

Section 11(6) and (8) and 86(4a) and (5)
Annotated Code of Maryland
(1978 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 88B - State Police
Section 53(5) and (7)
Annotated Code of Maryland
(1969 Replacement Volume and 1978 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 73B - Pensions

11.

(6) Upon the application of a member, or of the head of his department, any member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, without wilful negligence on his part, shall be retired by the board of trustees, provided that the medical board shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. IN NO EVENT SHALL A MEMBER RECEIVE A DISABILITY ALLOWANCE FOR A DISABILITY INCURRED PRIOR TO ENROLLMENT IN THE RETIREMENT SYSTEM, EXCEPT TO THE EXTENT THAT SUCH DISABILITY WAS AGGRAVATED IN THE ACTUAL PERFORMANCE OF DUTY. No beneficiary entitled to an accidental disability retirement allowance shall receive any allowance on account of ordinary disability.

(8) Once each year [during the first five years following the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter], the board of trustees may, and upon his application shall, require any disability beneficiary who has not yet attained the age of 60 to undergo a medical examination, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon, by a physician or physicians designated by the board of trustees. Should any disability beneficiary who has not yet attained the age of 60 refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the board of trustees:

(a) Should the medical board report and certify to the board of trustees that any disability beneficiary is