

LFC Requester:	Eric Chenier
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>February 14, 2015</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>HB 434-305</u>

Sponsor:	<u>Rep. Jim R. Trujillo</u>	Agency Code:	<u>Attorney General's Office</u>
Short	<u>Veterans Safe Funeral</u>	Person Writing	<u>Jennifer Armijo Hughes , AAG</u>
Title:	<u>Escort Act</u>	Phone:	<u>222-9000</u> Email <u>jhughes@nmag.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: HB 434 establishes a new act titled “Veterans Safe Funeral Escort Act” which allows for non-law enforcement funeral escorts for military veterans. A funeral escort is defined as a person or entity that provides escort services for funeral processions and is affiliated with a national veterans’ organization. A military veteran is defined as a person who has served as an active duty member of the United States army, navy, air force, marine corps or coast guard.

The act specifies that a motor vehicle with lighted headlights, driving in a funeral procession, has the right of way at an intersection and may proceed through the intersection if the funeral procession is headed by a lead funeral escort vehicle displaying flashing lights or by an emergency vehicle. It allows a person operating a motor vehicle as a funeral escort vehicle to direct traffic at intersections immediately preceding and during the passage of a funeral procession. All vehicles shall yield the right of way to approaching emergency vehicles giving an audible or visible signal. A lead funeral escort vehicle is required to exercise due caution with regard to crossing traffic in an intersection. It also makes an exception to the speed limit by allowing a funeral escort vehicle to exceed the posted speed limit by 15 miles per hour when overtaking a funeral procession.

The act mandates that both the lead funeral escort vehicle and last funeral escort vehicle shall be marked with the words “Funeral Escort” clearly visible to traffic. Funeral escort vehicles may not bear markings similar to those vehicles used by law enforcement or federal government. Additionally, they shall not utilize words, emblems, seals or other insignia that could cause a reasonable person to confuse it with a law enforcement vehicle. A non-law enforcement motor vehicle serving as funeral escort vehicle shall be equipped with and utilize amber, red or white lights when participating in a funeral procession.

HB 434 requires all vehicles participating in a funeral procession to follow in a single file as closely as is practical and safe, to have lighted headlights and to proceed at or below any posted speed limit. It also states that a person who is not part of a funeral procession may pass the procession on the left side only if the procession is driving on a two lane highway traveling in the same direction and the passing can be accomplished safely.

HB 434 mandates that a person driving a funeral escort vehicle must be certified and issued a permit by the department of public safety. It requires the department to develop and implement a

training program that will instruct on the procedures necessary to safely escort a funeral procession through intersections. It also requires the secretary of public safety to promulgate rules establishing the curriculum for training and allows him or her to establish a reasonable fee for participation in the training program. After successfully completing the training program, a person shall receive a permit to operate a motor vehicle as a funeral escort vehicle, which shall be carried whenever operating a funeral escort vehicle. The secretary of public safety is responsible for approving or disapproving in writing all uniforms, badges, patches or insignia worn by an operator of a funeral escort vehicle.

A person can only operate a funeral escort vehicle if previously asked by a military veteran whose funeral, memorial service or disposition is being conducted, or by a member of the immediate family of the deceased military veteran. Lastly, the act mandates that a funeral service practitioner shall not be liable for death, personal injury or property damage suffered in the course of a funeral procession unless it is directly caused by a negligent or intentional act of a funeral service practitioner or an employee or agent thereof.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

As written, the definition of military veterans does not specifically include the National Guard or the Reserves. It might be helpful to specify whether or not the act applies to them.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A