

(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, A PERSON SUSTAINING AN INJURY AS A RESULT OF THE TORTIOUS ACT OF AN OFFICER OR DIRECTOR OF A GOVERNING BODY WHILE THE OFFICER OR DIRECTOR IS ACTING WITHIN THE SCOPE OF THE OFFICER'S OR DIRECTOR'S DUTIES, MAY RECOVER ONLY IN AN ACTION BROUGHT AGAINST THE GOVERNING BODY FOR THE ACTUAL DAMAGES SUSTAINED, ~~NOT TO EXCEED THE LIMITS OF THE GOVERNING BODY INSURANCE COVERAGE.~~

(C) IN A PROCEEDING AGAINST A GOVERNING BODY, A DIRECTOR OR OFFICER OF A GOVERNING 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, ~~IN AN ACTION INSTITUTED UNDER THIS SECTION,~~ A CLAIMANT SHALL NAME ONLY THE GOVERNING BODY AS A PARTY DEFENDANT.

(2) ~~FOR PURPOSES OF THIS SECTION,~~ 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 13, 1986.

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