

(iii) An elected or appointed member of the county board.

(4) "Volunteer" means an individual who, at the request of the county board, and under its control and direction, provides services or performs duties for the board without compensation.

[(b) (1) The county board shall be joined as a party to an action against a county board employee or volunteer that alleges damages resulting from a tortious act or omission committed by the employee in the scope of employment or by the volunteer within the scope of the volunteer's services or duties.

(2) The issue of whether the county board employee acted within the scope of employment may be litigated separately.

(3) The issue of whether the volunteer acted within the scope of the volunteer's services or duties may be litigated separately.

(c) A county board employee acting within the scope of employment, without malice and gross negligence, is not individually liable for damages resulting from a tortious act or omission for which a limitation of liability is provided for the county board under § 4-105 of this subtitle, including damages that exceed the limitation on the county board's liability.

(d) (1) The provisions of this subsection apply only to a volunteer.

(2) A volunteer who acts within the scope of the volunteer's services or duties is not individually liable for damages resulting from a tortious act or omission beyond the limits of any personal insurance the volunteer may have unless:

(i) The damages were the result of the volunteer's negligent operation of a motor vehicle; or

(ii) The damages were the result of the volunteer's willful, wanton, malicious, reckless, or grossly negligent act or omission.

(3) The limitations on liability contained in this subsection may not be construed or applied to affect any immunities from civil liability or defenses established by any other provision of the Code or by common law to which the volunteer may be entitled.

(e) Except as provided in subsection (c) or subsection (d) of this section, a judgment in tort for damages against a county board employee acting within the scope of employment or a volunteer acting within the scope of the volunteer's services or duties shall be levied against the county board only, and may not be executed against the county board employee or the volunteer individually.

(f) Nothing in this section shall be construed to waive the sovereign immunity of the county board above \$100,000 that may be raised under § 4-105(d)(1) of this subtitle.]

(B) (1) A COUNTY BOARD EMPLOYEE SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER ~~TITLE 5, SUBTITLE 3~~ §