

(4) "SUIT" MEANS ANY CIVIL ACTION, EXCEPT ANY MEDICAL HEALTH CARE MALPRACTICE ACTION, BROUGHT AGAINST AN AGENT OF A CHARITABLE ORGANIZATION OR AGAINST THE CHARITABLE ORGANIZATION BY VIRTUE OF THE AGENT'S ACTS OR OMISSIONS IN PROVIDING SERVICES OR PERFORMING DUTIES ON BEHALF OF THE CHARITABLE ORGANIZATION.

(B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN AGENT OF A CHARITABLE ORGANIZATION IS NOT PERSONALLY LIABLE FOR DAMAGES IN ANY SUIT IF:

(1) THE CHARITABLE ORGANIZATION MAINTAINS INSURANCE COVERING LIABILITY INCURRED BY THE ORGANIZATION OR ITS AGENTS, OR BOTH, AS A RESULT OF THE ACTS OR OMISSIONS OF ITS AGENTS IN PROVIDING SERVICES OR PERFORMING DUTIES ON BEHALF OF THE CHARITABLE ORGANIZATION;

(2) THE TERMS OF THE INSURANCE POLICY UNDER WHICH THE INSURANCE IS MAINTAINED PROVIDE COVERAGE FOR THE ACT OR OMISSION WHICH IS THE SUBJECT MATTER OF THE SUIT AND NO MERITORIOUS BASIS EXISTS FOR THE DENIAL OF THE COVERAGE BY THE INSURANCE CARRIER; AND

~~(3) THE INSURANCE HAS A LIMIT OF COVERAGE OF NOT LESS THAN \$300,000 PER PERSON \$200,000 PER AN INDIVIDUAL CLAIM, AND \$500,000 PER TOTAL CLAIMS THAT ARISE FROM THE SAME OCCURRENCE, A DEDUCTIBLE AMOUNT NOT GREATER THAN \$10,000 PER PERSON OCCURRENCE, AND A RATE OF COINSURANCE NOT GREATER THAN 20 PERCENT.~~

(3) THE INSURANCE HAS:

(I) A LIMIT OF COVERAGE OF NOT LESS THAN \$200,000 PER INDIVIDUAL CLAIM, AND \$500,000 PER TOTAL CLAIMS THAT ARISE FROM THE SAME OCCURRENCE; AND

(II) 1. IF THE INSURANCE HAS A DEDUCTIBLE, A DEDUCTIBLE AMOUNT NOT GREATER THAN \$10,000 PER OCCURRENCE; OR

2. IF THERE IS COINSURANCE, A RATE OF COINSURANCE NOT GREATER THAN 20 PERCENT.

(C) IN SUITS TO WHICH THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION APPLY, THE PLAINTIFF MAY RECOVER DAMAGES FROM THE CHARITABLE ORGANIZATION ONLY TO THE EXTENT OF THE APPLICABLE LIMIT OF INSURANCE COVERAGE INCLUDING ANY AMOUNT FOR WHICH THE CHARITABLE ORGANIZATION IS RESPONSIBLE AS A RESULT OF ANY DEDUCTIBLE OR COINSURANCE PROVISIONS OF SUCH INSURANCE COVERAGE.

(D) AN AGENT OF A CHARITABLE ORGANIZATION SHALL BE LIABLE FOR DAMAGES IN ANY SUIT IN WHICH IT IS FOUND THAT THE AGENT ACTED WITH MALICE OR GROSS NEGLIGENCE, TO THE EXTENT THAT THE JUDGMENT FOR DAMAGES EXCEEDS THE LIMITS ON LIABILITY UNDER SUBSECTION (C) OF THIS SECTION.

(D) (E) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO SUITS BROUGHT BY THE ATTORNEY GENERAL UPON REFERRAL BY THE