§ 607. Accidental death benefits. a. 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 the provisions of section two hundred forty-two, two hundred forty-three or two hundred forty-four of the military law or the provisions of any other law to the contrary and solely for the purpose of determining eligibility for an accidental death benefit, a member shall be considered to have died as the natural and proximate result of an accident sustained in the performance of duty provided such member was on the payroll in the service upon which membership is based at the time he or she was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code and died while on such active duty or service in the uniformed services on or after June fourteenth, two thousand five.

Provided, however, the head of the retirement system in its sole discretion may accept an application for an accidental death benefit after the expiration of the applicable filing period, where, but only where, an ordinary death benefit has not been previously paid.

b. If an eligible beneficiary receiving the accidental death benefit hereunder becomes ineligible to continue to receive such benefit, the benefit shall be continued for all other members of the eligible class of beneficiaries and, if none, to each successive class, if any, during

their eligibility therefor.

c. If the aggregate benefits under the provisions of this section have not exceeded the amount of the ordinary lump sum death benefit because of the absence of eligible beneficiaries or because those beneficiaries formerly eligible are no longer eligible for payments pursuant to section six hundred one of this article, then the difference between the amounts, if any, paid under this section and the amount of the ordinary lump sum death benefit shall be paid to:

1. The last eligible beneficiary or beneficiaries, if surviving, who were receiving pension payments hereunder or, if none

2. The distributees of the member, if there were no eligible beneficiaries at the member's death, or the persons who would be distributees of the member had he or she died intestate on the date that the last eligible beneficiary died or became ineligible.