STATE OF NEW YORK

7585

2023-2024 Regular Sessions

IN SENATE

June 28, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the retirement and social security law, in relation to payment of accidental death benefits for members who die while travelling to work

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The act shall be known and may be cited as "Anthony Varvaro's law".

§ 2. Section 61 of the retirement and social security law is amended by adding a new subdivision a-1 to read as follows:

a-1. Notwithstanding any other provision of law to the contrary, a member shall be considered to have died as the natural and proximate result of an accident sustained in the performance of duty if such member is travelling from their primary residence directly to their place of business, or to a different location where such member was assigned to perform his or her duties.

§ 3. Section 361 of the retirement and social security law is amended by adding a new subdivision a-1 to read as follows:

a-1. Notwithstanding any other provision of law to the contrary, a member shall be considered to have died as the natural and proximate result of an accident sustained in the performance of duty if such member is travelling from their primary residence directly to their place of business, or to a different location where such member was assigned to perform his or her duties.

§ 4. Section 509 of the retirement and social security law is amended by adding a new subdivision a-1 to read as follows:

a-1. Notwithstanding any other provision of law to the contrary, a member shall be considered to have died as the natural and proximate result of an accident sustained in the performance of duty if such member is travelling from their primary residence directly to their

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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place of business, or to a different location where such member was assigned to perform his or her duties.

§ 5. The opening paragraph of subdivision a of section 607 of the retirement and social security laws, as amended by chapter 253 of the law of 2019, is amended to read as follows:

The eligible beneficiary of a member in service, or of a vested member who dies as a result of a qualifying World Trade Center condition as defined in section two of this chapter, shall be entitled to an accidental death benefit in the form of a pension equal to fifty percent of such member's wages earned during his or her last year of actual service or his or her annual wage rate if he or she was credited with less than one year of service since last becoming a member, if, upon application filed within five years after the death of the member, the head of the retirement system determines that such member died before the effective date of retirement, as the natural and proximate result of an accident not caused by his or her own willful negligence sustained in the performance of his or her duties in active service and while actually a member of the retirement system. **Notwithstanding any other provision of law to the contrary, a member shall be considered to have died as the natural and proximate result of an accident sustained in the performance of duty if such member is travelling from their primary residence directly to their place of business, or to a different location where such member was assigned to perform his or her duties.**

§ 6. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after September 11, 2022.