13 the vehicle operator has been given an adequate written  
14 notice that further driving past the control point will be  
15 a violation of the ordinance or resolution. ~~No~~

16 (2) *No* person is in violation of an ordinance or  
17 resolution adopted pursuant to ~~this subdivision~~ *paragraph*  
18 (1) unless (1)(A) that person has been given the written  
19 notice on a previous driving trip past the control point  
20 and then again passes the control point in that same time  
21 interval and (2)(B) the beginning and end of the portion  
22 of the street subject to cruising controls are clearly  
23 identified by signs that briefly and clearly state the  
24 appropriate provisions of ~~this subdivision~~ *paragraph (1)*  
25 and the local ordinance or resolution on cruising.

26 (l) Regulating or authorizing the removal by peace  
27 officers of vehicles unlawfully parked in a fire lane, as  
28 described in Section 22500.1, on private property. Any  
29 removal pursuant to this subdivision shall be consistent to  
30 the extent possible with the procedures for removal and  
31 storage set forth in Chapter 10 (commencing with  
32 Section 22650).

33 SEC. 2. Section 25251 of the Vehicle Code is amended  
34 to read:

35 25251. (a) Flashing lights are permitted on vehicles  
36 as follows:

37 (1) To indicate an intention to turn or move to the  
38 right or left upon a roadway, turn signal lamps and turn  
39 signal exterior pilot indicator lamps and side lamps  
40 permitted under Section 25106 may be flashed on the side



1 of a vehicle toward which the turn or movement is to be  
2 made.

3 (2) When disabled or parked off the roadway, but  
4 within 10 feet of the roadway, or when approaching,  
5 stopped at, or departing from; a railroad grade crossing,  
6 turn signal lamps may be flashed as warning lights if the  
7 front turn signal lamps at each side are being flashed  
8 simultaneously and the rear turn signal lamps at each side  
9 are being flashed simultaneously.

10 (3) To warn other motorists of accidents or hazards on  
11 a roadway, turn signal lamps may be flashed as warning  
12 lights while the vehicle is approaching, overtaking, or  
13 passing the accident or hazard on the roadway if the front  
14 turn signal lamps at each side are being flashed  
15 simultaneously and the rear turn signal lamps at each side  
16 are being flashed simultaneously.

17 (4) For use on authorized emergency vehicles.

18 (5) (A) To warn other motorists of a funeral  
19 procession, *as defined in Section 21100*, turn signal lamps  
20 may be flashed as warning lights on all vehicles actually  
21 engaged in a funeral procession, if the front turn signal  
22 lamps at each side are being flashed simultaneously and  
23 the rear turn signal lamps at each side are being flashed  
24 simultaneously.

25 (B) *For the purposes of subparagraph (A), a*  
26 *motorcycle that is used exclusively for funeral escort*  
27 *purposes, as described in Section 21100, and the lead*  
28 *vehicle in a funeral procession whether it is a funeral*  
29 *coach or a limousine carrying human remains, may be*  
30 *equipped with white or amber, or both white and amber,*  
31 *flashing lights.*

32 (b) Turn signal lamps shall be flashed as warning lights  
33 whenever a vehicle is disabled upon the roadway and the  
34 vehicle is equipped with a device to automatically  
35 activate the front turn signal lamps at each side to flash  
36 simultaneously and the rear turn signal lamps at each side  
37 to flash simultaneously, if the device and the turn signal  
38 lamps were not rendered inoperative by the event ~~which~~  
39 *that* caused the vehicle to be disabled.



1 (c) Side lamps permitted under Section 25106 and  
2 used in conjunction with turn signal lamps may be flashed  
3 with the turn signal lamps as part of the warning light  
4 system, as provided in paragraphs (2) and (3) of  
5 subdivision (a).

6 (d) Required or permitted lamps on a trailer or  
7 semitrailer may flash when the trailer or semitrailer has  
8 broken away from the towing vehicle and the connection  
9 between the vehicles is broken.

10 (e) Hazard warning lights, as permitted by paragraphs  
11 (2) and (3) of subdivision (a) may be flashed in a  
12 repeating series of short and long flashes when the driver  
13 is in need of help.

14 SEC. 3. Section 27002 of the Vehicle Code is amended  
15 to read:

16 27002. (a) No vehicle, except an authorized  
17 emergency vehicle, *or a motorcycle used exclusively for*  
18 *funeral escort purposes as described in Section 21100,*  
19 shall be equipped with, nor shall any person use upon a  
20 vehicle any siren except that ~~an~~:

21 (b) An authorized emergency vehicle shall be  
22 equipped with a siren ~~meeting~~ *that meets* requirements  
23 established by the department.

24 (c) *A motorcycle that is used exclusively for funeral*  
25 *escort purposes may be equipped with a siren that meets*  
26 *the requirements established by the department,*  
27 *provided the siren does not emit wail, high-low, or phaser*  
28 *sounds.*

29 SEC. 4. Section 27605 of the Vehicle Code is amended  
30 to read:

31 27605. (a) No person shall own or operate a motor  
32 vehicle painted in the manner described in Section 40800  
33 to resemble a motor vehicle used by a peace officer or  
34 traffic officer on duty for the primary purpose of  
35 enforcing ~~the provisions of~~ Division 10 (commencing  
36 with Section 20000) or Division 11 (commencing with  
37 Section 21000) pursuant to Section 40800.

38 ~~The provisions of this~~

39 (b) *This section shall not apply to vehicles which that*  
40 *are painted one solid color or to vehicles first registered*



1 on or before January 1, 1979. ~~These provisions~~ *This section*  
2 shall not apply to vehicles ~~which~~ *that* are any of the  
3 following:

- 4 ~~(a)~~
- 5 (1) Owned by vehicle manufacturers or dealers.
- 6 ~~(b)~~
- 7 (2) Used by law enforcement agencies in the  
8 enforcement of ~~the provisions~~ of Division 10  
9 (commencing with Section 20000) or Division 11  
10 (commencing with Section 21000).
- 11 ~~(c)~~
- 12 (3) Owned by persons or companies who use the  
13 vehicles exclusively for movie or television production  
14 and display signs stating "movie car" prominently on the  
15 doors.
- 16 ~~(d)~~
- 17 (4) Owned by persons or companies who use the  
18 vehicles exclusively for funeral escort purposes.
- 19 ~~(e)~~
- 20 (5) *A motorcycle that is used exclusively for funeral*  
21 *escort purposes, provided the motorcycle is equipped*  
22 *with flashing lights as described in Section 25251, a siren*  
23 *as described in Section 27002, and decal that*  
24 *differentiates the motorcycle from a police motorcycle*  
25 *and indicates that the motorcycle is for use as a funeral*  
26 *escort.*
- 27 (6) Motorcycles, as defined in Section 400, without  
28 insignia.

29 SEC. 5. Notwithstanding Section 17610 of the  
30 Government Code, if the Commission on State Mandates  
31 determines that this act contains costs mandated by the  
32 state, reimbursement to local agencies and school  
33 districts for those costs shall be made pursuant to Part 7  
34 (commencing with Section 17500) of Division 4 of Title  
35 2 of the Government Code. If the statewide cost of the  
36 claim for reimbursement does not exceed one million  
37 dollars (\$1,000,000), reimbursement shall be made from  
38 the State Mandates Claims Fund.

39 Notwithstanding Section 17580 of the Government  
40 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act  
2 takes effect pursuant to the California Constitution.

O

