

SENATE FILE 354

By RILEY

FILED MAR 8 1973

*Judiciary 3/4 in Pass 3/13*  
Senate File 354  
Judiciary—  
Potter, Chairman  
McCartney  
Willits

Passed Senate, Date 5-1-74 (1823) Passed House, Date 5-3-74 (2435)

Vote: Ayes 46 Nays 1 Vote: Ayes 82 Nays 4

Approved May 10, 1974

## A BILL FOR

1 An Act relating to property unlawfully placed on public or  
2 private property.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 Section 1. NEW SECTION.

5 1. The owner or other lawful possessor of real property  
6 may remove or cause to be removed any motor vehicle or other  
7 personal property which has been unlawfully parked or placed  
8 on that real property, and may place or cause such personal  
9 property to be placed in storage until the owner of the same  
10 pays a fair and reasonable charge for towing, storage, or  
11 other expense incurred. The real property owner or posses-  
12 sor, or his agent, shall not be liable for damages caused to  
13 the personal property by the removal or storage unless the  
14 damage is caused willfully or by gross negligence.

15 2. The real property owner or possessor shall notify the  
16 sheriff of the county where the real property is located of  
17 the removal of the motor vehicle or other personal property.  
18 If the owner of the motor vehicle or other personal property  
19 can be determined, he shall be notified of the removal by the  
20 sheriff by certified mail, return receipt requested. If such  
21 owner cannot be identified, notice by one publication in one  
22 newspaper of general circulation in the area where the personal  
23 property was parked or placed shall be sufficient to meet all  
24 notice requirements under this Act. If the personal property  
25 has not been reclaimed by the owner within six months after

1 notice has been effected, it may be sold by the sheriff at  
2 public or private sale. The net proceeds after deducting the  
3 cost of the sale shall be applied to the cost of removal and  
4 storage of the property, and the remainder, if any, shall be  
5 paid to the county treasurer for the use and benefit of the  
6 county general fund.

7 EXPLANATION

8 This bill permits the owner or possessor of real property,  
9 upon which has been unlawfully parked or placed a motor vehicle  
10 or other personal property of another, to have that personal  
11 property removed and placed in storage without liability on the  
12 part of the real property owner or his agent for damages to  
13 that property, unless such damage is willful or caused by gross  
14 negligence. The bill also provides for notification of the  
15 personal property owner by the county sheriff, and for the sale  
16 of the property if not reclaimed, with the proceeds being used  
17 to pay the cost of the sale, and of the removal and storage  
18 of the property.

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