

2024 -- S 2897

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PROPERTY -- BY POSSESSION AND PRESCRIPTION

Introduced By: Senators Gu, Euer, Burke, Valverde, DiMario, Sosnowski, and Quezada

Date Introduced: March 22, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-7-4 of the General Laws in Chapter 34-7 entitled "By Possession
2 and Prescription" is hereby amended to read as follows:

3 **34-7-4. Right of footway denied.**

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

6 (b) Nothing in this section shall be construed to limit the public right of footway accrued
7 under the doctrine of implied dedication.

8 (c) For purposes of this section, "implied dedication" means a conveyance that is not in
9 writing, but rather one where the property owner's conduct implies that a dedication has been made.

10 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 amend the current law to make the denial of a right of footway applicable
2 only to a private right of footway and not to the public right of footway accrued under the doctrine
3 of implied dedication. In addition, this act would define “implied dedication” as a conveyance that
4 is not in writing, but rather one where the property owner's conduct implies that a dedication has
5 been made.

6 This act would take effect upon passage.

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