

145.

(5) (a) On the application of a member or of his State or county superintendent, any member who has had 5 or more years of eligibility service may be retired by the board of trustees on an ordinary disability retirement allowance, if the medical board, after a medical examination of the member, certifies that:

(i) The member is mentally or physically incapacitated for the further performance of duty;

(ii) The incapacity is likely to be permanent;

and

(iii) The member should be retired.

(b) In no event shall a member receive a disability allowance for a disability incurred prior to enrollment in the pension system, except to the extent that such a disability was aggravated subsequent to the member's enrollment. A member who transfers from the Teachers' Retirement System of the State of Maryland or the Employees' Retirement System of the State of Maryland to the Pension System for Teachers of the State of Maryland shall retain the enrollment date first established in the retirement system from which the member transferred.

(c) Any member who applies for disability retirement within 2 years of having transferred from the Employees' Retirement System of the State of Maryland or the Teachers' Retirement System of the State of Maryland to this pension system, and is found to be disabled, shall receive the benefits provided under the retirement system from which the member transferred offset by whatever contributions have been refunded to the member.

(D) FOR THE PURPOSES OF THIS SUBSECTION (5), MEMBERSHIP IN THE PENSION SYSTEM FOR TEACHERS SHALL CONTINUE FOR A PERIOD OF 2 YEARS FROM THE TIME PAID EMPLOYMENT IS TERMINATED.

(7) (a) On the application of a member or of his State or county superintendent, any member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident that occurred while in the actual performance of duty at some definite time and place, without willful negligence on his part, shall be retired by the board of trustees, if the medical board certifies that:

(i) The member is mentally or physically incapacitated for the further performance of duty;

(ii) The incapacity is likely to be permanent;

and

(iii) The member should be retired.