

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 travel-
ling to work

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

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

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

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

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

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

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

21 a-1. Notwithstanding any other provision of law to the contrary, a
22 member shall be considered to have died as the natural and proximate
23 result of an accident sustained in the performance of duty if such
24 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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1 place of business, or to a different location where such member was
2 assigned to perform his or her duties.

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

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

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