

2017 -- H 5258

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO CRIMINAL OFFENSES - HIGHWAYS - LOITERING

Introduced By: Representatives Nardolillo, Canario, Quattrocchi, Price, and Lima

Date Introduced: January 27, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-22 of the General Laws entitled "Highways" is hereby amended  
2 by adding thereto the following section:

3 **11-22-17. Loitering in the public highway.**

4 (a) No person shall stand in a public highway, whether in the traveled way or on a median  
5 strip, for the purposes of loitering or otherwise when the public highway or median strip, by  
6 virtue of its configuration may not safely be used as a public forum and has been designated as  
7 such and indicated by reasonable signage that the public highway or median strip is unsafe for use  
8 as a public forum. Provided, however that standing in any area designated as unsafe for use as a  
9 public forum pursuant to this subsection shall be permitted for the purpose of lawfully crossing  
10 the public highway or for attending to an accident or other emergency.

11 (b) For purposes of this section the director of the department of transportation shall  
12 designate a public highway or median strip as an unsafe location for a public forum after  
13 considering among other factors, the following information:

14 (1) Information and/or data contained in the most recent state of Rhode Island highway  
15 safety plan prepared by the Rhode Island department of transportation;

16 (2) Information and/or data submitted by the Rhode Island cities and towns to the director  
17 of the department of transportation indicating that a particular public highway or median strip is  
18 unsafe as a public forum. Data contained in this subdivision shall contain local police accident  
19 records and or incident reports detailing the number of accidents and/or incidents and the nature

1 of the danger present at the public highway or median strip.

2 (3) Records indicating that the public highway or median strip has not been used as a  
3 public forum in the past.

4 (c) Any person violating this section shall be guilty of a misdemeanor and shall be fined  
5 not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Any violation  
6 shall be heard by the traffic tribunal in accordance with chapter 41.1 of title 31.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would make loitering in a public highway or on certain median strips a  
2 misdemeanor subject to a fine not less than one hundred dollars (\$100) nor more than five  
3 hundred dollars (\$500).

4           This act would take effect upon passage.

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