

CHAPTER 106.

POWERS AND DUTIES OF BOARD OF RAILROAD COMMISSIONERS.

S. F. 11.

AN ACT to repeal section twenty-one hundred thirteen (2113) of the code relating to the powers and duties of the board of railroad commissioners and enacting a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Repealed—powers and duties.** That section twenty one hundred thirteen (2113) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

“It shall from time to time carefully examine into and inspect the condition of each railroad, its equipment, and the manner of its conduct and management with regard to the public safety and convenience in the state; make semi-annual examination of its bridges, and report the condition thereof to the company to which they belong; and if found by it unsafe it shall immediately notify the railroad company whose duty it is to put the same in repair, which shall be done by it within ten days after receiving such notice. If any corporation fails to perform this duty the board may forbid and prevent it from running trains over the same while unsafe. And should any railroad or transportation company in this state fail to provide proper shelter for its patrons at stations where two or more tracks are operated, or fail, or refuse to connect by proper switches or tracks with the tracks or lines of other railroad or transportation companies the board may require such railroad or transportation company to provide the same in such manner and upon such conditions as it may determine. When, in the judgment of the board, any railway corporation fails in any respect to comply with the terms of its charter or articles of incorporation or the laws of the state; or when in its judgment any repairs are necessary upon its road; or any addition to its rolling stock, or addition to or change in its stations or station houses, or change in its rates of fare for transporting freight or passengers, or change in the mode of operating its road or conducting its business, is reasonable and expedient in order to promote the security, convenience, and accommodation of the public, the board shall serve a notice upon such corporation, in the manner provided for the service of an original notice in a civil action, which notice shall be signed by its secretary, of the improvements and changes which it finds to be proper; and a report of such proceedings shall be included in its annual report to the governor as provided in the next section; but nothing in this section shall be so construed as relieving any railroad company from its present responsibility or liability for damage to person or property.”

Approved March 27, A. D. 1907.

CHAPTER 107.

DUTY OF RAILROADS TO TRANSPORT FREIGHT.

S. F. 306.

AN ACT to amend section two thousand one hundred sixteen (2116) of the code, relating to the duty of railroads.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Actions—burden of proof.** Section two thousand one hundred sixteen (2116) of the code, is hereby amended by adding thereto the following:

"In any suit or action in court brought against a railroad corporation for the purpose of enforcing rights arising under the provisions of this section, the burden of proving that the provisions of this section have been complied with by such railroad corporation, shall be upon such railroad corporation."

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa. Approved April 4, A. D. 1907.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 5, 1907.

W. C. HAYWARD,
Secretary of State.

CHAPTER 108.

POWERS AND DUTIES OF BOARD OF RAILROAD COMMISSIONERS.

H. F. 408.

AN ACT to enlarge the powers and further define the duties of the board of railroad commissioners. [Additional to chapter six (6) of title ten (X) of the code.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Investigation of interstate freight rates.** It is hereby made the duty of the board of railroad commissioners to exercise constant diligence in informing themselves of the rates, charges, rules, and practices of common carriers engaged in the transportation of freight from points in this state to points beyond its limits, and from points in other states to points in this state, also in territory wholly outside this state; and whenever it shall come to the knowledge of the board of railroad commissioners either from their own investigation or by complaint made to them in any manner whatsoever that the rates charged by any common carrier on interstate business are unjust or unreasonable, or that such rates, rules or practices discriminate unjustly against the citizens, industries or interests of this state, or place any of the citizens, industries or interests of this state at an unreasonable disadvantage as compared with those of other states, or are levied or laid in violation of the act to regulate commerce, or in conflict with the rulings, orders or regulations of the interstate commerce commission, it shall be the duty of the board of railroad commissioners to immediately call the attention of the officials of railroads operating in this state to the fact and to urge upon them the propriety of changing such rate or rates, rules or practices.

SEC. 2. **Appeal to interstate commerce commission—prosecutions.** Whenever such rates, rules or practices are not changed or adjusted so as to remove or remedy such discrimination within a reasonable time, it shall be the duty of the board of railroad commissioners, whenever it can legally be done, to present the facts involved in such discrimination to the interstate commerce commission and appeal to it for relief and thereafter, if deemed necessary, by said board of railroad commissioners, they shall prosecute any charge or charges growing out of any such discrimination at the expense of the state, before said interstate commerce commission.

SEC. 3. **Attorney general to assist.** In all work devolving upon the railroad commission they shall receive, upon application, the services of the at-