

2026 -- H 8165

LC005601

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO EDUCATION -- UNIVERSITY OF RHODE ISLAND

Introduced By: Representatives Fogarty, Tanzi, Spears, and McEntee

Date Introduced: February 27, 2026

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-32 of the General Laws entitled "University of Rhode Island [See
2 Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended by adding
3 thereto the following sections:

4 **16-32-43. Tort claims against the board of trustees.**

5 (a) Definitions. For purposes of this section:

6 (1) "Board of trustees" means and includes the University of Rhode Island and, except as
7 otherwise provided herein, employees of the board of trustees acting within the scope of their
8 employment.

9 (2) "Employee" means and includes an officer, employee, or servant, whether or not
10 compensated or part-time, who is authorized to perform any act or service; provided, however, that
11 the term does not include an independent contractor.

12 (3) "Injury" means death, injury to a person, damage to or loss of property, or any other
13 injury that a person may suffer that would be actionable if inflicted by a private person.

14 (b) With regard to tort liability:

15 (1) The board of trustees shall only be liable for injury within the limitations of this chapter.

16 (2) The board of trustees is liable for injury proximately caused by an act or omission of
17 an employee within the scope of their employment, except for any act or omission constituting
18 actual fraud, actual malice, or willful misconduct.

19 (3) Any liability of the board of trustees established by this chapter is subject to any

1 immunity of the board of trustees and is subject to any defenses that would be available to the board
2 of trustees if it were a private person.

3 (c) With regard to conditions of public property:

4 (1) The board of trustees is liable for injury caused by a condition of its property if the
5 plaintiff establishes that the property was in dangerous condition at the time of the injury, that the
6 injury was proximately caused by the dangerous condition, that the dangerous condition created a
7 reasonably foreseeable risk of the kind of injury which was incurred, and that the board of trustees
8 willfully or maliciously failed to guard or warn against the dangerous condition.

9 (2) Nothing in this section shall be construed to impose liability upon the board of trustees
10 for a dangerous condition of its property if the action the board of trustees took to protect against
11 the condition or the failure to take such action was not palpably unreasonable.

12 (d) With regard to joint tortfeasors:

13 (1) Notwithstanding any other law, in any case where the board of trustees is determined
14 to be a joint tortfeasor, the board of trustees shall be required to contribute to a joint tortfeasor only
15 to the extent of the recovery provided for under this chapter.

16 (2) Notwithstanding any other law, in any case where the board of trustees is determined
17 to be a tortfeasor in any cause of action along with one or more other tortfeasors, the board of
18 trustees shall be liable for no more than that percentage share of the damages which is equal to the
19 percentage of the negligence attributable to the board of trustees.

20 (e) With regard to presentation of claims:

21 (1) No action shall be brought against the board of trustees unless the claim upon which it
22 is based shall have been presented in accordance with the procedures set forth in this section.

23 (2) The board of trustees shall designate the office(s) or individual(s) where a claim for
24 injury shall be filed and may by rule or regulation adopt forms specifying information to be
25 contained in claims filed against it under this chapter.

26 (i) A claim shall be presented by the claimant or by a person acting on their behalf and
27 shall include:

28 (A) The name and post office address of the claimant;

29 (B) The post office address to which the person presenting the claim desires notices to be
30 sent;

31 (C) The date, place, and other circumstances of the occurrence or transaction which gave
32 rise to the claim asserted;

33 (D) A general description of the injury, damage, or loss incurred as far as it may be known
34 at the time of presentation of the claim; and

1 (E) The amount claimed as of the date of presentation of the claim, including the estimated
2 amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the
3 presentation of the claim, together with the basis of computation of the amount claimed.

