



Information and Agreement to Write a Release for you.

Print Legibly Please! Cross Out the Sections that Do Not Apply to You.

Your Name: _____

Title: _____

Phone Number: _____ Email Address: _____

Legal Name of Business: _____

Name the Business does business as: _____

Address of the business: _____

Legal address of the business _____

Type of Business: Sole Proprietorship Partnership LLC Corporation

State Entity/Business is registered in: _____

County where you do business: _____

Countries you do Business in: _____

Website: _____

Insurance Information

What is the name of your current Insurance Company? _____

What is the name of your insurance agent? _____

What is your insurance agent's contract info? Agency Name: _____

Email: _____ Phone: _____

Address: _____

Professional Associations

Do you belong to any professional Associations or Trade Associations for your business? If so please list them.

Non-Profit Insurance Information

Do you carry Officers & Directors Insurance on your board of directors? _____

Is your organization membership based or solely controlled by a board of directors? _____

General Activities

Do you operate on a NPS Concession Agreement? US Forest Service Permit? BLM?

Do you operate under any State, County or Municipal permit or agreement? Are there any requirements or restrictions on the permit or agreement I should now about?

Are your customers ever under the age of 18 (19 Alabama & Nebraska, 21 Mississippi)

Do you have any of the following Activities?

Paddlesports: Whitewater Lakes Oceans Ropes/Challenge Course Zip Line

Multi Day Trips (Camping) Food is cooked by volunteers/staff/employees Food is cooked by Guests

International trips: South America Africa Asia Latin America Antarctica Arctic

Volunteers/staff/employees required to have first aid training _____ Distance in Miles from Nearest Hospital

Do you operate above 8000' Above 17,500' Above 20,000'

Do you Sponsor Athletes? Yes No

Volunteers/staff/employees First Aid Training

What is the highest level of first aid training your volunteers/staff/employees has? _____

What is the average level of first aid training your volunteers/staff/employees has? _____

How far to the nearest physician from your average location? _____

How far is the nearest hospital to your location? _____

Are your volunteers/staff/employees employees or independent contractors? _____

On average, how long have your guides/tour companies been working with you? _____

Will you be using celebrity or professional guides on part/all of your trips? _____

Events

Do you put on events: Yes No

Festivals

Contests

Races

Participate in X-Games (or similar)

Triathlons

Weddings

Races are sanctioned?

Are you events, contests or races "sanctioned" by any organization? _____

If so what organization? _____

Are you required to provide certain equipment or run the event in a specific way if the event is "sanctioned?" _____

Do you do/have?

- | | |
|--|--|
| <input type="checkbox"/> Ultra-Distance Events/Activities | <input type="checkbox"/> Work with Other Animals |
| <input type="checkbox"/> Obstacle Course Events/Activities | <input type="checkbox"/> Winter Sports |
| <input type="checkbox"/> Youth/Summer Camp | <input type="checkbox"/> Ocean Sports |
| <input type="checkbox"/> ATV's <input type="checkbox"/> Off-Road | <input type="checkbox"/> Cycling |
| <input type="checkbox"/> Safari (Classic Definition) | <input type="checkbox"/> Equipment Rental |
| <input type="checkbox"/> Work with Equestrians | <input type="checkbox"/> Fishing |

Retailers

- | | |
|--|--|
| <input type="checkbox"/> Road Bike Demos | <input type="checkbox"/> Bike Contests |
| <input type="checkbox"/> Mtn Bike Demos | <input type="checkbox"/> Rentals |
| <input type="checkbox"/> BMX Demos | <input type="checkbox"/> Overnight Rentals |
| <input type="checkbox"/> Bike Races Road | <input type="checkbox"/> Group or Shop Rides |
| <input type="checkbox"/> Bike Races Mountain | <input type="checkbox"/> Riding Classes |
| <input type="checkbox"/> Downhill Races | |

International/Foreign based Operations

Are you and your spouse US Citizens? Yes No

Do you own land or other property or have bank accounts in the US? Yes No

Do you own land or other property or have bank accounts in the other countries? Yes No

How often and for how long do you come back to the US? ____ days / year.

How often and for how long do you spend outside of the US? ____ days / year.

Do you expect to return to the US permanently at some time in the future? Yes No

Will you have guides that speak the languages of all of your guests fluently? _____

Personal Training/Coaching

Do you work with individuals or groups? _____

Do you travel outside of your home state to train? _____

Do you have clients outside of your home state? _____

Do you have your clients see a physician before working with them? _____

Do you collect medical information before working with clients? _____

What areas do you train in: General Fitness Running Cycling Swimming

Mountain Biking Mountaineering Rock Climbing

Other Areas you train in: _____

Do you work with injured clients? _____

Please list any degrees, certificate, or other training you have received? _____

What makes your personal training program stand out from the competition? _____

Winter Sports

Do you work in Cold Temperatures?

