

expenses is barred by an applicable statute of limitation, or the legal representative of the medical assistance recipient does not represent the person or persons who have legal standing to bring the claim for recovery of medical expenses. In such situations, the legal representative shall notify the department of the situation; the department may then notify the person or persons having legal standing to bring the claim of the right to proceed with the claim against the third-party tort-feasor. Should the person or persons elect not to proceed, the department may then proceed in a separate action with a claim to recover its subrogation interest.

Sec. 2. Section 633.336, Code 1989, is amended to read as follows:  
633.336 DAMAGES FOR WRONGFUL DEATH.

When a wrongful act produces death, damages recovered therefor as a result of the wrongful act shall be disposed of as personal property belonging to the estate of the deceased, however, if the damages include damages for loss of services and support of a deceased spouse and parent, such the damages shall be apportioned by the court among the surviving spouse and children of the decedent in such a manner as the court may deem equitable consistent with the loss of services and support sustained by the surviving spouse and children respectively. If the decedent leaves a spouse, child, or parent, damages for wrongful death shall not be subject to debts and charges of the decedent's estate, except for amounts to be paid to the department of human services for payments made for medical assistance pursuant to chapter 249A, paid on behalf of the decedent from the time of the injury which gives rise to the decedent's death up until the date of the decedent's death.

Approved May 3, 1989

## CHAPTER 112

### IDENTIFICATION CARDS FOR PRIVATE INVESTIGATION AND SECURITY AGENTS *S.F. 416*

**AN ACT** relating to the identification of persons engaged in private investigation and private security businesses.

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

Section 1. Section 80A.7, Code 1989, is amended to read as follows:  
80A.7 IDENTIFICATION CARDS.

The department shall issue to each licensee and to each employee of the licensee an identification card in a form approved by the commissioner. The application for a permanent identification card shall include a temporary identification card valid for fourteen days from the date of receipt of the application by the applicant. It is unlawful for an agency licensed under this chapter to employ a person to act in the private investigation business or private security business unless the person has in the person's immediate possession an identification card issued under this section.

The licensee is responsible for the use of identification cards by the licensee's employees and shall return an employee's card to the department upon termination of the employee's service. Identification cards remain the property of the department. The fee for each card is ~~three~~ ten dollars.

A county sheriff may issue temporary identification cards valid for fourteen days to a person employed by an agency licensed as a private security business or private investigation business on a temporary basis in the county. The fee for each card is ~~three~~ five dollars. The form of the temporary identification cards shall be approved by the commissioner.

Approved May 3, 1989

**CHAPTER 113**

## UNIFORM COMMERCIAL CODE AMENDMENTS

S.F. 475

AN ACT relating to Article 8 of the uniform commercial code, by including both certificated and uncertificated securities within the scope of Article 8, and by making conforming amendments to Articles 1, 5, and 9.

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

Section 1. Section 554.8102, Code 1989, is amended to read as follows:  
554.8102 DEFINITIONS AND INDEX OF DEFINITIONS.

1. In this Article, unless the context otherwise requires

a. A "security" is an instrument which

- i. is issued in bearer or registered form; and
- ii. is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and
- iii. is either one of a class or series or by its terms is divisible into a class or series of instruments; and
- iv. evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

a. A "certified security" is a share, participation, or other interest in property of or an enterprise of the issuer or an obligation of the issuer which is

- i. represented by an instrument issued in bearer or registered form;
- ii. of a type commonly dealt in on securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and
- iii. either one of a class or series or by its terms divisible into a class or series of shares, participations, interests, or obligations.

b. An "uncertificated security" is a share, participation, or other interest in property or an enterprise of the issuer or an obligation of the issuer which is

- i. not represented by an instrument and the transfer of which is registered upon books maintained for that purpose by or on behalf of the issuer;
- ii. of a type commonly dealt in on securities exchanges or markets; and
- iii. either one of a class or series or by its terms divisible into a class or series of shares, participations, interests, or obligations.

b. c. A "security" is either a certificated or an uncertificated security. If a security is certificated, the terms "security" and "certified security" may mean either the intangible interest, the instrument representing that interest, or both, as the context requires. A writing which that is a certificated security is governed by this Article and not by uniform commercial code — commercial paper Article 3 even though it also meets the requirements of that Article. This Article does not apply to money. If a certificated security has been retained by or surrendered to the issuer or its transfer agent for reasons other than registration of transfer, other temporary purpose, payment, exchange, or acquisition by the issuer, that security shall be treated as an uncertificated security for purposes of this Article.

d. A certificated security is in "registered form" when if:

- i. it specifies a person entitled to the security or to the rights it evidences represents, and when
- ii. its transfer may be registered upon books maintained for that purpose by or on behalf of an the issuer, or the security so states.

d. e. A certificated security is in "bearer form" when if it runs to bearer according to its terms and not by reason of any endorsement.

2. A "subsequent purchaser" is a person who takes other than by original issue.

3. A "clearing corporation" is a corporation registered as a "clearing agency" as under federal securities laws or a corporation: