

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 356 (Senator Stone, *et al.*)  
Judicial Proceedings

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Transportation - Funerals - Motorcycle Funeral Escorts

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This bill requires a licensure program for motorcycle funeral escort services to be established by the Department of State Police (DSP).

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Fiscal Summary

**State Effect:** Potential minimal general fund revenue increase for the State Police from license and training fees, all of which would be cost recovery only. Any general fund expenditure increases would be offset by such revenues. Any program approval responsibilities for the Police Training Commission could be accommodated with existing budgeted resources.

**Local Effect:** Potential minimal offsetting revenue and expenditure increases for any jurisdiction offering a motorcycle traffic control training program.

**Small Business Effect:** Potential meaningful. Training and licensure costs and qualifications for such a start-up business could prove meaningful.

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Analysis

**Bill Summary:** The bill provides that an individual may serve as a motorcycle funeral escort if the individual has a motorcycle funeral escort license issued by DSP. DSP is required to issue a motorcycle funeral escort license to an individual who is licensed to drive a motorcycle in the State and who meets the other qualifications established by DSP.

Under the bill, DSP must adopt regulations specifying:

- the qualifications of a motorcycle funeral escort;
- the license application and renewal procedures;
- the reasons for and methods of revoking a motorcycle funeral escort license;
- the manner in which a licensed motorcycle funeral escort may stop traffic; and
- any other provisions relating to motorcycle funeral escorts necessary to protect the public safety.

The bill also provides that a funeral procession facing a red signal may continue through or make a turn at an intersection if a licensed motorcycle funeral escort has stopped other vehicles from entering the intersection and crossing the path of the procession. The driver of a vehicle approaching an intersection must stop at the intersection if directed to stop by a licensed motorcycle funeral escort.

**Current Law:** A funeral procession facing a red signal may continue through or make a turn at an intersection if the first vehicle in the procession already entered the intersection before the signal changed from green to red.

While a funeral procession is proceeding through a red signal, a vehicle that is not in the procession may not enter the intersection, even if it is facing a green signal, unless it can do so without crossing the path of the procession. When the red signal changes to green while the funeral procession is still within the intersection, a vehicle facing a green signal may proceed, but the funeral procession has the right-of-way.

The driver of a vehicle in a funeral procession does not have any privilege granted under these provisions unless: (1) the headlights of the vehicle are turned on; and (2) the vehicle's warning lamps are flashing.

**Background:** Currently, a funeral director may request traffic control assistance for funeral processions, at no cost, from the State Police or local police agencies. This may be done with the use of cars or motorcycles, and typically involves full procession length assistance with all intersections along the route.

According to the National Conference of State Legislatures, the licensure of private motorcycle escort services for funerals or oversized loads is typically done at the local level. For instance, Dallas, Texas requires a city-issued Motor Vehicle Escort License for such businesses. The annual license fee is \$160.

In Arizona, the sheriff in each county may register funeral escort vehicles and issue an identification sticker or plate that is affixed to the vehicle in order to identify the vehicle as a funeral escort vehicle. The certification of a driver for such services requires: (1) a

valid Class D motor vehicle license; (2) the completion of a training program in motor vehicle and traffic control safety as prescribed by the sheriff; and (3) payment of a fee prescribed by the sheriff for the program that does not exceed program costs.

When acting as a funeral escort in Arizona, the driver of a properly equipped and registered funeral escort vehicle has all of the rights and privileges of a driver of an authorized emergency vehicle proceeding to an emergency call.

The Maryland Police Training Commission currently provides vehicle traffic training for police units in the State at its training facility near Sykesville. However, training specific to motorcycle police in the State is provided by the State Police, Baltimore City, Montgomery County, and Prince George's County. Motorcycle unit operators are given a two-week course, involving both low speed and high speed basic skills training, including detailed instruction on intersection traffic control. According to the State Police, trainees also complete supervised "on road" training.

The commission has advised the State Police that the commission's "skills pad" for vehicle training is booked through 2007 and that training for additional groups cannot be conducted at night since the training requires specific lighting conditions for each phase (only one day of the training is allotted for night operation of the motorcycles).

**State Fiscal Effect:** This bill does not specify any required training for the issuance of a motorcycle funeral escort license. However, the State Police believes that public safety concerns necessitate that the qualifications for such a license must be predicated on the completion of a traffic control motorcycle training program similar to the program provided motorcycle police units in the State.

The Department of Legislative Services (DLS) has been unable to determine or predict the number of people who would initially (or ever) seek this license, which presents an inherent difficulty in assessing fiscal impact of this bill.

In any event, it is assumed that completion of any approved motorcycle traffic control program (including existing programs offered by the commission, the State Police, and local governments) would meet the public safety qualifications concerns of the State Police. It is also assumed that applicants could be charged cost recovery fees to offset program costs. DLS anticipates that the number of initial applicants for such a license would be quite small.

DLS advises that a program to certify motorcycle escort services licensees could be accommodated with a five-day training program, at a cost to the applicant of \$50-\$100 per day, with existing training resources. It is assumed that any program offered for these purposes would need to be approved by the Police Training Commission.

Because applicants for security guard licenses issued by the State Police are charged \$15 per license, the actual issuance of the motorcycle escort services licenses could be similarly accommodated by the State Police at the same cost per license, with the existing budgeted resources of the State Police Licensing Division. It is assumed that revenue stemming from this license program would be deposited to the general fund.

It is noted that the State Police reports that this bill would necessitate creating a new six person training unit (within DSP) and building an additional training pad at a cost of \$270,000. Total fiscal 2006 costs for the new unit (including training pad construction, the purchase of eight motorcycles, and other one-time costs) is estimated at \$929,000. Continuing program costs for fiscal 2007 are estimated at about \$462,000, growing to \$492,000 by fiscal 2010. Costs for fiscal 2009 would have an additional \$171,000 for replacement motorcycles.

However, these estimates are not based on any assumptions or projections as to the number of persons who may seek such licensure, and do not sufficiently consider the use of existing training resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of State Police, Department of Public Safety and Correctional Services (Police Training Commission), National Conference of State Legislatures, Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2005  
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