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FILED MAR 11 1997

SENATE FILE 398
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 259)
(COMPANION TO HF 143
BY DODERER)

Passed Senate, Date 3/24/97 (p. 738) Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disposition of certain lost property.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 398

1 Section 1. NEW SECTION. 556F.6A FINDER'S OPTIONS IN
2 DISPOSING OF FOUND PROPERTY.

3 A person who finds lost goods, money, bank notes, or other
4 property, and where the owner is unknown, may do either of the
5 following:

6 1. Comply with the provisions of sections 556F.7 through
7 556F.10.

8 2. Deliver the goods, money, bank notes, or other property
9 to the sheriff of the county where such property was found, or
10 to a local law enforcement agency of the jurisdiction where
11 the property was found. The sheriff or local law enforcement
12 agency shall make every reasonable effort to identify the
13 owner of the property and return the property if the owner is
14 located. If the owner of the property is not identified and a
15 person does not appear to claim and prove ownership of the
16 property within twelve months of the date the property is
17 delivered to the sheriff or local law enforcement agency, the
18 right to the property is irrevocably vested in the finder and
19 the property shall be delivered to the finder.

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EXPLANATION

21 This bill establishes an alternative option for a person to
22 dispose of found property. The bill provides that the person
23 may deliver the goods, money, bank notes, or other property to
24 the sheriff of the county where such property was found, or to
25 a local law enforcement agency of the jurisdiction where the
26 property was found. The sheriff or local law enforcement
27 agency is given responsibility for attempting to find the
28 owner of the found property. If the owner is not located and
29 no one claims the property within 12 months of the date the
30 property is delivered to the sheriff or local law enforcement
31 agency, the right to the property is irrevocably vested in the
32 finder and the property shall be delivered to the finder.
33 Currently, the finder of the property is charged with the
34 responsibility of attempting to locate the owner and posting
35 notice on the door of the courthouse of the county in which

1 the property was found and three other public places in the
2 county. This option remains for the finder.

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SENATE FILE 398

S-3168

1 Amend Senate File 398 as follows:

2 1. Page 1, by striking lines 1 through 19 and
3 inserting the following:

4 "Section 1. Section 556F.8, Code 1997, is amended
5 to read as follows:

6 556F.8 ADVERTISEMENT.

7 ~~The finder of such lost goods, money, bank notes,~~
8 ~~or other things, shall forthwith~~ auditor shall give
9 written notice of the finding of such property. Such
10 The notice shall contain an accurate description of
11 the property and a statement as to the time when and
12 place where the same property was found, ~~and the post-~~
13 ~~office address of the finder.~~ Said The notice shall
14 be made as follows:

15 1. Be Notice shall be posted at the door, or other
16 conspicuous place, of the courthouse in the county in
17 which the property was found and in three other of the
18 most public places in the said county, and.

19 2. ~~In case~~ If the property found shall exceed ten
20 exceeds five hundred dollars in value as determined by
21 the auditor, in addition to the notice provided under
22 subsection 1, the notice shall be published once each
23 week for three consecutive weeks in some newspaper
24 published in and having general circulation in said
25 the county.

26 Sec. ____ . Section 556F.9, Code 1997, is amended to
27 read as follows:

28 556F.9 RECORD OF PUBLICATION.

29 Proof of publication of ~~said notice and of the~~
30 ~~posting thereof~~ shall be made by affidavits affidavit
31 of the publisher and the person posting said notices
32 of the notice, and said affidavits the affidavit shall
33 be filed in the office of the county auditor of said
34 the county.

35 Sec. ____ . Section 556F.14, Code 1997, is amended
36 to read as follows:

37 556F.14 COSTS, CHARGES AND CARE -- ASSESSMENT.

38 The owner shall also be required to pay the finder
39 or auditor all such costs and charges as may have been
40 paid by the finder or auditor for services rendered as
41 aforesaid, including the cost of publication, together
42 with reasonable charges for keeping and taking care of
43 such property, which last mentioned charge, in case
44 the finder and the owner cannot agree, shall be
45 assessed by two disinterested householders of the
46 neighborhood, to be appointed by some magistrate judge
47 of the proper county, whose decision, when made, shall
48 be binding and conclusive on all parties."

49 2. By renumbering as necessary.

By PATRICK J. DELUHERY

MATT MCCOY

O. GENE MADDOX

MARY E. KRAMER

WILLIAM D. PALMER

ELAINE SZYMONIAK

SHELDON RITTMER

S-3168 FILED MARCH 18, 1997

Adopted 3/24/97 (p. 738)

SENATE FILE 398
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 259)
(COMPANION TO HF 143
BY DODERER)

(AS AMENDED AND PASSED BY THE SENATE MARCH 24, 1997)

ALL New Language by the Senate

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

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

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S.F. 398

1 Section 1. Section 556F.8, Code 1997, is amended to read
2 as follows:

3 556F.8 ADVERTISEMENT.

4 The ~~finder-of-such-lost-goods, money, bank notes, or other~~
5 ~~things, shall forthwith~~ auditor shall give written notice of
6 the finding of such property. ~~Such~~ The notice shall contain
7 an accurate description of the property and a statement as to
8 the time when and place where the ~~same~~ property was found, ~~and~~
9 ~~the post-office address of the finder.~~ Said The notice shall
10 be made as follows:

11 1. Be Notice shall be posted at the door, or other
12 conspicuous place, of the courthouse in the county in which
13 the property was found ~~and in three other of the most public~~
14 ~~places in the said county, and.~~

15 2. ~~In case~~ If the property found ~~shall exceed ten~~ exceeds
16 five hundred dollars in value as determined by the auditor, in
17 addition to the notice provided under subsection 1, the notice
18 shall be published once each week for three consecutive weeks
19 in some newspaper published in and having general circulation
20 in ~~said~~ the county.

21 Sec. 2. Section 556F.9, Code 1997, is amended to read as
22 follows:

23 556F.9 RECORD OF PUBLICATION.

24 Proof of publication of ~~said notice and of the posting~~
25 ~~thereof~~ shall be made by ~~affidavits~~ affidavit of the publisher
26 ~~and the person posting said notices~~ of the notice, and ~~said~~
27 ~~affidavits~~ the affidavit shall be filed in the office of the
28 county auditor of ~~said~~ the county.

29 Sec. 3. Section 556F.14, Code 1997, is amended to read as
30 follows:

31 556F.14 COSTS, CHARGES AND CARE -- ASSESSMENT.

32 The owner shall also be required to pay the finder or
33 auditor all such costs and charges as may have been paid by
34 the finder or auditor for services rendered as aforesaid,
35 including the cost of publication, together with reasonable

1 charges for keeping and taking care of such property, which
2 last mentioned charge, in case the finder and the owner cannot
3 agree, shall be assessed by two disinterested householders of
4 the neighborhood, to be appointed by some magistrate judge of
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