Do you work with or at a Ski Area or Ski Resort? _____

Name of the Ski Area or Resort? _____

Do you work with kids? _____ Age range of the youth? _____

If you do not work at a resort, how far are you from the EMS system? _____

Cycling Tours

Do you require prior riding experience? _____

Will you be riding with cars on roads? _____

Will you be making bike repairs? _____

Will you require all riders to have a tail light? _____

Will you require the last rider to carry a flag or other visible warning for drivers? _____

Will you have a "sweep" or last rider who is an employee or contractor of yours? _____

Will you be in communication with the sweep? _____

Will you require the riders to ride together or to arrive at locations at certain times? _____

Will you require your guests to obey all traffic laws? _____

Will you be riding off road? _____

Are your tours ___ multi-day or ___ single day tours? If Multi-day tours, average length of tour? _____

Will participants ride their own bikes or bikes provided by you? _____ Own bikes _____ Rent Bikes

Will you be providing tune up or repairs during the tours? _____

Will your bike mechanics have experience working on the bikes being used and the conditions being ridden? _____

Longest day in miles/kilometers? _____ Longest climb in miles/kilometers? _____

Longest climb in altitude gain? _____ longest descent in miles/kilometers? _____

Do you have a program for vehicle maintenance/conditions? _____

Do you have a program for your drivers to not scare Americans/customers? _____

Will your vehicles be towing trailers? _____

Will you/clients be staying in hotels/motels/indoors at night or camping? _____

What state(s) will you be leading the tours in? _____

Will you be preparing any food for the participants of the tour? _____

Will you have a SAG wagon/vehicle? _____

What is the minimum number of tour leaders/guides you will have on each trip? _____

What is the guide to participant ration you maintain? _____

Will the guides be in communication contact with each other? _____

Will you provide maps or GPS coordinates to the participants? _____

What is the maximum number of participants you will have on a tour? _____

What is the minimum age for participants? _____

Camping

Will you be camping at commercial (established) campgrounds? _____

Will you be camping at state or federal campgrounds with limited services? _____

Will you be camping in areas not normally considered campgrounds? _____

Will you be supplying Tents? _____

Will you be supplying Sleeping Bags? (and complying with state health codes?) _____

What other personal items will you be supplying to your participants? _____

If You Are a Dive Operator/Use Dive Operations:

Answer the following if the dive operation is yours or your use a third party dive operation.

What is the maximum depth that you dive with clients _____ ?

Do you do mixed gas dives Yes No

Are **all** of your instructors certified by a dive training program: NAUI PADI SSI SDI TDI

Are **all** of your dive masters certified by a dive training program: NAUI PADI SSI SDI TDI

Do you do wreck diving? Yes No Do you do Cave Diving? Yes No

Do you do drift boat diving? Yes No

How many boats do you operate? _____ Are they live aboard boats? _____

How far to the nearest recompression chamber? _____

How many hours is the trip to the chamber? _____

If you are using a third party dive operations are they insured with a US Based insurance company or a foreign company that will offer US insurance? _____

Are you listed as an additional insured on their insurance policy? _____

First Aid Instructors/Educators

Will you be teaching an America Red Cross Course with your other classes? Yes No

Will you be teaching a Paramedic, EMT-I or IV or EMT intermediate course? Yes No

Will you be teaching any course where you will be offering a license by the state or your students can take tests to be licensed by the state? Yes No

Will any of your students be under the age of 18? Yes No

Will your practical's be outside of a local EMS area? Yes No

Will you be using an established curriculum such as WMS? Yes No NPS/OEC? Yes No

BSA? Yes No National Safety Council? Yes No

Will you be teaching American Red Cross or American Heart Association CPR classes? _____

Will your classes be part of a curriculum at a school, college/university or other program? Yes No

Will you be providing first aid services for events?

Festivals

Races

Triathlons

Races are sanctioned?

Contests

Participate in X-Games (or similar)

Livery Operations

What is the name of the river/ocean you will be operating on? _____

What is the river rating of the river you will be operating on? Class _____

Will you be allowed to clear strainers, debris and other hazards from the river? _____

Does the river have a flood stage? _____

Have you identified different river levels to restrict rentals/trips? Yes No

Have you worked with the local EMS and law enforcement on rescue issues? Yes No

Do you own the land for your put in? Yes No Take Out? Yes No

Do you lease the land for your put in? Yes No Take Out? Yes No

Will you be transporting customers to and from your put in or take out? Yes No

Will you have any issues with land owners your customers will be canoeing past? Yes No

Do you have access to the river for emergencies all along the canoe livery route? Yes No

How long are the trips you will offer? _____ Miles or _____ Hours

Trip 2 _____ Miles or _____ Hours

Trip 3 _____ Miles or _____ Hours

What is the speed of the current on the river you will be operating on? _____

What type of boats do you offer guests to rent or use?

