

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 individual defendant under this section, the governing body for which the officer or director was acting shall be substituted as the party defendant when its identity reasonably can be determined] ~~SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER TITLE 5, SUBTITLE 3 § 5-399.1(C) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.~~

Article – State Government

12-103.1.

The provisions governing the tort immunity of a member or employee of a board of supervisors of a soil conservation district are found in [§ 8-303.1 of the Agriculture Article] ~~TITLE 5, SUBTITLE 3 § 5-346~~ OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

12-104.

(a) Subject to the exclusions and limitations in this subtitle, the immunity of the State and of its units is waived as to a tort action, in a court of the State, to the extent of insurance coverage under Title 9 of the State Finance and Procurement Article.

(b) Immunity is not waived under this section [for:

- (1) punitive damages;
- (2) interest before judgment;
- (3) a claim that arises from the combatant activities of the State militia during a state of emergency;
- (4) any tortious act or omission of State personnel that:
 - (i) is not within the scope of the public duties of the State personnel;
 - (ii) is made with malice or gross negligence; or

or