

WILLIAM DONALD SCHAEFER, Governor

(IV) A HOMEOWNERS' ASSOCIATION.

(3) "ATHLETIC CLUB" MEANS A CLUB ORGANIZED AND OPERATED EXCLUSIVELY FOR RECREATIONAL PURPOSES, THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(7) OF THE INTERNAL REVENUE CODE OF 1954.

[(2)] (4) "Charitable organization" means an organization, institution, association, society, or corporation that is exempt from taxation under Section § 501(c)(3) of the Internal Revenue Code of 1954.

(5) "COMMUNITY ASSOCIATION" MEANS A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION COMPRISED OF RESIDENTS OF A COMMUNITY, WHICH IS OPERATED EXCLUSIVELY FOR THE PROMOTION OF SOCIAL WELFARE AND GENERAL NEIGHBORHOOD IMPROVEMENT AND ENHANCEMENT, THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE OF 1954.

(6) "HOMEOWNERS' ASSOCIATION" MEANS A NONPROFIT ORGANIZATION COMPRISED OF PROPERTY OWNERS IN A SUBDIVISION OR GROUP OF SUBDIVISIONS WHOSE PURPOSE IS TO REPRESENT THE MUTUAL INTERESTS OF THE PROPERTY OWNERS REGARDING THE CONSTRUCTION, PROTECTION, AND MAINTENANCE OF THE COMMONLY OWNED OR USED PROPERTY AND IMPROVEMENTS.

[(3)] (7) (i) "Agent of [a charitable organization] AN ASSOCIATION OR ORGANIZATION" means a person who is or was a director, officer, employee of [a charitable] AN ASSOCIATION OR ORGANIZATION or who, on a volunteer basis, is or was providing services or performing duties on behalf of [a charitable organization] AN ASSOCIATION OR ORGANIZATION.

(ii) "Agent of [a charitable organization] AN ASSOCIATION OR ORGANIZATION" does not include independent contractors that provide services on a contract basis.

[(4)](8) "Suit" means any civil action, except any health care malpractice action, brought against an agent of [a charitable organization] AN ASSOCIATION OR ORGANIZATION or against the [charitable organization] ASSOCIATION OR ORGANIZATION by virtue of the agent's acts or omissions in providing services or performing duties on behalf of the [charitable organization] ASSOCIATION OR ORGANIZATION.

(b) Except as provided in subsection (d) of this section, an agent of [a charitable organization] AN ASSOCIATION OR ORGANIZATION is not personally liable for damages in any suit if:

(1) The [charitable organization] ASSOCIATION OR ORGANIZATION maintains insurance AN INSURANCE POLICY OR A PROGRAM OF SELF-INSURANCE covering liability incurred by the organization or its agents, or both, as a result of the acts or omissions of