

Article - Business Regulation

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§19–102.

(a) This section applies to each corporation or company that acts as a common carrier or forwarder in the State, including a railroad, steamboat, transportation, or forwarding company.

(b) (1) Except as provided in subsection (c) of this section, a common carrier or forwarder may sell at public auction freight that is forwarded on the common carrier or forwarder to a point in the State if:

(i) for 3 months after arriving at its destination the freight remains unclaimed and the legal charges on the freight remain unpaid;

(ii) the owner or consignee cannot be found after diligent inquiry, or, for 3 months after being found and notified of the arrival of the freight, does not receive the freight and pay the legal charges on the freight; and

(iii) the common carrier or forwarder at least 10 days before the sale has posted notices of the time and place of the sale in three public places in the county or municipal corporation in which the sale is to be made.

(2) Out of the proceeds of the sale the common carrier or forwarder:

(i) may pay the legal charges, including the costs of storage of the freight; and

(ii) shall pay, on demand, any balance to the owner or consignee of the freight.

(c) (1) A judge of the circuit court for a county in which freight is located that has been forwarded by a common carrier or forwarder may pass an order for the sale of the freight if the judge deems the sale expedient, on the terms and notice that the order prescribes, if:

(i) the common carrier or forwarder files with the judge an application, verified by affidavit, that sets forth the reasons for which the application is made;

(ii) the freight is livestock, is perishable, or is so damaged or of such other character as to make it impracticable for it to remain in the possession of the company owning or operating the common carrier or forwarder for 3 months after its arrival at its destination; and

(iii) the owner or consignee cannot be found after diligent inquiry, or, for 24 hours after being found and notified of the arrival of the freight, does not receive

the freight and pay the legal charges on the freight.

(2) Out of the proceeds of the sale, the common carrier or forwarder:

(i) may pay the expenses incident to the sale and legal charges, including the cost of the keep of the livestock or the cost of storage of the freight; and

(ii) shall pay, on demand, any balance to the owner or consignee of the freight.

(d) (1) In this subsection, "baggage" includes personal baggage, sample packages, bundles, or luggage.

(2) A common carrier or forwarder may sell at public auction baggage that is transported by the common carrier or forwarder to any point in the State if:

(i) the baggage remains at its destination for 3 months or, if it is lost or stray baggage, remains unclaimed by the owner or the consignee for 3 months at the place to which it has been transported;

(ii) the owner or consignee cannot be found after diligent inquiry, or, after being found and notified of the arrival of the baggage, does not receive the baggage and pay the reasonable charges on the baggage; and

(iii) the common carrier or forwarder at least 10 days before the sale has posted notices of the time and place of the sale in three public places in the county or municipal corporation in which the sale is to be made.

(3) Out of the proceeds of the sale the common carrier or forwarder:

(i) may pay the legal charges, including the costs of storage of the baggage; and

(ii) shall pay, on demand, any balance to the owner or consignee of the baggage.

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