Wind Surfers SUP (Stand Up Paddleboats) Surf Boards Sit on top Boats

Sailboats Motorboats Canoes Other

Challenge Course/Ropes Course/Zip Line/Aerial Course

How many stations do you have in use at one time? _____

How many volunteers/staff/employees do you have no hand with the minimum number of people on your course? _____

What is your volunteers/staff/employees to participant ratio generally? _____

How high, in the air, is your course? _____

How long is your course? _____

What type of belay system do you use? _____

How often do participants unclip when they are in the air? _____

Have you had any injuries other than minor injuries? _____

Have you had any litigation concerning the use of your course? _____

Who Manufacturer's your harnesses? _____

Do you require full body harnesses for minors? _____

Climbing Gym: Indoor/Outdoor

How many routes do you have in use at one time? _____

How many volunteers/staff/employees do you have no hand with the minimum number of people on your course? _____

What is your volunteers/staff/employees to participant ratio generally? _____

How high, is your wall? _____

How high is the lead section of your wall? _____

What type of belay system do you use? _____

Will you be using the Petzl GriGri? _____

Do you use any auto belay devices? _____

What type? _____

How often do you check your auto belay devices? _____

Have you had any injuries other than minor injuries? _____

Have you had any litigation concerning the use of your course? _____

Who Manufacturer's your harnesses? _____

Do you require full body harnesses for minors? _____

Are all employees, janitors, front desk people, etc., trained in how your system works, harness, tie in, auto belay? _____

Disabled Guests

Do you hold yourself out as an organization specializing in working with disabled guests? _____

Do you provide services for other businesses or programs by dealing with their disabled guests? _____

What business or programs do you provide this service for? _____

Ocean Events

Do you have a minimum age? _____

Do you have required safety equipment? _____

Do you notify the Coast Guard or other agency in advance of the event? _____

Hiking/Birding/Exploring

On average how far are any hikes from your location/lodge/resort? _____

How long are the hikes/trips you offer? 1 km 2 km 3 km 4 km

5 km 7.5 km 10 km 15 km 20 km Greater than 25 km

What is the elevation gain during one of your hikes? 100 m 300 m > 1000 m

On these hikes does any volunteers/staff/employees member carry communication equipment? _____

On these hikes does any volunteers/staff/employees carry first aid kits? _____

Are your guests told to bring specific clothing or equipment or wear specific clothing or equipment?

What? _____

If the guests do not bring the required clothing or equipment do you provide the required items?

What are the chances of your guests encountering plants or animals that can cause problems for them? _____

What are the chances your guests could die from encountering a dangerous plant or animal?

Caving or Underground Tours

How long are the cave tours? _____

How far underground do the tours go? _____

Do the tours have ladders to ascend or descend? _____

Do the tours require wearing of hard hats/helmets or other protective gear? _____

If so, what? _____

Are the guests provided with lights or headlamps for the tours? _____

If the tour is lit, is there emergency lighting available? _____

If there were a medical issues, how difficult will the evacuation be? _____

Manufacturing

Please identify the general area of recreation where your products are sold.

Cycling Paddlesports Mountaineering Rock Climbing

Ice Climbing Scuba Diving Events/Racing Skiing

Do you describe your products as: Safety Device Safety Equipment

Rescue Equipment Medical or First Aid

Please mail a catalog or provide a URL for all products manufactured. For all products you manufacture please indicate any products not made in the United States and where those products are made.

Do you manufacturer components or complete products outside of the US? Yes No

General Activities

Do you sell your products online to consumers? Yes No

Are your customers ever under the age of 18 (19 Alabama & Nebraska, 21 Mississippi) Yes No

Do you have any of the following Activities?

Product Demos to Retailers: Yes No

Product Demos to Consumers: Yes No

Do you do any work on the product after it arrives in the US? Yes No

Do you mount bindings on skis? Are your employees who mount the binding's part of the binding indemnification training program? Yes No

Do you Sponsor Athletes? Yes No

You put on or sponsor events:

Festivals

Races

Triathlons

Contests

Races are Sanctioned by some association

Participate in X-Games

Reps

Please identify the general area of recreation where your products are sold.

