

THE OWNER HAS BEEN OBTAINED AND IF NO CHARGE HAS BEEN MADE FOR THE USE OF THE CAVE.

(C) AN OWNER OF A COMMERCIAL CAVE IS NOT LIABLE FOR AN INJURY SUSTAINED BY A SPECTATOR WHO HAS PAID TO VIEW THE CAVE UNLESS:

(1) THE INJURY IS SUSTAINED AS A RESULT OF THE OWNER'S NEGLIGENCE IN CONNECTION WITH THE PROVIDING AND MAINTAINING OF TRAILS, STAIRS, ELECTRICAL WIRES, OR OTHER MODIFICATIONS; AND

(2) THE NEGLIGENCE IS THE PROXIMATE CAUSE OF THE INJURY.

~~5-399.2.~~ 5-399.1.

(A) IN THIS SECTION "GOVERNING BODY" HAS THE MEANING STATED IN § 14-118 OF THE REAL PROPERTY ARTICLE.

(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, A PERSON SUSTAINING AN INJURY AS A RESULT OF THE TORTIOUS ACT OF AN OFFICER OR DIRECTOR OF A GOVERNING BODY WHILE THE OFFICER OR DIRECTOR IS ACTING WITHIN THE SCOPE OF THE OFFICER'S OR DIRECTOR'S DUTIES MAY RECOVER ONLY IN AN ACTION BROUGHT AGAINST THE GOVERNING BODY FOR THE ACTUAL DAMAGES SUSTAINED.

(C) IN A PROCEEDING AGAINST A GOVERNING BODY, A DIRECTOR OR OFFICER OF A GOVERNING BODY MAY NOT BE HELD PERSONALLY LIABLE FOR INJURIES SUSTAINED BY A PARTY IF THE DIRECTOR OR OFFICER:

(1) ACTED WITHIN THE SCOPE OF THE DIRECTOR'S OR OFFICER'S DUTIES;

(2) ACTED IN GOOD FAITH; AND

(3) DID NOT ACT IN A RECKLESS, WANTON, OR GROSSLY NEGLIGENT MANNER.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CLAIMANT SHALL NAME ONLY THE GOVERNING BODY AS A PARTY DEFENDANT.

(2) AN OFFICER OR DIRECTOR OF A GOVERNING BODY MAY BE NAMED INDIVIDUALLY ONLY WHEN THE GOVERNING BODY FOR WHICH THE OFFICER OR DIRECTOR WAS ACTING CANNOT BE DETERMINED AT THE TIME AN ACTION IS INSTITUTED UNDER THIS SECTION.

(3) IF AN OFFICER OR DIRECTOR IS NAMED AS AN