

8. The officers, agents or regularly accredited representatives of labor organizations composed wholly of employees of railway companies.

9. Inmates of homes for the reform or rescue of the vicious or unfortunate, including those about to enter and those returning home after discharge, and boards of managers, including officers and superintendents of such homes.

10. Superannuated and pensioned employees and members of their families, widows of employees who die while in the service of such common carrier, and widows of pensioned employees.

11. Employees crippled and disabled in the service of such common carrier.

12. Mail carriers and firemen and all peace officers (except state policemen and agents of the department of justice) of any city, within the limits of such city, while wearing the insignia of their office.

13. Ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work.

14. Indigent, homeless, and destitute persons, while being transported by charitable societies or hospitals, and the necessary agents or employees accompanying such persons.

15. School children to and from public, private or parochial schools.

16. The state game warden, his car and necessary assistants accompanying the same, when engaged in the performance of official duties.

17. The adjutant general of Iowa for the transportation of officers or enlisted men of the Iowa National Guard or other military organization of the state, when traveling under the order of the commander in chief.

Sec. 7. Interchange of passes. The provisions of the preceding section shall not prohibit the officers of any railway from interchanging passes and tickets with other railway companies for their officers and employees, or the interchange of passes by railway companies for the persons to whom free tickets, passes or transportation may lawfully be given or furnished, nor to invalidate any existing contract between a street railway company and a city where a condition of any franchise granted required the furnishing of transportation to policemen, firemen, and city officers, while in the performance of their duties.

Sec. 8. Burden of proof in certain cases. In any prosecution wherein it is charged that a free ticket, pass or transportation was wrongfully issued or given to or accepted by a physician, surgeon, attorney, agent or employee of a common carrier, the burden of proof shall be upon the defendant to prove the amount and character of the service rendered or to be rendered.

Approved March 11, 1924.

CHAPTER 137

SCHEDULES OF RATES AND CHARGES

H. F. 198

AN ACT to amend, revise, and codify sections fifty-one hundred seventy-nine-a one (5179-a1) to fifty-one hundred seventy-nine-a thirteen (5179-a13), inclusive, of the supplement to the compiled code of Iowa, relating to regulation of common carriers in respect to schedules of rates and charges.

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

That sections fifty-one hundred seventy-nine-a one (5179-a1) to fifty-one hundred seventy-nine-a thirteen (5179-a13), inclusive, of the supplement to the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Definitions.

The term "board" as employed in this chapter means the board of railroad commissioners.

The term "rates" embraces fares, tariffs, tolls, charges, and all classifications, contracts, practices, rules, and regulations of common carriers relating to such rates.

The term "joint tariffs" embraces joint rates, tolls, contracts, classifications, and charges.

Sec. 2. Rate schedules - filing and publication. Every common carrier, subject to the provisions of chapter four (4) of title sixteen (16) of the compiled Code of Iowa and of the supplement to said Code, shall file with the board and shall print and keep open to public inspection schedules showing the rates for the transportation within this state of persons and property from each point upon its route to all other points thereon and from all points upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, applicable to the through transportation.

Sec. 3. Detailed requirements. The schedules aforesaid shall plainly state the places between which such property and persons will be carried, and, separately, all terminal charges, storage charges, icing charges, and all other charges which the board may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect or determine any part or the aggregate of such rates, or the value of the various services rendered to the passenger, shipper, or consignee.

Sec. 4. Printing - accessible to public. Subject to such rules and regulations as the board may prescribe, such schedules shall be plainly printed in large type and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transportation when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets or tickets for sleeping car, parlor car, or other train accommodations are sold, or bills of lading or waybills or receipts for property are issued.

Sec. 5. Right to inspect. Any or all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person.

Sec. 6. Notice as to schedules. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rate, shall be kept posted by the carrier in two public and conspicuous places in every such station or office.

Sec. 7. Form of schedules. The form of every such schedule shall be prescribed by the board and shall conform, in the case of common carriers subject to an act of congress entitled "An Act to Regulate Commerce", approved February fourth, eighteen hundred eighty-seven, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedule prescribed by the interstate commerce commission under said act.

