

The term "switching service" is hereby defined to be shifting of a car or of cars between two (2) points, both of which points are within the industrial vicinity of an industry, a group of industries, a station, a village or a city, as such industrial vicinity may be defined by the board of railroad commissioners.

Sec. 6. Preference prohibited - exception. It shall be unlawful for any common carrier to give any preference or advantage to, or entail any prejudice or disadvantage upon any particular person, company, firm, corporation, locality, or any class of business or traffic, by any rate, rule, regulation, or practice whatsoever. This provision shall not prevent any common carrier from giving preference as to time of shipping live stock, live poultry, uncured meats, fruits, vegetables, or other perishable property.

Sec. 7. Interchange - switching and forwarding. All common carriers shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and switching of cars, passengers, and property to and from their several lines, and to and from other lines and places connected therewith; and shall not discriminate in their accommodations, rates, and charges between such connecting lines. Any common carrier may be required to switch and transfer cars for another, for the purpose of being loaded or unloaded, upon such terms and conditions as may be prescribed by the board of railroad commissioners.

Approved April 1, 1924.

#### CHAPTER 136

#### REGULATION OF CARRIERS

#### S. F. 197

AN ACT to amend, revise, and codify sections fifty-two hundred one (5201), fifty-two hundred five (5205), fifty-two hundred twenty (5220) to fifty-two hundred twenty-two (5222), inclusive, of the compiled code of Iowa, relating to regulation of carriers.

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

That section fifty-two hundred one (5201) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Discrimination as to quantity. For transporting freight over the same railway for the same distance in the same direction, no common carrier shall charge, collect, demand or receive more for transporting a car of freight than it at the same time charges, collects, demands or receives per car for more than one (1) car of a like class of freight; nor more for transporting a ton of freight than it charges, collects, demands, or receives per ton for more than one (1) ton of freight but less than a carload of a like class; nor more for transporting one hundred (100) pounds of freight than it charges, collects, demands or receives per hundred for more than one hundred (100) pounds of freight but less than a ton of a like class.

Sec. 2. Not applicable to new industry--limitation. For the protection and development of any new industry in the state, any common carrier may grant concessions or special rates for any agreed number of carloads or for a specified period of time, which rates and period of time shall be fixed and approved by the board of railroad commissioners, and a copy thereof filed in its office.

Sec. 3. Prima facie evidence of violation. Any such discriminating rates, charges, collections or receipts whether made directly or indirectly by means of any rebate, drawback or other method or means, shall be prima facie evidence of a violation of the provisions of the second preceding section.

That section fifty-two hundred five (5205) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Free or reduced freight rates. Nothing in this chapter shall apply to free or reduced rates for the transportation, storage or handling of:

1. Property for the United States, this state, or municipal governments.
2. Materials to be used by public authorities in constructing or maintaining public highways outside of the corporate limits of cities and towns.
3. Property for charitable purposes.
4. Property for exhibition at fairs or expositions.
5. Private property or goods for the family use of such employees as are entitled to free passenger transportation.

That sections fifty-two hundred twenty (5220) to fifty-two hundred twenty-two (5222), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 5. Free passes and reduced passenger rates prohibited. No common carrier of passengers shall, directly or indirectly, issue, furnish or give free or at reduced rate, any ticket, pass or other evidence of the right or privilege of transportation to any person, except as provided in the next section, nor shall any person accept or use any free ticket, pass or other evidence of the right or privilege of transportation, except as in said section provided. The words "free ticket," "free pass," or other evidence of the right or privilege of transportation as used in this section shall include any ticket, pass, contract, permit or transportation issued, furnished or given to any person, by any common carrier of passengers, for carriage or passage, for any other consideration than money paid in the usual way at the rate, fare or charge open to all who desire to purchase.

Sec. 6. Persons to whom free or reduced transportation may be issued. The persons to whom tickets, free passes, free transportation or discriminating reduced rates may be issued, furnished or given, shall be as follows:

1. The railroad commissioners, their secretary and experts or other agents, and the commerce counsel, while engaged in the performance of their respective duties.
2. The general officers of such common carrier.
3. The officers, agents, employees, attorneys, physicians and surgeons of such common carriers, whose chief and principal occupation is to render service to common carriers of passengers, and to the families of such persons.
4. Sleeping car and express company employees, linemen of telegraph and telephone companies operated in connection with such carriers, railway mail service employees, postoffice inspectors, customs inspectors, immigration inspectors, newsboys on trains, and baggage agents.
5. Persons injured in wrecks and physicians and nurses attending such persons.
6. Persons traveling for the purpose of providing relief in cases of railroad accidents, general epidemic, pestilence, or other calamitous visitation.
7. The necessary caretakers of live stock, vegetables and fruit, including return transportation to forwarding station.

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.