

Part 5 Death Benefit

49-16-501 Death of active member in Division A -- Payment of benefits.

- (1) If an active member of this system enrolled in Division A under Section 49-16-301 dies, benefits are payable as follows:
 - (a) If the death is classified by the office as a line-of-duty death, benefits are payable as follows:
 - (i) If the member has accrued less than 20 years of firefighter service credit, the surviving spouse shall receive a lump sum equal to six months of the active member's final average salary and an allowance equal to 30% of the member's final average monthly salary.
 - (ii) If the member has accrued 20 or more years of firefighter service credit, the member shall be considered to have retired with an allowance calculated under Section 49-16-402 and the surviving spouse shall receive the death benefit payable to a surviving spouse under Section 49-16-504.
 - (b) If the death is not classified as a line-of-duty death by the office, benefits are payable as follows:
 - (i) If the member has accrued less than 10 years of firefighter service credit, the beneficiary shall receive a sum of \$1,000 or a refund of the member's member contributions, whichever is greater.
 - (ii) If the member has accrued 10 or more years of firefighter service credit, the surviving spouse shall receive a sum of \$500, plus an allowance equal to 2% of the member's final average monthly salary for each year of service credit accrued by the member up to a maximum of 30% of the member's final average monthly salary.
- (2)
 - (a) If the member dies without a surviving spouse, the surviving spouse's allowance shall be equally divided and paid to each unmarried child until the child reaches age 21.
 - (b) The payment shall be made to a duly appointed guardian or as provided under Sections 49-11-609 and 49-11-610.
- (3) If the benefit is not distributed under this section, and the member has designated a beneficiary, the member's member contributions shall be paid to the beneficiary.
- (4)
 - (a) A surviving spouse who requests a benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month:
 - (i) following the month in which the member died, if the application is received by the office within 90 days of the member's death; or
 - (ii) following the month in which the application is received by the office, if the application is received by the office more than 90 days after the member's death.

Amended by Chapter 84, 2016 General Session

49-16-502 Death of active member in Division B -- Payment of benefits.

- (1) If an active member of this system enrolled in Division B under Section 49-16-301 dies, benefits are payable as follows:
 - (a) If the death is classified by the office as a line-of-duty death, benefits are payable as follows:
 - (i) If the member has accrued less than 20 years of firefighter service credit, the surviving spouse shall receive:

- (A) a lump sum equal to six months of the active member's final average salary; and
- (B) an allowance equal to 37.5% of the member's final average monthly salary.
- (ii) If the member has accrued 20 or more years of firefighter service credit, the member shall be considered to have retired with an allowance calculated under Section 49-16-402 and the surviving spouse shall receive the death benefit payable to a surviving spouse under Section 49-16-504.
- (b) If the death is not classified by the office as a line-of-duty death, the benefits are payable as follows:
 - (i) If the member has accrued five or more years of firefighter service credit, the death is considered line-of-duty and the surviving spouse shall receive:
 - (A) a lump sum of \$1,500; and
 - (B) an allowance as established under Subsection (1)(a)(i)(B).
 - (ii) If the member has accrued less than five years of firefighter service credit, the surviving spouse shall receive a refund of the member's contributions, plus 50% of the member's most recent 12 months compensation.
- (c) If the member has accrued five or more years of firefighter service credit, the member's unmarried children until they reach age 21 or dependent unmarried children with a mental or physical disability, shall receive a monthly allowance of \$75.
- (2)
 - (a) If the member dies and there is no surviving spouse, any amounts that would have been the surviving spouse's benefits are equally divided and paid to each unmarried child until the child reaches age 21.
 - (b) The payments shall be made to the surviving parent or duly appointed guardian or as provided under Sections 49-11-609 and 49-11-610.
- (3) If a benefit is not distributed under Subsection (1) or (2), and the member has designated a beneficiary, the member's member contributions shall be paid to the beneficiary.
- (4) The combined monthly payments made to the beneficiaries of any member under this section may not exceed 75% of the member's final average monthly salary.
- (5)
 - (a) A surviving spouse who requests a benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month:
 - (i) following the month in which the member died, if the application is received by the office within 90 days of the member's death; or
 - (ii) following the month in which the application is received by the office, if the application is received by the office more than 90 days after the member's death.

Amended by Chapter 84, 2016 General Session

49-16-503 Benefits payable upon death of inactive member.

- (1) If an inactive member who has less than 20 years of firefighter service credit dies, the surviving spouse, or, if there is no surviving spouse, the member's minor children shall receive a refund of the member's member contributions or \$500, whichever is greater.
- (2)
 - (a) If an inactive member with 20 or more years of firefighter service credit dies, the surviving spouse shall receive an allowance in the amount of 50% of the amount the member would have received had retirement occurred on the first of the month following the month in which the death occurred.

- (b) This allowance shall be based on years of service credit and final average monthly salary under Section 49-16-402, reduced actuarially from age 50 to the age of the member at the time of death if the member is under 50 years of age at the time of death.
- (3)
 - (a) A surviving spouse who requests a benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month:
 - (i) following the month in which the member died, if the application is received by the office within 90 days of the member's death; or
 - (ii) following the month in which the application is received by the office, if the application is received by the office more than 90 days after the member's death.

Amended by Chapter 84, 2016 General Session

49-16-504 Benefits payable upon death of retired member.

- (1) If a retiree who retired under either Division A or Division B dies, the retiree's surviving spouse shall receive an allowance equal to 75% of the allowance that was being paid to the retiree at the time of death.
- (2) If the retiree retired solely under Division B and dies leaving unmarried children under the age of 21 or dependent unmarried children with a mental or physical disability, the children shall qualify for a benefit as prescribed under Subsection 49-16-502(1)(c).
- (3)
 - (a) A beneficiary who qualifies for a monthly benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month following the month in which the:
 - (i) member or participant died, if the application is received by the office within 90 days of the date of death of the member or participant; or
 - (ii) application is received by the office, if the application is received by the office more than 90 days after the date of death of the member or participant.

Amended by Chapter 84, 2016 General Session

49-16-505 Benefits for surviving spouse under Division A or Division B.

The surviving spouse, if eligible, shall receive a benefit computed under either Division A or Division B, whichever provides the larger benefit, but may not receive a benefit under both divisions if it would result in a duplicate benefit.

Amended by Chapter 84, 2016 General Session

49-16-506 Minimum allowance for surviving spouse.

The minimum allowance payable to the surviving spouse who qualifies for an allowance under Section 49-16-501, 49-16-502, 49-16-503 or 49-16-504, shall be \$350 per month.

Amended by Chapter 84, 2016 General Session

49-16-507 Benefits payable upon death of active or inactive member without a surviving spouse or minor children.

If an active or inactive member dies and at the time of death the member does not have a surviving spouse or minor children, the benefit payable to a designated beneficiary is a refund of the member's member contributions or \$500, whichever is larger.

Amended by Chapter 84, 2016 General Session

49-16-508 Surviving spouse includes certain former spouses -- Benefit calculation for former spouse.

- (1) The benefit calculation for a surviving spouse with a valid domestic relations order benefits on file with the office before the member's death date in accordance with Section 49-11-612 is calculated according to the manner in which the court order specified benefits to be partitioned, whether as a fixed amount or as a percentage of the benefit.
- (2) If the death benefits under this section are partitioned among more than one surviving spouse due to domestic relations order benefits on file with the office before the member's death date in accordance with Section 49-11-612, the total amount received by the surviving spouses may not exceed the death benefits normally provided to one surviving spouse under this section.

Enacted by Chapter 84, 2016 General Session