

LC005057

IN GENERAL ASSEMBLY

RELATING TO HEALTH AND SAFETY -- RETAIL ESTABLISHMENTS-VEHICLE
SAFETY BARRIERS

Referred To: Senate Commerce

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

RETAIL ESTABLISHMENTS-VEHICLE SAFETY BARRIERS

6 This chapter shall be known and may be cited as "Retail Establishments-Vehicle Safety
7 Barriers".

9 As used in this chapter:

10 (1) "Existing structure" means any retail establishment operating prior to the effective date
11 of this chapter.

12 (2) "New construction" means any retail establishment for which a building permit is issued
13 on or after the effective date of this chapter.

14 (3) "Owner" means the proprietor, operator, lessor, or sublessor of commercial real estate
15 defined in § 34-49-2, which is utilized, in whole or in part, by a retail establishment.

16 (4) "Pedestrian-accessible area" means any sidewalk entrance, exit, patio, seating area, or
17 walkway used by customers or employees.

18 (5) "Retail establishments" means all sales outlets, stores, shops, or other places of business

1 located within the state, which operate primarily to sell or convey food or goods.

2 (6) "Vehicle barrier" means a safety device that meets, at a minimum, the vehicle impact
3 protection standards as adopted and amended by the Rhode Island building code commission, and
4 that is installed to protect persons located within or on the property or to protect pedestrians, from
5 collisions into buildings by motor vehicles.

6 **23-106-3. Installation of vehicle safety barriers.**

7 Owners, as part of any new construction or renovation requiring a building permit, shall
8 install vehicle safety barriers to protect customers and employees.

9 **23-106-4. Barrier location.**

10 (a) New construction. All newly constructed retail establishments shall install safety
11 vehicle barriers between parking areas, drive aisles, and any pedestrian-accessible areas.

12 (b) Existing structures. Retail establishments operating before the effective date of this
13 chapter shall install safety vehicle barriers as follows:

14 (1) Within three (3) years of the effective date of this chapter; or

15 (2) Upon undertaking major exterior renovations requiring a building permit, whichever
16 occurs first.

17 (3) At building entrances adjacent to parking lots or drive lanes.

18 (4) At ground-floor retail or commercial buildings with vehicle access within ten feet (10')
19 of entrance.

20 (c) Barriers shall be placed to protect all primary building entrances, designate pedestrian
21 walkways, outdoor dining areas, and any area where vehicles may reasonably pose a threat to
22 customers or employees.

23 **23-106-5. Barrier requirements.**

24 (a) All applicable areas shall install one or more of the following:

25 (1) Crash-rated bollards (minimum ASTM F3016 S10 or equivalent).

26 (2) Reinforced planters (minimum twenty-four inches (24") wide, thirty-six inches (36")
27 tall, immovable by hand).

28 (3) Concrete or steel vehicle barriers.

29 (4) Integrated seatwalls or anchored fencing capable of withstanding low-speed impact.

30 (5) Parking stops may be used in addition, but not as a primary barrier.

31 (b) Damaged or displaced barriers shall be repaired or replaced within thirty (30) days.

32 **23-106-6. Spacing and placement of barriers.**

33 (1) Bollards shall be placed no more than five feet (5') apart (measured center-to-center).

34 (2) Minimum three feet (3') setback from curb or parking stop to allow space for bumper

1 overhang.

2 (3) Barriers shall line the full width of the vulnerable edge unless exempted by the local
3 planning board

4 **23-106-7. Performance standards.**

5 (a) All safety vehicle barriers installed under this chapter shall comply with one of the
6 following recognized standards:

7 (1) ASTM F3016 low-speed vehicle barrier standard;

8 (2) ASTM F2656 crash-rated barrier standard; or

9 (3) Any successor or equivalent nationally recognized safety standard approved by the state
10 building code authority.

11 (b) Barriers shall be capable of resisting the impact of a vehicle traveling at not less than
12 ten miles per hour (10 mph), or higher where site-specific risk assessments warrant.

13 (c) Barriers shall include bollards, planters, reinforced walls, guardrails, or other approved
14 structures provided they meet performance requirements.

15 **23-106-8. Enforcement and compliance.**

16 (a) The state building code commission shall adopt rules and regulations to implement and
17 enforce the provisions of this chapter within twelve (12) months of its effective date.

18 (b) Failure to comply with the requirements of this chapter shall result in:

19 (1) A civil penalty not exceeding five thousand dollars (\$5,000) per violation; and

20 (2) Possible suspension of applicable occupancy permits until compliance is achieved.

21 (c) Local governments may enact more stringent protective-barrier ordinances.

22 **23-106-9. Insurance discount.**

23 (a) An insurer shall consider the installation of vehicle barriers as a safety measure and
24 may provide or offer a discount on the owner's insurance covering damage or loss to the covered
25 commercial real estate or liability arising out of the ownership, maintenance, or use of the
26 commercial real estate relative to the reduced risk to the property as a result of the installation of
27 the vehicle barrier(s).

28 (b) The insurer shall notify the insured of any discount applied pursuant to this section.

29 **23-106-10. Exemptions.**

30 (a) Retail establishments with no customer-accessible exterior entrance adjacent to vehicle-
31 accessible areas may request exemption, from this chapter.

32 (b) Exemptions shall be approved by the local building code authority following a
33 documented safety assessment.

1 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 HEALTH AND SAFETY -- RETAIL ESTABLISHMENTS-VEHICLE
SAFETY BARRIERS

1 This act would require commercial property owners to install vehicle barriers at their retail
2 establishment locations as part of any new construction or renovation. This act would also require
3 insurers to consider the installation of such vehicle barriers as a safety measure and eligible for a
4 discount on the owner's insurance policy premium.

5 This act would take effect upon passage.

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