

(ii) 1. Is approved by a community service program administrator for participation in a community service program as described in Article 27, § 726A of the Code; [or]

2. Provides work projects for juveniles assigned or ordered to perform community service under § 3-810 or § 3-820 of this article; OR

3. IS APPROVED BY THE DEPARTMENT OF HUMAN RESOURCES AS A COMMUNITY SERVICE WORK ACTIVITY PROVIDER UNDER ARTICLE 88A OF THE CODE.

[(5)1(6) "Public provider" means a unit of State or local government that is subject to Title 12, Subtitle 1 of the State Government Article (Maryland Tort Claims Act) or Title 5, Subtitle 4 of this article (Local Government Tort Claims Act) and that:

(I) [refers] REFERS an offender to or provides a work project to which an offender is ordered or assigned to work; OR

(II) REFERS A PARTICIPANT TO OR PROVIDES A WORK PROJECT TO WHICH A PARTICIPANT IS ASSIGNED TO WORK.

(b) (1) A private provider shall be liable up to the limits of the liability insurance coverage required under paragraph (3) of this subsection or any applicable insurance coverage, whichever is greater, for the negligent acts or omissions of:

(i) The private provider or its agents in providing projects or services to, or performing duties for or on behalf of, a community service program; and

(ii) An offender OR PARTICIPANT in the course of participating in a work project the private provider has provided for a community service program.

(2) A private provider shall not be liable for the conduct of an offender OR PARTICIPANT unless the offender's OR PARTICIPANT'S conduct was:

(i) In the course of the offender's OR PARTICIPANT'S participation in a project which the private provider has provided for a community service program; and

(ii) Within the scope of the duties which the offender OR PARTICIPANT was assigned or ordered to perform.

(3) A private provider shall maintain liability insurance in at least the amounts specified in § 5-312(b)(3) of this subtitle.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PARTICIPANT IS NOT PERSONALLY LIABLE FOR DAMAGES IN ANY CIVIL ACTION BROUGHT AGAINST THE PARTICIPANT BY VIRTUE OF THE PARTICIPANT'S ACT OR OMISSION IN COMMUNITY SERVICE WORK IF THE PRIVATE PROVIDER MAINTAINS THE LIABILITY INSURANCE REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION.

(2) A PARTICIPANT IS LIABLE FOR DAMAGES IN A CIVIL ACTION BROUGHT AGAINST THE PARTICIPANT IN WHICH IT IS FOUND THAT THE DAMAGES WERE THE RESULT OF THE PARTICIPANT'S WILLFUL, WANTON, OR GROSSLY NEGLIGENT ACT OR OMISSION.