

2018 -- H 7978 SUBSTITUTE A

=====
LC004306/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO PROPERTY -- BY POSSESSION AND PRESCRIPTION

Introduced By: Representatives Handy, Carson, Fogarty, Donovan, and Knight

Date Introduced: March 16, 2018

Referred To: House Environment and Natural Resources

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. The general assembly finds and declares that the intent
2 in enacting the 2018 amendments to § 34-7-4 ("right of footway denied") is not to change the
3 meaning or effect of the prior law but, instead, to make what was originally intended
4 unmistakably clear. Nothing in this act shall be construed to limit the public rights accrued under
5 the doctrine of the implied dedication.

6 SECTION 2. Section 34-7-4 of the General Laws in Chapter 34-7 entitled "By Possession
7 and Prescription" is hereby amended to read as follows:

8 **34-7-4. Right of footway denied.**

9 No private right of footway, except claimed in connection with a right to pass with
10 carriages, shall be acquired by prescription or adverse use for any length of time.

11 SECTION 3. This act shall take effect upon passage.

=====
LC004306/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO PROPERTY -- BY POSSESSION AND PRESCRIPTION

1 This act would clarify that § 34-7-4 ("right of footway denied") applies only to private
2 rights of footway.

3 This act would take effect upon passage.

=====
LC004306/SUB A
=====