S T A T E O F T E N N E S S E E
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Opinion No. 06-076

Funeral Procession Escort's Duty

QUESTION

Whether Tenn. Code Ann. § 55-8-183 imposes a duty on the properly identified escort of a funeral procession, either contracted, volunteer, or other, to remain at the intersection until the entire funeral procession has traveled through the intersection.

OPINION

Tenn. Code Ann. § 55-8-183 does not require a funeral procession escort to remain at an intersection until the entire funeral procession has traveled through the intersection. The escort may have to remain at the intersection, however, to properly discharge his duty and not act negligently.

ANALYSIS

Tenn. Code Ann. § 55-8-183 states, in pertinent part, as follows:

> (a) Funeral processions properly identified by a flashing amber light on the lead vehicle or led by a properly identified escort shall have the right-of-way on any street, highway, or road through which they may pass, subject to the following provisions:
>
> (1) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic-control signals . . . .

Tenn. Code Ann. § 55-8-183(a)(1).

Whether an escort must remain at an intersection is not controlled by Tenn. Code Ann. § 55-8-183. It is controlled by the escort's duty to conduct the procession properly under the

circumstances. *Anderson v. City of Chattanooga*, 978 S.W.2d 105, 107 (Tenn. App. 1998).[1] As a practical matter, circumstances may dictate that there be adequate personnel to have an escort remain at an intersection until the entire funeral procession has passed through it, but not every situation will require the escort to remain. Whether the escort must remain at the intersection hinges on what is necessary to conduct the procession properly.

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[1] This Office has recently issued another opinion on funeral procession escorts in which we discuss the *Anderson* case. Op. Tenn. Att'y Gen. 06-063. We attach a copy for your information.