

The last sentence of former Art. 73B, § 11(5)(a) and former § 11(5)(b) are deleted as obsolete.

(B) (1) THE BOARD OF TRUSTEES SHALL GRANT AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE TO A MEMBER IF:

(I) AN APPLICATION HAS BEEN SUBMITTED TO THE BOARD OF TRUSTEES:

1. BY THE MEMBER; OR
2. IF THE MEMBER IS UNABLE TO APPLY, BY THE MEMBER'S DEPARTMENT HEAD;

(II) THE MEMBER HAS BEEN TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY AS THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT THAT OCCURS WHILE IN THE ACTUAL PERFORMANCE OF DUTY AT SOME DEFINITE TIME AND PLACE WITHOUT WILLFUL NEGLIGENCE ON THE PART OF THE MEMBER; AND

(III) THE MEDICAL BOARD HAS CERTIFIED THAT:

1. THE MEMBER IS TOTALLY INCAPACITATED, EITHER MENTALLY OR PHYSICALLY, FOR THE FURTHER PERFORMANCE OF DUTY;
 2. THE INCAPACITY IS LIKELY TO BE PERMANENT;
- AND
3. THE MEMBER SHOULD BE RETIRED.

(2) (I) A MEMBER WHO IS RETIRED FOR AN ACCIDENTAL DISABILITY UNDER THIS SUBSECTION SHALL RECEIVE, EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE EQUAL TO THE LESSER OF:

1. THE MEMBER'S AVERAGE FINAL COMPENSATION;
- OR
2. THE SUM OF:
 - A. AN ANNUITY EQUAL TO THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT; AND
 - B. A PENSION EQUAL TO TWO-THIRDS OF THE MEMBER'S AVERAGE FINAL COMPENSATION.

(II) IF A MEMBER IS AT LEAST 60 YEARS OLD, THE MEMBER SHALL RECEIVE AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE EQUAL TO 1/55 OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF CREDITABLE SERVICE.