Cycling

Paddlesports

Mountaineering

Rock Climbing

Ice Climbing

Scuba Diving

Events/Racing

Skiing

List all the states were you are an Independent Rep

What lines to you rep?

Please describe all of the types of demos, events, contests or other activities you perform?

Road Bike

Mtn Bike

BMX

Bike Races Road

Bike Races Mountain

Downhill Races

Bike Contests

Ski

Ski Races

Snowboarding

Snowboard Races

Freestyle events

Tele

Paddlesports

Whitewater

Lakes

Oceans

Ropes/Challenge Course

Zip Line

Prepare Food at any Events

Ultra-Distance

Obstacle Course

Adventure Races

Do you have any of the following Activities?

Product Demos to Retailers:

Yes No

Product Demos to Consumers:

Yes No

Do you do any work on the product after it arrives in the US?

Yes No

Do you mount bindings on skis? Are your employees who mount the binding's part of the binding indemnification training program?

Yes No

Do you Sponsor Athletes?

Yes No

Do you describe your products as:

Safety Devices

Safety Equipment

Rescue Equipment

Medical or First Aid Equipment or kits

General Activities

Do you sell your products online to consumers? **Yes** **No**
Are your customers ever under the age of 18 (19 Alabama & Nebraska, 21 Mississippi) **Yes** **No**

You put on or sponsor events:

Festivals Races Triathlons Races are Sanctioned by some association
Contests Participate in X-Games

Sports

Sports Offered

Basketball Baseball Softball Volleyball Football Flag Football Tackle Football
 Soccer Dodgeball Lacrosse Field Hockey Capture the Flag Frisbee Golf
What other sports do you offer? _____

Do you offer Cheerleading training or instruction? _____

How high do you allow your cheerleaders to perform? _____

Do you allow your cheerleaders to do aerials? _____

Do you provide spotters for cheerleader instruction? _____

Summer Camps

Kids Sleep in Tents Kids Sleep in Tents on Platforms Kids Sleep in Tents on Ground
Kids Sleep on Beds Kids Sleep on cots Kids Sleep on Pads
Meals Prepared in Dining Hall Meals Prepared by Campers Combination of both

Camp is how far from EMS _____

Camp is how far from closest hospital _____

Do you have a Camp Nurse? _____

What is the highest level of First Aid training on your staff? _____

Working with Kids/Minors

Are your customers ever under the age of 18 (19 Alabama & Nebraska, 21 Mississippi)
Please check the Age Group if you work with minors

1-5 5-8 8-10 10-12 12-14 14-16 16-18

What is the ratio of campers to staff for each age group?

1-5 _____ 5-8 _____ 8-10 _____ 10-12 _____
12-14 _____ 14-16 _____ 16-18 _____

Do you offer Field Trips from your site?

Do the locations of the field trips require your customers to sign their release? _____

Do you transport your guests or does a third party provide transportation? _____

Yoga Instructions

Will you be leading Yoga indoors or outdoors? _____

Will you be doing Yoga outdoors and not on Yoga mats? _____

Will you have people with different levels of Yoga experience in one class? _____



Agreement

I understand that I have hired James H. Moss to create a release for your business based on the information I have supplied above. I understand the fee for this work is **\$2500.00**. The work will include the following:

- Review of your present release (Please attach)
- Creation of a Release(s) for your business
- Information on using the release
- Information on making the release electronic for use online
- Your questions answered concerning the release created
- Any updates needed for one year

If you need more than once release because of the wide variety of activities you provide or for other reasons each successive release will be **\$1000.00**.

The major issue facing your release is a promise you make in your marketing or website that voids your release. For an additional **\$500**, I'll review your website, product marketing, packaging and hangtags to make sure you do not violate your release by your marketing program.

Marketing Makes Promises that Risk Management Must Pay For

I understand that if I am in a state other than one that James H. Moss is licensed to practice law I am advised that I should have an attorney licensed in your state review the document.

I understand releases do not work in all states and may not work if the claim is identified as a product liability claim (skiing is an occasional exception). However, the release is written to work as an assumption of risk document also.

Print, sign and return a copy of this agreement signed with a check for US \$2,500.00 plus the fees for any additional work you need done. You can also use PayPal: jhmoss@gmail.com or wire the money. Please email me for wiring instructions

I understand the legal work being done will be based on the information I have supplied above.

Date: _____

Company: _____

Signature

Title

Printed Name

Remember, courts can change their mind on any day about the validity of a release in their state. If you really do something bad or become someone the court dislikes you can still lose. If you really are a jerk or worse the judge and/or jury will figure out a way to make you pay.

Your release should be checked each year to make sure it still meets your needs and the changes in the law.