

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 634  
HOUSE BILL 89

AN ACT TO PROVIDE A DEATH BENEFIT FOR DEPENDENTS OF LAW  
ENFORCEMENT OFFICERS, FIREMEN AND RESCUE SQUAD WORKERS.

The General Assembly of North Carolina enacts:

**Section 1.** The title of Article 12A of Chapter 143 of the General Statutes of North Carolina is hereby amended to read: "Law Enforcement Officers', Firemen's and Rescue Squad Workers' Death Benefit Act."

**Sec. 2.** G.S. 143-166.1 through 143-166.3 are hereby amended to read as follows:

"§ 143-166.1. **Purpose.** — In consideration of hazardous public service rendered to the people of this State, there is hereby provided a system of benefits for dependents of law enforcement officers, firemen, and rescue squad workers killed in the discharge of their official duties.

"§ 143-166.2. **Definitions.** — The following words and phrases, when used in this Article, shall have the meanings assigned to them by this section unless the context clearly indicated another meaning:

- (1) The term 'dependent child' shall mean any unmarried child of the deceased officer, fireman, or rescue squad worker, whether natural, adopted, posthumously born or whether an illegitimate child as entitled to inherit under the Interstate Succession Act, who is under 18 years of age and dependent upon and receiving his chief support from said officer or fireman or rescue squad worker at the time of his death; provided, however that if a dependent child is entitled to receive benefits at the time of the officer's or fireman's or rescue squad worker's death as hereinafter provided, he shall continue to be eligible to receive such benefits regardless of his age thereafter; and further provided that any child over 18 years of age who is physically or mentally incapable of earning a living and any child over 18 years of age who was enrolled as a full-time student at the time of the officer's, the fireman's or the rescue squad worker's death shall so long as he remains a full-time student as defined in the Social Security Act be regarded as a dependent child and eligible to receive benefits under the provisions of this act.
- (2) The term 'dependent parent' shall mean the parent of the deceased officer, fireman, or rescue squad worker, whether natural or adoptive, who was dependent upon and receiving his total and entire support from the officer, fireman, or rescue squad worker at the time of the injury which resulted in his death;
- (3) The term 'killed in the line of duty' shall apply to any law enforcement officer, fireman, or rescue squad worker who is killed or died as a result of injuries received while in the discharge of his official duty or duties.
- (4) The term 'law enforcement officer', 'officer', or 'fireman' shall mean all law enforcement officers employed full-time by the State of North Carolina or any county or municipality thereof and all full-time custodial employees of the North Carolina Department of Corrections. The term 'fireman' shall mean

'eligible fireman' or 'fireman' as defined in G.S. 118-23. The term 'rescue squad worker' shall mean a person who is dedicated to the purpose of alleviating human suffering and assisting anyone who is in difficulty or who is injured or becomes suddenly ill by providing the proper and efficient care of emergency medical services and who belongs to an organized rescue squad.

- (5) The term 'spouse' shall mean the wife or husband of the deceased officer, fireman, or rescue squad worker who survives him and who was residing with such officer, fireman, or rescue squad worker at the time of and during the six months next preceding the date of injury to such officer, fireman, or rescue squad worker which resulted in his death and who also resided with such officer, fireman, or rescue squad worker from that date of injury up to and at the time of his death and who remains unmarried during the time benefits are forthcoming; provided, however, the part of this section requiring the spouse to have been residing with the deceased officer, fireman, or rescue squad worker for six months next preceding the date of the injury which resulted in his death shall not apply where marriage occurred during this six-month period or where the officer, fireman, or rescue squad worker was absent during this six-month period due to service in the armed forces of this country.

**"§ 143-166.3. Payments; determination.** — (a) When any law enforcement officer, fireman, or rescue squad worker shall be killed in the line of duty, the Industrial Commission shall award a death benefit to be paid in the amounts set forth in subsection (b) to the following:

- (1) The spouse of such officer, fireman, or rescue squad worker if there be a surviving spouse; or
- (2) If there be no spouse qualifying under the provisions of this Article, then payments shall be made to any surviving dependent child of such officer, fireman, or rescue squad worker; and if there be more than one surviving dependent child, then said payment shall be made to and equally divided among all surviving dependent children; or
- (3) If there be no spouse and no dependent child or children qualifying under the provisions of this Article, then payments shall be made to the surviving dependent parent of such officer, fireman, or rescue squad worker; and if there be more than one surviving dependent parent then said payments shall be made to and equally divided between the surviving dependent parents of said officer, fireman, or rescue squad worker.

(b) Payment shall be made to the person or persons qualifying therefor under subsection (a) in the following amounts:

- (1) At the time of the death of an officer, fireman, or rescue squad worker, ten thousand dollars (\$10,000) shall be paid to the person or persons entitled thereto;
- (2) Thereafter, five thousand dollars (\$5,000) shall be paid annually to the person or persons entitled thereto until the sum of the initial payment and each annual payment reaches twenty-five thousand dollars (\$25,000).
- (3) In the event there is no person qualifying under subsection (a) of this section, twenty-five thousand dollars (\$25,000) shall be paid to the estate of the deceased officer, fireman, or rescue squad worker at the time of death.

(c) In the event that any person or persons eligible for payments under subsection (a) of this section shall become ineligible, and other eligible person or persons qualify for said death benefit payments under subsection (a), then they shall receive the remainder of any payments

up to the limit of twenty-five thousand dollars (\$25,000) in the manner set forth in subsection (b) of this section.

(d) In the event any person or persons eligible for payments under subsection(a) of this section shall become ineligible and no other person or persons qualify for payments under that subsection and where the sum of the initial payment of ten thousand dollars (\$10,000) and each subsequent annual payment of five thousand dollars (\$5,000) does not total twenty-five thousand dollars (\$25,000), then the difference between the total of the payments made and twenty-five thousand dollars (\$25,000) shall immediately be payable to the estate of the deceased officer, fireman, or rescue squad worker."

**Sec. 3.** G.S. 143-166.7. is hereby amended to read as follows:

"§ **143-166.7. Applicability of Article** — The provisions of this Article shall apply and be in full force and effect with respect to any law enforcement officer, fireman, or rescue squad worker killed in the line of duty on or after the ratification date of this act."

**Sec. 4.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1973.