

By Mr. Dempsey of Haverhill, petition of Brian S. Dempsey relative to the disposal of lost, abandoned, and stolen property by the Massachusetts Bay Transportation Authority. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT RELATIVE TO THE DISPOSAL OF LOST, ABANDONED, AND STOLEN PROPERTY BY THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 161A of the General Laws is hereby
2 amended by inserting after section 5A the following new
3 section:—

4 Section 5B. If money, goods or other property which has been
5 stolen, lost, abandoned or taken from a person under arrest comes
6 into the possession of a police officer or other employee of the
7 authority by virtue of his office or employment, he shall deliver
8 the same to the person designated by the Massachusetts Bay
9 Transportation Authority to receive the same, and he shall there-
10 upon be relieved from further responsibility therefor. If no person
11 proves ownership of such money, goods or other property within
12 six months, said authority may cause the same, excepting money
13 unclaimed, to be sold at public auction at such place and time and
14 by such person as said authority may designate. Notice of the time
15 and place of such sale, with description of the property, shall be
16 given by publishing the same once in a newspaper published in
17 Boston.

18 Such property, if perishable or liable to deteriorate greatly in
19 value by keeping, or the value of which will probably be less than
20 the expense of keeping, may be sold at public auction at such
21 place and at such time within six months and by such person as
22 said authority may designate, such notice of the time and place of
23 the sale as said authority may deem reasonable and proper first
24 being given.

25 The proceeds of such sales, together with such unclaimed
26 money, after deducting all reasonable charges and expenses
27 incurred on account of such property, shall be accounted for and
28 paid to said authority.

29 If within two years after any such sale the owner claims such
30 property and proves ownership to the satisfaction of said
31 authority, the amount of such unclaimed money or the proceeds of
32 the sale of such property, after deducting reasonable expenses,
33 shall be paid to said person, without appropriation.

1 SECTION 2. Chapter 90 of the General Laws is hereby
2 amended by striking out section 22C and inserting in place thereof
3 the following section:

4 Section 22C. If the superintendent of streets or other officer
5 having charge of the public ways in a city or town reasonably
6 deems that any motor vehicle apparently abandoned by its owner
7 and standing for more than seventy-two hours upon a public or
8 private way therein or on any property therein without the permis-
9 sion of the owner or lessee of said property, or if a captain or lieu-
10 tenant of the state police force, or a captain or lieutenant of the
11 Massachusetts Bay Transportation Authority police reasonably
12 deems that any motor vehicle apparently abandoned by its owner
13 and standing for more than seventy-two hours upon any property
14 under their respective jurisdictions, is worth less than the cost of
15 removal and storage and expenses incident to disposition pursuant
16 to sections seven to eleven, inclusive, of Chapter one hundred and
17 thirty-five, sections eighty-nine to ninety-four, inclusive, of
18 Chapter ninety-two, sections six A to six D, inclusive, of Chapter
19 one hundred and forty-seven, or section 5B of Chapter one hun-
20 dred and sixty-one A, he may, without incurring liability on his
21 part or on the part of the city, town, the authority, or the common-
22 wealth, take possession of such motor vehicle and dispose thereof
23 as refuse. Any such superintendent or other officer of a city or
24 town may, likewise, without liability, take possession of any such
25 motor vehicle deemed worth more than the cost and expense as
26 aforesaid, and deliver the same to the officer or member of the
27 police department of the city or town, designated by the rules of
28 said department, as custodian of lost property, wherein said motor
29 vehicle was found, who may dispose thereof pursuant to said sec-

30 tions seven to eleven, inclusive. Any such officer of said state
31 police, or of said authority, may, likewise, without liability, take
32 possession of any such motor vehicle deemed worth more than the
33 cost and expenses of aforesaid, and dispose thereof pursuant to
34 said sections eighty-nine to ninety-four, inclusive, or said sections
35 six A to six D, inclusive, or said section 5B.

