

By: Representative Coleman (65th)

To: Municipalities

HOUSE BILL NO. 1195

1 AN ACT TO AMEND SECTION 21-39-21, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE A MUNICIPALITY TO DEDUCT WRECKER AND STORAGE FEES
3 FROM THE AMOUNT RETURNED TO THE OWNER AFTER THE SALE OF PROPERTY
4 BY THE MUNICIPALITY UNLESS THE PROPERTY OWNER CAN PROVE THE
5 PROPERTY WAS STOLEN; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 21-39-21, Mississippi Code of 1972, is
8 amended as follows:

9 21-39-21. The governing authorities of any municipality,
10 upon the receipt or recovery of any lost, stolen, abandoned or
11 misplaced personal property by the marshal, police or other
12 officers of such municipality, shall cause to be posted, in three
13 (3) public places in the municipality, notice that such property
14 has been received or recovered. Such notice shall contain an
15 accurate and detailed description of such property and, if the
16 governing authorities are advised as to who owns such property, a
17 copy of such notice shall be mailed to such person or persons in
18 addition to being posted as herein required. The owner of such
19 property may recover the same by filing a claim with the governing
20 authorities of the municipality and establishing his right
21 thereto. The governing authorities may require bond of the person
22 claiming the property before delivering same to him. Parties
23 having adverse claims to said property may proceed according to
24 law as now provided by statutes.

25 If no person claims the property within one hundred twenty
26 (120) days from the date the notice provided for above is given,
27 the governing authorities of the municipality shall cause the same
28 to be sold at public auction to the highest bidder for cash after



29 first posting notice of such sale in three (3) public places in
30 the municipality at least ten (10) days preceding the date of such
31 sale. The notice shall contain a detailed and accurate
32 description of the property to be sold and shall be addressed to
33 the unknown owners or other persons interested in the property to
34 be sold. The notice shall also set forth the date, time and place
35 such sale is to be conducted and shall designate the person who is
36 to make the sale, which person shall be some official designated
37 by the governing authorities of the municipality.

38 However, lost, stolen, abandoned or misplaced motor vehicles
39 and bicycles may be sold in the manner provided in the preceding
40 paragraph after the expiration of ninety (90) days from their
41 receipt or recovery by the officers of a municipality.

42 The person or officer designated and making the sale of such
43 property shall promptly upon completion of the sale deliver to the
44 clerk of the municipality a copy of the notice authorizing the
45 sale, a list of the property sold, the amount paid for each item,
46 the person to whom each item was sold, and all moneys received
47 from such sale, whereupon, the clerk shall deposit the moneys in
48 the general fund of the municipality and shall file the
49 information concerning the sale among the other records of his
50 office.

51 If, within ninety (90) days after date of the sale provided
52 for above, any person claims to be the owner of the property sold,
53 the governing authorities shall, upon satisfactory proof of
54 ownership, pay to such person the amount for which such property
55 was sold, and the governing authorities of the municipality may
56 require of such person a bond in such cases as they may deem
57 advisable. No action shall be maintained against a municipality
58 or any of its officers or employees or the purchaser at the sale
59 for any property sold hereunder or the proceeds therefrom after
60 the expiration of ninety (90) days from the date of the sale as
61 herein authorized.



62 A municipality may deduct wrecker and storage fees from the
63 amount returned to the owner after the sale of property by the
64 municipality. However, a municipality may not deduct wrecker and
65 storage fees from the amount returned to the owner if the owner
66 can prove the property was stolen and notifies the municipality.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2003.

