

## **IC 8-2-21**

### **Chapter 21. Railroad Freight Rates—Limitation of Actions**

#### **IC 8-2-21-1**

##### **Limitation of actions**

Sec. 1. (a) All actions at law by carriers for recovery of their charges or any part thereof must begin within three (3) years from the time the cause of action accrues and not after.

(b) For recovery of overcharges, actions at law must begin, or complaint must be filed with the Indiana department of transportation, against carriers subject to this chapter within three (3) years from the time the cause of action accrues and not after, subject to subsection (c), except that if claim for the overcharge is presented in writing to the carrier within the three (3) year period of limitation, the period shall be extended to include six (6) months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim or any part or parts thereof specified in the notice.

(c) If on or before the expiration of the three (3) year period of limitation in subsection (a) or (b), a carrier subject to this chapter begins action under subsection (a) for recovery of charges in respect of the same transportation service, or without beginning action, collects charges in respect of that service, the period of limitation shall be extended to include ninety (90) days from the time such action is begun or charges are collected by the carrier.

(d) The cause of action in respect of a shipment of property for the purposes of this section accrues upon delivery or tender of delivery thereof by the carrier and not after.

(e) The term "overcharges", as used in this section, means charges for the transportation services in excess of those applicable thereto under the tariffs lawfully on file with the Indiana department of transportation.

*(Formerly: Acts 1941, c.151, s.1; Acts 1961, c.110, s.1.) As amended by P.L.59-1984, SEC.118; P.L.89-1985, SEC.11; P.L.18-1990, SEC.33.*