

RESULTS FROM THESE ACTIONS IS IMMUNE FROM ANY CIVIL LIABILITY IF THE ACTION IS:

- (1) IN THE PERFORMANCE OF DUTIES;
- (2) WITHIN THE SCOPE OF EMPLOYMENT; AND
- (3) WITHOUT MALICE.

~~5-356.~~ 5-355.

A PERSON WHO PERFORMS ANY SCOLIOSIS SCREENING REQUIRED UNDER § 7-403.1 OF THE EDUCATION ARTICLE IS NOT LIABLE FOR ANY CIVIL DAMAGES RESULTING FROM ACTS OR OMISSIONS IN THE SCREENING NOT AMOUNTING TO GROSS NEGLIGENCE.

~~5-357.~~ 5-356.

SECTION 16-206 OF THE EDUCATION ARTICLE DOES NOT PREVENT A BOARD OF COMMUNITY COLLEGES TRUSTEES, DESCRIBED UNDER TITLE 16, SUBTITLE 2 OF THE EDUCATION ARTICLE, ON ITS OWN BEHALF, FROM RAISING THE DEFENSE OF SOVEREIGN IMMUNITY TO ANY AMOUNT OF A CLAIM IN EXCESS OF THE LIMIT OF AN INSURANCE POLICY OR IN EXCESS OF \$100,000 IN THE CASE OF SELF-INSURANCE.

~~5-358.~~ 5-357.

(A) IN THIS SECTION "DISCHARGE" INCLUDES LEAKAGE, SEEPAGE, OR OTHER RELEASE OF A HAZARDOUS SUBSTANCE OR MATERIAL.

(B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A PERSON WHO IS CALLED ON FOR ASSISTANCE IN AN EMERGENCY IS NOT SUBJECT TO ANY CIVIL LIABILITY OR PENALTY AS A RESULT OF ASSISTANCE OR ADVICE RENDERED IN:

(1) MITIGATING THE EFFECTS OF AN ACTUAL OR THREATENED DISCHARGE OF A HAZARDOUS SUBSTANCE OR MATERIAL;

(2) PREVENTING A DISCHARGE OF A HAZARDOUS SUBSTANCE OR MATERIAL;

(3) CLEANING UP A DISCHARGE OF A HAZARDOUS SUBSTANCE OR MATERIAL; OR

(4) ATTEMPTING ANY OF THE ACTS IN THIS SUBSECTION.

(C) THE IMMUNITY PROVIDED IN SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A PERSON:

(1) WHOSE ACT OR OMISSION WAS THE ORIGINAL CAUSE OF AN ACTUAL OR THREATENED DISCHARGE IN WHOLE OR IN PART, AND WHO WOULD OTHERWISE BE LIABLE FOR THE ACT OR OMISSION; OR