No. 1988-104

AN ACT

HB 1150

Amending the act of June 23, 1931 (P.L.932, No.317), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for the immediate vesting of certain disabled police officers in pension systems.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1.   The act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, reenacted and amended June 28, 1951 (P.L.662, No.164), is amended by adding a section to read:
Section 4303.2.   Total Disability.—(a)   Notwithstanding any provision of this act, any police officer who becomes totally disabled due to injuries sustained in the line of duty shall be deemed to be fully vested in the police pension fund, regardless of the actual number of years of credited service, and shall be eligible for immediate retirement benefits.

(b)   Claims under this section shall be decided by the governing body of the city. Proof of disability shall be by competent medical evidence provided by the claimant. The governing body of the city may at any time have the claimant examined by its own physician.

(c)   Claims under this section may be brought as the regulations of the city council prescribe. Hearings and appeals shall be as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(d)   The pension fund shall be subrogated to the right of the claimant to the extent of any payments made under the act of June 2, 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's Compensation Act," or the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law.

(e)   Definition.—As used in this section, "total disability" shall mean permanent mental or physical impairment which renders the police officer unable to perform his duties.
Section 2.   This act shall take effect immediately.

APPROVED—The 3rd day of October, A. D. 1988.

ROBERT P. CASEY