

FILED MAR 9 1999

SENATE FILE 355
BY DELUHERY and MADDOX

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ 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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SF 355
LOCAL GOVERNMENT

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.

20 Sec. 2. Section 556F.8, Code 1999, is amended to read as
21 follows:

22 556F.8 ADVERTISEMENT.

23 ~~The finder of such lost goods, money, bank notes, or other~~
24 ~~things, shall forthwith~~ auditor shall give written notice of
25 the finding of such property. ~~Such~~ The notice shall contain
26 an accurate description of the property and a statement as to
27 the time when and place where the ~~same~~ property was found, ~~and~~
28 ~~the post-office address of the finder.~~ Said The notice shall
29 be made as follows:

30 1. Be Notice shall be posted at the door, or other
31 conspicuous place, of the courthouse in the county in which
32 the property was found ~~and in three other of the most public~~
33 ~~places in the said county, and.~~

34 2. ~~In case~~ If the property found ~~shall exceed ten~~ exceeds
35 five hundred dollars in value as determined by the auditor, in

1 addition to the notice provided under subsection 1, the notice
2 shall be published once each week for three consecutive weeks
3 in some newspaper published in and having general circulation
4 in ~~said the~~ county.

5 Sec. 3. Section 556F.9, Code 1999, is amended to read as
6 follows:

7 556F.9 RECORD OF PUBLICATION.

8 Proof of publication of ~~said notice and-of-the-posting~~
9 ~~thereof~~ shall be made by ~~affidavits~~ affidavit of the publisher
10 ~~and-the-person-posting-said-notices~~ of the notice, and ~~said~~
11 ~~affidavits~~ the affidavit shall be filed in the office of the
12 county auditor of ~~said the~~ county.

13 Sec. 4. Section 556F.14, Code 1999, is amended to read as
14 follows:

15 556F.14 COSTS, CHARGES, AND CARE -- ASSESSMENT.

16 The owner shall also be required to pay the finder or
17 auditor all such costs and charges as may have been paid by
18 the finder or auditor for services rendered as aforesaid,
19 including the cost of publication, together with reasonable
20 charges for keeping and taking care of such property, which
21 last mentioned charge, in case the finder and the owner cannot
22 agree, shall be assessed by two disinterested householders of
23 the neighborhood, to be appointed by some magistrate ~~judge~~ of
24 the proper county, whose decision, when made, shall be binding
25 and conclusive on all parties.

26 EXPLANATION

27 This bill establishes an alternative option for a person to
28 dispose of found property. The bill provides that the person
29 may deliver the goods, money, bank notes, or other property to
30 the sheriff of the county where such property was found, or to
31 a local law enforcement agency of the jurisdiction where the
32 property was found. The sheriff or local law enforcement
33 agency is given responsibility for attempting to find the
34 owner of the found property. If the owner is not located and
35 no one claims the property within 12 months of the date the

1 property is delivered to the sheriff or local law enforcement
2 agency, the right to the property is irrevocably vested in the
3 finder and the property shall be delivered to the finder.
4 Currently, the finder of the property is charged with the
5 responsibility of attempting to locate the owner and posting
6 notice on the door of the courthouse of the county in which
7 the property was found and three other public places in the
8 county. This option remains for the finder.

9 The bill amends Code section 556F.8 and provides that the
10 auditor is to give written notice concerning found property
11 rather than the finder of the lost property. The bill
12 provides that if the value of the property exceeds \$500 as
13 determined by the auditor, notice is also to be published once
14 each week for three consecutive weeks. Currently, such
15 publication is to occur if the value of the property exceeds
16 \$10. The bill provides for the costs and charges incurred and
17 paid by the auditor to be reimbursed by the owner of the lost
18 property.

19 This bill may create a state mandate as defined in section
20 25B.3.

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