

Be It Enacted by the General Assembly of the State of Iowa:

That section fifty hundred ninety (5090) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Liability for negligence of employees. Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of the agents, or by any mismanagement of the engineers or other employees thereof, and in consequence of the wilful wrongs, whether of commission or omission, of such agents, engineers, or other employees, when such wrongs are in any manner connected with the use and operation of any railway on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding.

Sec. 2. Prior relief or indemnity contract no bar to recovery. No contract of insurance, relief, benefit, or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, and no acceptance of any such insurance, relief, benefit, or indemnity by the person injured, his widow, heirs, or legal representatives after the injury, from such corporation, person, or association, shall constitute any bar or defense to any cause of action brought under the provisions of the preceding section, but nothing contained herein shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received.

Sec. 3. Contributory negligence no bar - comparative negligence. In all actions brought against any railway corporation to recover damages for the personal injury or death of any employee under or by virtue of any of the provisions of the second preceding section, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. No such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier or corporation of any statute enacted for the safety of employees contributed to the injury or death of such employee; nor shall it be any defense to such action that the employee who was injured or killed assumed the risks of his employment.

Approved January 25, 1924.

CHAPTER 134

RAILWAY CROSSINGS

S. F. 195

AN ACT to amend, revise, and codify section fifty hundred ninety-two (5092) of the compiled code of Iowa, and sections fifty-two hundred forty-one (5241) and fifty-two hundred forty-one-a one (5241-a1) of the supplement to said code, relating to steam and interurban railway crossings at grade and the duty of employees.

Be It Enacted by the General Assembly of the State of Iowa:

That section fifty hundred ninety-two (5092) of the compiled Code of Iowa, and sections fifty-two hundred forty-one (5241) and fifty-two hundred forty-one-a one (5241-a1) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Grade crossings--jurisdiction of board. The board of railroad commissioners of the state shall have jurisdiction over all crossings at grade of steam and interurban railways within the state. Upon the application of any interurban railway or upon its own motion, the said board may require the trains of any steam railway to stop at any crossing of such railway tracks at grade or said board may make such rules and regulations in relation to speed or other methods of operation at such grade crossings as in its judgment are necessary to protect the public safety. This section shall be construed as an exception to the general rule as provided by law, with reference to interurban railways being street railways within cities and towns.

Sec. 2. Grade crossings--duties of employees. Wherever the tracks of an interurban railway cross the tracks of any steam railway at grade, the steam railway shall, except where required to stop by order of the railroad commissioners, have the right of way and not be compelled to stop its trains and the interurban company operating its line shall cause its cars to come to a full stop not nearer than ten (10) feet nor more than fifty (50) feet from such crossing. Before proceeding to cross said steam railway tracks some employee of the interurban company shall first cross said track ahead of its car or cars and ascertain if the way is clear and free from danger for the passage of such interurban cars. The interurban car or cars shall not proceed to cross until signalled to do so by such person employed as aforesaid. No steam railway in the operation of its engine and cars shall obstruct the free passage of cars of an intersecting interurban railway at such crossing except in the exercise of its right of way as provided in this section.

Sec. 3. Stopping at crossings--exceptions. Except as otherwise in this chapter provided in relation to interlocking switches at railway grade crossings and except as otherwise provided in the preceding section, all trains run upon any steam railroad in this state which intersects and crosses any other railroad upon the same level, shall be brought to a full stop at a distance of not less than two hundred (200) nor more than eight hundred (800) feet from the point of intersection or crossing, before such intersection or crossing is passed.

Sec. 4. Violation--penalty. Any person in charge of an interurban car or cars, who shall violate the provisions of the second preceding section and any engineer or person in charge of an engine, who shall violate the provisions of the preceding section shall be fined for each offense not exceeding one hundred dollars (\$100.00) and the corporation or company on whose road such offense is committed, shall be fined not exceeding two hundred dollars (\$200.00) for each offense.

Approved February 7, 1924.

CHAPTER 135

REGULATION OF CARRIERS

H. F. 196