

A BILL

FOR AN ACT REPEALING SECTIONS 10, 11, 12 AND 13 OF CHAPTER 77 OF THE ACTS OF THE SEVENTEENTH GENERAL ASSEMBLY, AND PROHIBITING RAILROAD CORPORATIONS FROM DISCRIMINATING IN FURNISHING CARS OR IN TRANSPORTING PROPERTY, AND PROHIBITING UNREASONABLE CHARGES FOR TRANSPORTING PERSONS OR PROPERTY, AND PROVIDING PENALTIES AND REMEDIES FOR ANY VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT.

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

SECTION 1. That sections 10, 11, 12 and 13 of chapter 77 of the acts of the Seventeenth General Assembly be and the same are hereby repealed.

SEC. 2. It shall be the duty of any railroad corporation when within its power to do so, and upon reasonable notice, to furnish cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight, and to receive and transport such freight with all reasonable dispatch, and to provide and keep suitable facilities for the receiving and handling the same at any depot on its line of road, and also to receive and transport in like manner, the empty or loaded cars furnished by any connecting road, to be delivered at any station or stations on the line of its road, to be loaded or discharged, or reloaded and returned to the road so connecting; and for compensation it shall not demand or receive any greater sum than is accepted by it from any other connecting railroad for a similar service; and all discrimination in furnishing cars or in transporting property is hereby prohibited.

SEC. 3. No railroad corporation shall charge, demand, or receive from any person, company or corporation for the transportation of persons or property, or for any other service, a greater sum than it shall at the same time charge, demand or receive from any person, company or corporation for a like service from the same place, or upon like condition and under similar circumstances, and all concessions of rates drawbacks and contracts for special rates shall be open and allowed all persons, companies and corporations alike, at the same rate per ton per mile by car load upon like condition and under similar circumstances, unless by reason of extra cost of transportation per car load from a different point the same would be unreasonable and unequitable, and shall not charge more for transporting freight from any point on its line than a fair and just proportion of the price it charges for the same kind of freight transported from any other point.

SEC. 4. No railroad corporation shall charge, demand or receive from any person, company or corporation an unreasonable sum for the transportation of persons or property, for the hauling or storing of freight, or for the use of its cars, or for any privilege or service afforded or furnished by it in the transaction of its business as a railroad corporation.

SEC. 5. Any railroad corporation which shall violate any of the provisions of this act whatsoever, shall forfeit for each and every such offense to the person, company or corporation damaged or aggrieved thereby three times the actual damages sustained, or over charges paid, together with the costs of suit, and a reasonable attorney's fee, to be fixed by the court, and if an appeal be taken from the judgment or any part thereof, it shall be the duty of the appellate court to include in the judgment an additional reasonable attorney's fee for the service in the appellate court or courts.

SEC. 6. Any person, company or corporation aggrieved by reason of any violation of any of the provisions of this act by any railroad corporation may make complaint thereof to the Railroad Commissioners of this State, in the manner now provided by law, and said commissioners shall require said railroad corporation to so modify its charge, or so alter and change its dealing and action in the matter complained of, that it shall fully comply the provisions of this act and with any of the duties and obligations imposed upon it by law; and all cases of a failure to comply with the recommendation of the commissioners shall be embodied in their report to the legislature. The provisions and remedies of this section, or their enforcement, shall in no way or manner estop bar, or be held to prevent or exclude the enforcement of any of the other rights, remedies, penalties and causes of action provided for by this act.

SEC. 7. In the construction of this act the phrase, railroad corporation, shall be construed to include any person, company or corporation operating or controlling any railroad or railway operated by steam power.

SEC. 8. The provisions of this chapter shall not in any manner affect or prejudice the rights of any person or party now existing, and shall in no way affect any action or proceedings now pending, or that may hereafter be brought or had for any rights now existing.

SEC. 9. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published in Des Moines, Iowa.