[(d)   The   limitations   on liability under subsection (c)(3) and (4) of this section do not affect the authority of the Treasurer to provide insurance, in any amount, under the State Insurance Program.]

(C) (1) THE TREASURER MAY PAY FROM THE STATE INSURANCE TRUST FUND ALL OR PART OF THAT PORTION OF A TORT CLAIM WHICH EXCEEDS THE COVERAGE OBTAINED UNDER ARTICLE 95, § 27(D) OF THE CODE UNDER THE FOLLOWING CONDITIONS:

(I)   THE   TORT   CLAIM IS ONE FOR WHICH THE STATE AND ITS UNITS HAVE WAIVED IMMUNITY UNDER SUBSECTIONS (A) AND (B);

(II)   A JUDGMENT OR SETTLEMENT HAS BEEN ENTERED GRANTING THE CLAIMANT DAMAGES TO THE FULL AMOUNT OF COVERAGE UNDER ARTICLE 95, § 27(D) OF THE CODE; -A- AND

(III)   THE   BOARD   OF   PUBLIC   WORKS, WITH THE ADVICE AND COUNSEL OF THE ATTORNEY GENERAL, HAS APPROVED THE PAYMENT.

(2)   ANY PAYMENT OF PART OF A SETTLEMENT OR JUDGMENT UNDER THIS SUBSECTION DOES NOT ABROGATE THE SOVEREIGN IMMUNITY OF THE STATE OR ANY UNITS BEYOND THE WAIVER PROVIDED IN SUBSECTIONS (A) AND (B).

~~(3)--A-DECISION-OF-THE--TREASURER--AND--THE--BOARD--OF PUBLIC--WORKS--UNDER--THIS--SUBSECTION-IS-NOT-SUBJECT-TO-JUDICIAL REVIEW.~~

12-105.

~~(A)~~ STATE PERSONNEL ARE IMMUNE FROM SUIT IN COURTS OF THE STATE AND FROM LIABILITY IN TORT FOR A TORTIOUS ACT OR OMISSION THAT IS WITHIN THE SCOPE OF THE PUBLIC DUTIES OF THE STATE PERSONNEL AND IS MADE WITHOUT MALICE OR GROSS NEGLIGENCE, AND FOR WHICH THE STATE OR ITS UNITS HAVE WAIVED IMMUNITY UNDER THIS SUBTITLE, EVEN IF DAMAGES EXCEED THE LIMITS OF THAT WAIVER.

~~(B)--IF-AN-ACTION-UNDER-THIS-SUBTITLE-INVOLVES-THE--ACTS--OR OMISSIONS--OF--STATE--PERSONNEL,--ANY--ISSUE--AS-TO-WHETHER-STATE PERSONNEL-WERE-ACTING-IN-THE--SCOPE--OF--PUBLIC--DUTIES--OR--WITH MALICE-OR-GROSS-NEGLIGENCE-MAY-BE-TRIED-SEPARATELY.~~

[12-105.] 12-106.

(a)   This section does not apply to a claim that is asserted by cross-claim or counterclaim.

(b)   A claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer WITHIN 180 DAYS AFTER