

29-109. ACCIDENTAL DISABILITY RETIREMENT — ELIGIBILITY.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO THE STATE POLICE RETIREMENT SYSTEM.

(B) IN GENERAL.

THE BOARD OF TRUSTEES SHALL GRANT AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE TO A MEMBER IF:

(1) THE MEMBER IS TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY AS THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT THAT OCCURRED IN THE ACTUAL PERFORMANCE OF DUTY AT A DEFINITE TIME AND PLACE WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

(2) THE MEDICAL BOARD CERTIFIES THAT:

(I) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION;

(II) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND

(III) THE MEMBER SHOULD BE RETIRED.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity.

Subsection (b) of this section is new language derived without substantive change from former Art. 73B, §§ 2-404(b)(1)(ii) and (iii), 3-404(b)(1)(ii) and (iii), 4-404(b)(1)(ii) and (iii), 5-404(b)(1)(ii) and (iii), 7-404(b)(1)(ii) and (iii), 8-402(b)(1)(ii) and (iii), and 10-218(c)(1)(ii) and (iii).

In subsection (b)(2)(i) of this section, the reference to "the normal duties of the member's position" is substituted for the former reference to "duty" to conform to the terminology used in § 29-105(2)(i) of this subtitle.

Defined terms: "Board of Trustees" § 20-101

"Medical board" § 20-101

"Member" § 20-101

"Retirement allowance" § 20-101

"State Police Retirement System" § 20-101

29-110. SAME — ALLOWANCE.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO THE STATE POLICE RETIREMENT SYSTEM.

(B) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE EQUALS THE LESSER OF: