

3. all State personnel [who were acting within the scope of public duties and were not malicious or grossly negligent].

(d) A claim under this subtitle is denied finally:

(1) if, by certified mail, return receipt requested, under a postmark of the United States Postal Service, the Treasurer or designee sends the claimant, HIS LEGAL REPRESENTATIVE, OR COUNSEL written notice of denial; or

(2) [at the option of the claimant,] if the Treasurer or designee fails to give [the claimant] notice of a final decision within 6 months after the filing of the claim.

[12-107.] 12-108.

(a) [If a claim under this subtitle is filed within the applicable period of limitations, the filing tolls the statute of limitations until 60 days after a final denial of the claim.

(b) (1) The State shall be joined as a party in an action against State personnel that alleges damages as a result of a tortious act or omission within the scope of the public duties of the State personnel.

(2) The issue of whether the alleged act or omission was within the scope of those duties may be tried separately.

(c) (1)] IN AN ACTION UNDER THIS SUBTITLE, SERVICE OF THE COMPLAINT AND ACCOMPANYING DOCUMENTS IS SUFFICIENT ONLY IF MADE ON THE TREASURER.

(B) Unless full representation is provided under a contract of insurance, the Attorney General shall defend [a civil] AN action [or proceeding] under this subtitle against the State or any of its units.

[(2) Subtitle 3, Part II of this title shall apply to representation of State personnel under this subtitle.

(d) (1) Any State personnel who acts within the scope of the State personnel's public duties and without malice and gross negligence is not liable as an individual for any damages that result from tortious conduct for which immunity is waived under this subtitle, including damages that exceed the limitations on the State's waiver of immunity.

(2) A judgment in tort for money damages obtained under this subtitle against State personnel, in the State personnel's official capacity, is a judgment against the State only and may not be executed against the State personnel individually.]