



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

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April 28, 2008

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2249; Right-of-Way; Military Procession

Dear Speaker Weiers:

I am signing House Bill 2249, which applies to military processions most vehicular regulations on par with those applying to funeral processions.

I note, however, that A.R.S. § 28-776(D) and (F) as revised by House Bill 2249 empower county sheriffs to approve for safety reasons the markings on all "funeral procession" vehicles and the uniforms of all "funeral procession" drivers. Because the same safety concerns would apply to "military procession" vehicles and drivers, the legislature needs to amend A.R.S. § 28-776(D) and (F) to apply its safety measures to military processions as well.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano".

Janet Napolitano
Governor

JN:LK

cc: The Honorable Timothy S. Bee
The Honorable Jerry Weiers

Passed the House March 10, 20 08

Passed the Senate April 15, 20 08

by the following vote: 57 Ayes,

by the following vote: 28 Ayes,

0 Nays, 3 Not Voting

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20

at _____ o'clock _____ M.

Secretary of State

H.B. 2249

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 22, 2008,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22nd day of April, 2008

at 2:40 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 28 day of

April, 2008,

at 11:45 o'clock A. M.

[Signature]
Governor of Arizona

H.B. 2249

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 2008,

at 1:35 o'clock P. M.

[Signature]
Secretary of State

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 99

HOUSE BILL 2249

AN ACT

AMENDING SECTION 28-776, ARIZONA REVISED STATUTES; RELATING TO RIGHT-OF-WAY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-776, Arizona Revised Statutes, is amended to
3 read:

4 28-776. Funeral or military procession right-of-way; funeral or
5 military escort vehicles; certification; fee;
6 definitions

7 A. Pedestrians and the operators of all vehicles, except emergency
8 vehicles, shall yield the right-of-way to each vehicle that is a part of a
9 funeral procession being led by a funeral escort vehicle OR A MILITARY
10 PROCESSION BEING LED BY A MILITARY ESCORT VEHICLE. The driver of the funeral
11 escort vehicle OR MILITARY ESCORT VEHICLE may direct the drivers of other
12 vehicles in the procession to proceed through any intersection or to make
13 turns or other movements, and the other vehicles may continue to follow and
14 make the turns or other movements as are made by or as directed by the driver
15 of the funeral escort vehicle OR MILITARY ESCORT VEHICLE notwithstanding any
16 traffic control device prescribed by statute or local ordinance, except that
17 a driver of a vehicle in the funeral procession OR MILITARY PROCESSION shall
18 not exceed the posted speed limit and shall exercise reasonable and prudent
19 care to avoid colliding with any other vehicle or pedestrian on the roadway.
20 Each vehicle in a funeral procession OR MILITARY PROCESSION shall have its
21 headlights lighted.

22 B. A driver of a funeral escort vehicle OR MILITARY ESCORT VEHICLE who
23 is certified pursuant to subsection D of this section may direct and control
24 the drivers of vehicles in a funeral procession OR MILITARY PROCESSION and
25 any other vehicle in or approaching any intersection to stop, proceed or make
26 the turns or other movements as required without regard to any traffic
27 control device prescribed by statute or local ordinance. Funeral escort
28 vehicles OR MILITARY ESCORT VEHICLES may exceed the speed limit by fifteen
29 miles per hour when overtaking processions to direct traffic at the next
30 intersection. A funeral escort vehicle OR MILITARY ESCORT VEHICLE shall be
31 equipped with at least one lighted lamp exhibiting a red or red and blue
32 light or lens visible under normal atmospheric conditions from a distance of
33 five hundred feet to the front of the vehicle AND AN AUDIBLE SIGNAL BY BELL,
34 SIREN OR EXHAUST WHISTLE AS REQUIRED UNDER SECTION 28-624.

35 C. The sheriff in each county shall register funeral escort vehicles
36 AND MILITARY ESCORT VEHICLES and issue an identification sticker or plate
37 that is affixed to the vehicle in order to identify the vehicle as a funeral
38 escort vehicle OR MILITARY ESCORT VEHICLE. When acting as a funeral escort
39 OR MILITARY ESCORT, the driver of a properly equipped and registered funeral
40 escort vehicle OR MILITARY ESCORT VEHICLE has all of the rights and
41 privileges of a driver of an authorized emergency vehicle proceeding to an
42 emergency call as provided under section 28-624.

43 D. WITHIN THIRTY DAYS AFTER RECEIVING AN APPLICATION FOR APPROVAL, THE
44 SHERIFF IN EACH COUNTY SHALL APPROVE OR DISAPPROVE IN WRITING ALL MARKINGS,
45 EMBLEMS, SEALS AND OTHER INSIGNIA ON A FUNERAL ESCORT VEHICLE BEFORE BEING

1 DISPLAYED. THE SHERIFF MAY NOT UNREASONABLY WITHHOLD APPROVAL. THE SHERIFF
2 SHALL ENSURE THAT THE VEHICLE DOES NOT BEAR MARKINGS SIMILAR TO THE VEHICLE
3 MARKINGS USED BY A LAW ENFORCEMENT AGENCY OF THE FEDERAL OR STATE GOVERNMENT
4 OR A POLITICAL SUBDIVISION OF THIS STATE OR BEAR WORDS, EMBLEMS, SEALS OR
5 OTHER INSIGNIA THAT COULD CAUSE A REASONABLE PERSON TO CONFUSE THE VEHICLE
6 WITH A LAW ENFORCEMENT VEHICLE. BEGINNING OCTOBER 1, 2008, THE RIGHT AND
7 LEFT SIDES OF A FUNERAL ESCORT VEHICLE SHALL BE CLEARLY MARKED WITH THE WORDS
8 "FUNERAL ESCORT" IN LETTERS THAT ARE AT LEAST FIVE INCHES IN HEIGHT, EXCEPT
9 THAT IF THE FUNERAL ESCORT VEHICLE IS A MOTORCYCLE THE LETTERS SHALL BE AT
10 LEAST TWO INCHES IN HEIGHT.

