

5-333.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO CLAIM OF ANY NATURE WHATSOEVER THAT IS DIRECTLY RELATED TO THE RECEIVERSHIP OF AN INSURER SHALL ARISE AGAINST, AND NO LIABILITY SHALL BE IMPOSED UPON, THE INSURANCE COMMISSIONER, DEPUTY COMMISSIONER, SPECIAL DEPUTY COMMISSIONER, OR ANY PERSON OR ENTITY ACTING AS A RECEIVER OF AN INSURER, INCLUDING SURETY, IN REHABILITATION, LIQUIDATION, OR CONSERVATION AS A RESULT OF A COURT ORDER ISSUED ON OR AFTER JANUARY 1, 1985 FOR ANY STATEMENT MADE OR ACTIONS TAKEN OR NOT TAKEN IN THE GOOD FAITH EXERCISE OF THEIR POWERS UNDER LAW.

(B) THE IMMUNITY DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT EXTEND TO ACTS OR OMISSIONS THAT ARE MALICIOUS OR GROSSLY NEGLIGENT.

(C) THE IMMUNITY DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION EXTENDS TO AGENTS AND EMPLOYEES OF THE RECEIVER.

5-334.

(A) THERE MAY NOT BE ANY LIABILITY ON THE PART OF OR CAUSE OF ACTION OF ANY NATURE AGAINST ANY MEMBER INSURER, THE ~~MARYLAND~~ JOINT INSURANCE ASSOCIATION OR ITS AGENTS OR EMPLOYEES, THE BOARD OF DIRECTORS, OR THE STATE INSURANCE COMMISSIONER OR THE COMMISSIONER'S REPRESENTATIVES FOR ANY ACTION TAKEN BY THEM IN THE PERFORMANCE OF THEIR POWERS AND DUTIES UNDER ARTICLE 48A, SUBTITLE 27A OF THE CODE, EXCEPT:

(1) TO THE EXTENT THAT IT IS PROVEN THAT ANY OF THE ENTITIES OR INDIVIDUALS SPECIFIED IN THIS SUBSECTION ACTUALLY RECEIVED AN IMPROPER BENEFIT OR PROFIT IN MONEY, PROPERTY, OR SERVICES, FOR THE AMOUNT OF THE BENEFIT OR PROFIT IN MONEY, PROPERTY, OR SERVICES ACTUALLY RECEIVED;

(2) TO THE EXTENT THAT A JUDGMENT OR OTHER FINAL ADJUDICATION ADVERSE TO ANY OF THE ENTITIES OR INDIVIDUALS SPECIFIED IN THIS SECTION IS ENTERED IN A PROCEEDING BASED ON A FINDING IN THE PROCEEDING THAT THE ENTITY'S OR INDIVIDUAL'S ACTION, OR FAILURE TO ACT, WAS THE RESULT OF ACTIVE AND DELIBERATE DISHONESTY AND WAS MATERIAL TO THE CAUSE OF ACTION ADJUDICATED IN THE PROCEEDING; OR

(3) TO THE EXTENT THAT ANY ACT OF AN ENTITY OR INDIVIDUAL SPECIFIED IN THIS SECTION WAS COMMITTED IN BAD FAITH.

(B) THERE MAY NOT BE ANY LIABILITY ON THE PART OF OR CAUSE OF ACTION OF ANY NATURE AGAINST INSURERS, THE ~~MARYLAND~~ JOINT