

Section 4-105.1  
Annotated Code of Maryland  
(1978 Volume and 1984 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Education

4-105.1.

(A) IN THIS SECTION "COUNTY BOARD EMPLOYEE" MEANS:

(1) ANY EMPLOYEE WHOSE COMPENSATION IS PAID IN WHOLE OR IN PART BY A COUNTY BOARD;

(2) A STUDENT TEACHER; OR

~~(3) -- A VOLUNTEER FOR A COUNTY BOARD OR -- FOR -- A -- SCHOOL UNDER THE COUNTY BOARD'S CONTROL; OR~~

~~(4) -~~ (3) AN ELECTED OR APPOINTED MEMBER OF THE COUNTY BOARD.

(B) (1) THE COUNTY BOARD SHALL BE JOINED AS A PARTY TO AN ACTION AGAINST A COUNTY BOARD EMPLOYEE THAT ALLEGES DAMAGES RESULTING FROM A TORTIOUS ACT OR OMISSION COMMITTED BY THE EMPLOYEE IN THE SCOPE OF EMPLOYMENT.

(2) THE ISSUE OF WHETHER THE COUNTY BOARD EMPLOYEE ACTED WITHIN THE SCOPE OF EMPLOYMENT MAY BE LITIGATED SEPARATELY.

(C) (1) A COUNTY BOARD EMPLOYEE ACTING WITHIN THE SCOPE OF EMPLOYMENT, WITHOUT MALICE AND GROSS NEGLIGENCE, IS NOT INDIVIDUALLY LIABLE FOR DAMAGES RESULTING FROM A TORTIOUS ACT OR OMISSION FOR WHICH A LIMITATION OF LIABILITY IS PROVIDED FOR THE COUNTY BOARD UNDER SECTION 4-105 OF THIS ARTICLE SUBTITLE, INCLUDING DAMAGES THAT EXCEED THE LIMITATION ON THE COUNTY BOARD'S LIABILITY.

(2) A JUDGMENT IN TORT FOR DAMAGES AGAINST A COUNTY BOARD EMPLOYEE ACTING WITHIN THE SCOPE OF EMPLOYMENT SHALL BE LEVIED AGAINST THE COUNTY BOARD ONLY, AND MAY NOT BE EXECUTED AGAINST COUNTY BOARD EMPLOYEES INDIVIDUALLY.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE THE SOVEREIGN IMMUNITY OF THE COUNTY BOARD ABOVE \$100,000 THAT MAY BE RAISED UNDER SECTION 4-105(D)(1) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1985.

Approved May 28, 1985.

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