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

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

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

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

If no person claims the property within one hundred twenty (120) days from the date the notice provided for above is given, the governing authorities of the municipality shall cause the same to be sold at public auction to the highest bidder for cash after
first posting notice of such sale in three (3) public places in
the municipality at least ten (10) days preceding the date of such
sale. The notice shall contain a detailed and accurate
description of the property to be sold and shall be addressed to
the unknown owners or other persons interested in the property to
be sold. The notice shall also set forth the date, time and place
such sale is to be conducted and shall designate the person who is
to make the sale, which person shall be some official designated
by the governing authorities of the municipality.

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

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

If, within ninety (90) days after date of the sale provided
for above, any person claims to be the owner of the property sold,
the governing authorities shall, upon satisfactory proof of
ownership, pay to such person the amount for which such property
was sold, and the governing authorities of the municipality may
require of such person a bond in such cases as they may deem
advisable. No action shall be maintained against a municipality
or any of its officers or employees or the purchaser at the sale
for any property sold hereunder or the proceeds therefrom after
the expiration of ninety (90) days from the date of the sale as
herein authorized.
A municipality may deduct wrecker and storage fees, not to exceed Five Hundred Dollars ($500.00), from the amount returned to the owner after the sale of property by the municipality. However, a municipality may not deduct wrecker and storage fees from the amount returned to the owner if the owner can prove the property was stolen and notifies the municipality.

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