11 ~~D.~~ E. The sheriff in each county may certify any person who holds at
12 least a valid class A, B, C, D OR M driver license issued by this state as a
13 certified driver of a funeral escort vehicle OR MILITARY ESCORT VEHICLE if
14 the person:

15 1. Completes a training program in motor vehicle safety and traffic
16 control safety as prescribed by the sheriff.

17 2. Pays the fee that is prescribed by the sheriff for the program and
18 that does not exceed the cost of the program.

19 F. WITHIN THIRTY DAYS AFTER RECEIVING AN APPLICATION FOR APPROVAL, THE
20 SHERIFF IN EACH COUNTY SHALL APPROVE OR DISAPPROVE IN WRITING ALL UNIFORMS,
21 BADGES, PATCHES AND INSIGNIAS WORN BY A CERTIFIED DRIVER OF A FUNERAL ESCORT
22 VEHICLE BEFORE BEING DISPLAYED. THE SHERIFF MAY NOT UNREASONABLY WITHHOLD
23 APPROVAL. BEGINNING OCTOBER 1, 2008, THE UNIFORM SHALL CONTAIN INSIGNIA THAT
24 IDENTIFIES THE WEARER AS A FUNERAL ESCORT. THE SHERIFF SHALL ENSURE THAT A
25 UNIFORM, BADGE, PATCH OR INSIGNIA DOES NOT BEAR MARKINGS SIMILAR TO THE
26 MARKINGS OF A LAW ENFORCEMENT AGENCY OF THE FEDERAL OR STATE GOVERNMENT OR A
27 POLITICAL SUBDIVISION OF THIS STATE OR BEAR THE WORDS "SHERIFF", "POLICE",
28 "DEPUTY", "MARSHALL", "AGENT" OR "OFFICER" OR ANY OTHER WORD THAT COULD CAUSE
29 A REASONABLE PERSON TO CONFUSE A CERTIFIED DRIVER OF A FUNERAL ESCORT VEHICLE
30 WITH LAW ENFORCEMENT PERSONNEL.

31 G. EACH COUNTY SHERIFF SHALL RECOGNIZE AS VALID IN THAT COUNTY A
32 REGISTERED MILITARY ESCORT VEHICLE OR A CERTIFIED DRIVER OF A MILITARY ESCORT
33 VEHICLE, OR BOTH, IF THE REGISTRATION OR CERTIFICATION, OR BOTH, OCCURS IN
34 ANOTHER COUNTY IN THIS STATE PURSUANT TO THIS SECTION.

35 H. A PERSON:

36 1. SHALL NOT RECEIVE ANY COMPENSATION FOR PROVIDING A MILITARY
37 PROCESSION.

38 2. MAY ONLY PROVIDE A MILITARY PROCESSION IF REQUESTED BY A UNITED
39 STATES MILITARY MEMBER OR VETERAN OR THE FAMILY OF A UNITED STATES MILITARY
40 MEMBER OR VETERAN.

41 ~~E.~~ I. For the purposes of this section: —

42 1. "Funeral procession" means two or more vehicles accompanying the
43 body of a deceased person, including a funeral escort vehicle registered by
44 the sheriff.

- 1 2. "MILITARY PROCESSION" MEANS TWO OR MORE VEHICLES, INCLUDING A
2 MILITARY ESCORT VEHICLE, ACCOMPANYING ANY OF THE FOLLOWING:
3 (a) THE BODY OF A DECEASED MEMBER OF THE UNITED STATES MILITARY OR A
4 DECEASED VETERAN OF THE UNITED STATES MILITARY.
5 (b) A MEMBER OF THE UNITED STATES MILITARY WHO IS BEING DEPLOYED OR
6 WHO IS RETURNING FROM DEPLOYMENT.
7 (c) A PERSON WHO IS BEING HONORED AT A MILITARY EVENT.
8 (d) A MONUMENT HONORING UNITED STATES MILITARY MEMBERS OR VETERANS OF
9 THE UNITED STATES MILITARY THAT IS BEING TRANSPORTED IN THIS STATE.

APPROVED BY THE GOVERNOR APRIL 28, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2008.

Passed the House March 10, 20 08

Passed the Senate April 15, 20 08

by the following vote: 57 Ayes,

by the following vote: 28 Ayes,

0 Nays, 3 Not Voting

0 Nays, 2 Not Voting

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

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this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

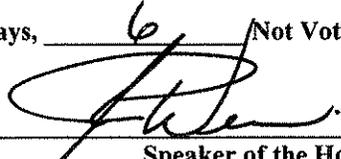
H.B. 2249

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 22, 20 08,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

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Governor of Arizona

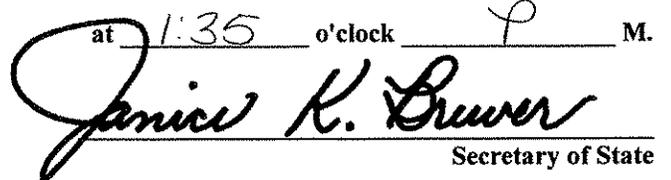
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Secretary of State