AN ACT

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:

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

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

34-7-4. Right of footway denied.

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

SECTION 3. This act shall take effect upon passage.
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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