

2019 -- H 5031

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO PROPERTY -- BY POSSESSION AND PRESCRIPTION

Introduced By: Representatives Carson, and Handy

Date Introduced: January 04, 2019

Referred To: House Environment and Natural Resources

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.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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

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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.

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