

**Effective 5/10/2016**

**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