

(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 [Article 95, § 27(d) of the Code] 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; or

(ii) is made with malice or gross negligence;

or

(5) a cause of action that law specifically prohibits.

(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] TITLE 9 OF THE STATE FINANCE AND PROCUREMENT ARTICLE 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] TITLE 9 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; 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).

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(a) A claim under this subtitle shall: