

(3) apply to or waive any immunity of a bicounty unit, county, municipal corporation, or other political subdivision or any unit, official, or employee of any of these agencies or subdivisions; OR

(4) IN ACTIONS ARISING FROM THE TORTIOUS ACTS OR OMISSIONS OF STATE PERSONNEL FOR WHICH THE STATE HAS WAIVED ITS IMMUNITY UNDER THIS SUBTITLE, DEPRIVE THE STATE OR ITS UNITS OF THE RIGHT TO ASSERT ON ITS OWN BEHALF ANY COMMON LAW OR STATUTORY IMMUNITY OR OTHER DEFENSE WHICH WOULD HAVE BEEN AVAILABLE TO THE INDIVIDUAL STATE PERSONNEL;

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(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, INCLUDING INTENTIONAL TORTS, in a court of the State, to the extent of insurance coverage under 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;

(5) a cause of action that law specifically prohibits; OR

(6) ANY STATE OR FEDERAL CONSTITUTIONAL CLAIM.

(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 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) of this section;