4 (ii) A claim relating to a cause of action for injury shall be presented as provided in this
5 section not later than the ninetieth day after accrual of the cause of action. After the expiration of
6 six (6) months from the date the notice of claim is received, the claimant may file suit in an
7 appropriate court of law. The claimant shall be forever barred from recovering against the board of
8 trustees if:

9 (A) The claimant failed to file the claim with the board of trustees within ninety (90) days
10 of accrual of the claim;

11 (B) Three (3) years have elapsed since the accrual of the claim; or

12 (C) The claimant or the claimant's authorized representative entered into a settlement
13 agreement with respect to the claim.

14 (3) Nothing in this section shall prohibit a minor or a person who is mentally incapacitated
15 from commencing an action under this chapter within the time limitations contained herein, after
16 reaching majority or returning to mental capacity.

17 (f) With regard to interest and limitations of damages:

18 (1) Notwithstanding any other law, no interest shall accrue prior to the entry of judgment
19 against the board of trustees.

20 (2) No punitive or exemplary damages shall be awarded against the board of trustees.

21 (3) No damages shall be awarded against the board of trustees for pain and suffering
22 resulting from any injury; provided, however, that this limitation on the recovery of damages for
23 pain and suffering shall not apply in cases of permanent loss of a bodily function, permanent
24 disfigurement, or dismemberment.

25 (4) In any tort action against the board of trustees, any damages recovered therein shall not
26 exceed the sum of one hundred thousand dollars (\$100,000).

27 (g) With regard to the effect of assumption of liability, any waiver of immunity and
28 assumption of liability contained in this chapter shall not apply in circumstances where liability has
29 been or is hereafter assumed by another party, to the extent of such assumption of liability.

30 (h) With regard to the effect upon liability based on contract or right to relief other than
31 damages, nothing in this chapter shall affect liability based on contract or the right to obtain relief
32 other than damages against the public entity or one of its employees.

33 (i) With regard to workers' compensation laws, nothing in this chapter shall be construed
34 to affect, alter, or repeal any provision of the workers' compensation laws of this state.

1 **16-32-44. Inconsistent provisions.**

2 Insofar as the provisions of this chapter are inconsistent with the provisions of any other
3 law or ordinance, general, special or local, the provisions of this chapter shall be controlling.

4 **16-32-45. Liberal construction.**

5 Neither this chapter nor anything contained in this chapter is or shall be construed as a
6 restriction or limitation upon any powers, which the board might otherwise have under any laws of
7 this state, and this chapter is cumulative to any powers. This chapter does and shall be construed to
8 provide a complete, additional, and alternative method of doing things authorized by this chapter
9 and shall be regarded as supplemental and additional to powers conferred by other laws.

10 **16-32-46. Feasibility study related to operations of the Rhode Island Nuclear Science**
11 **Center and the Rhode Island Atomic Energy Commission.**

12 The board, working in collaboration with the relevant entities and interested parties
13 including the state, will coordinate a study to review and evaluate the operations of the Rhode
14 Island Nuclear Science Center (RINSC), which is located at the University of Rhode Island, Bay
15 Campus, in Narragansett, and the Rhode Island Atomic Energy Commission (RIAEC), which
16 constructed and operates the research reactor located at the RINSC. The costs of the study will be
17 funded by the state and include recommendations:

- 18 (1) As to the feasibility of continued operation of the reactor and the RINSC; and
19 (2) The feasibility of the university assuming oversight of some or all of continued
20 operations of the reactor, RINSC and/or the RIAEC.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- UNIVERSITY OF RHODE ISLAND

1 This act would limit or prohibit claims an injured person could make for recovery against
2 the University of Rhode Island. Injury caused by a condition of its property would be limited to
3 instances where a person was injured by a dangerous condition and the board of trustees willfully
4 or maliciously failed to guard or warn against the dangerous condition. All tort claims against the
5 University of Rhode Island would be limited to recovery of no more than one hundred thousand
6 dollars (\$100,000). A claimant/injured person would be required to present a notice of claim within
7 ninety (90) days of the injury or be forever barred from recovery. This act would also call upon the
8 Board to undertake a feasibility study related to operations of the nuclear reactor on the Bay
9 Campus.

10 This act would take effect upon passage.

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