Sec. 8. Interstate commerce schedules. When schedules and classifications required by the interstate commerce commission contain in whole or in part the information required by the provisions of this chapter, the posting, publishing, and filing of a copy or copies of such schedules and classifications shall be deemed a compliance with the requirements of this chapter in so far as such schedules and classifications contain the information required by this chapter, and any additional or different information may be posted, published, and filed in a supplementary schedule.

Sec. 9. Partial schedules. In lieu of filing its entire schedule in each station or office, any common carrier may, subject to the regulations of the board, file or keep posted at such stations or offices, schedules of such rates as are applicable at, to and from the places where such stations or offices are located.

Sec. 10. Changes in schedules. The board shall have power from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this chapter as it may find expedient, and to modify the requirements of any of its orders, rules, or regulations in respect thereto.

Sec. 11. Joint tariff schedules. The names of the several common carriers which are parties to any joint tariff, shall be specified in the schedule or schedules showing the same. Unless otherwise ordered by the board, a schedule showing such joint tariff need be filed with the board by only one of the parties if there is also filed with the board, in such form as the board may require, a concurrence in such joint tariff by each of the other parties thereto.

Sec. 12. Contracts affecting rates. Every common carrier shall file with the board, copies of all contracts, agreements, or arrangements with other common carriers in relation to any service, affected by the provisions of this chapter, to which it may be a party, and copies of all other contracts, agreements, or arrangements with any other person or corporation affecting in the judgment of the board the cost to such common carrier of any service.

Sec. 13. Acts prohibited. No common carrier shall undertake to perform any service nor engage or participate in the transportation of persons or property, between points within this state, until its schedule of rates shall have been filed and published as herein provided.

Sec. 14. Change in schedule. Unless the board otherwise orders, no change shall be made by any common carrier in any rate, except after thirty days' notice to the board and to the public as herein provided.

Sec. 15. Notice of change. Such notice shall be given by filing with the board and by keeping open for public inspection new schedules or supplements stating plainly the change or changes to be made in the schedule or schedules then in effect, and the time when the change or changes will go into effect.

Sec. 16. Changes without notice. The board, for good cause shown, may allow changes without requiring said thirty days' notice by an order specifying the changes to be made and the time when they shall take effect, and the manner in which they shall be filed and published.

Sec. 17. Indicating changes. When any change is proposed in any rate, such proposed change shall be plainly indicated on the new schedule filed with the board, by some character immediately preceding or following the item.

Sec. 18. Schedule charge mandatory - refunds and discrimination. No common carrier, except as otherwise provided, shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares, and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified except upon order of the courts or of the board as may be now or hereafter by law provided, nor extend to any shipper or person any privilege or facility in the transportation of passengers or property except such as are specified in such schedules.

Sec. 19. Power to revise rates. Whenever there shall be filed with the board any schedule, stating an individual or joint rate, the board shall have power, either upon complaint or upon its own motion, at once, and, if it so orders, without answer or formal pleadings by the interested common carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate.

Sec. 20. Suspension of rates. Pending the hearing and the decision thereon, such rate shall not go into effect; but the period of suspension of such rate shall not extend more than one hundred twenty (120) days beyond the time when such rate would otherwise go into effect, unless the board, in its discretion, extends the period of suspension for a further period of not exceeding thirty (30) days.

Sec. 21. Decision. On such hearing the board shall establish the rates, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable.

Sec. 22. When rates effective. All such rates not so suspended shall, on the expiration of thirty (30) days from the times of filing the same with the board or of such less time as the said board may grant, go into effect and be the established and effective rates, subject to the power of the board after a hearing had upon its own motion or upon complaint, as herein provided, to alter or modify the same.

Sec. 23. Posting and filing of revised schedules. After such changes have been authorized by the board, copies of the new or revised schedules shall be posted or filed as provided in this chapter within such reasonable time as may be fixed by the board.

Approved February 20, 1924.

CHAPTER 138

INTERURBAN RAILWAYS

H. F. 200

AN ACT to amend, revise, and codify sections five thousand ten (5010), fifty-two