

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) SALE OF UNCLAIMED FREIGHT.

(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) SALE OF LIVESTOCK AND PERISHABLE OR DAMAGED FREIGHT.

(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