

MOUNTAIN BIKE CENTER
ACKNOWLEDGMENT OF RISKS & HAZARDS
LIABILITY RELEASE & AGREEMENT NOT TO SUE

Participant: *(Please Print)* _____ **Age:** _____ **Sex:** _____

Address: _____ **City/Town:** _____ **State:** _____ **Zip:** _____

1. I accept for use, as is, the equipment listed on this form and accept full responsibility for its care while it is in my possession. I agree to **RELEASE, FOREVER DISCHARGE, INDEMNIFY, DEFEND** and **HOLD HARMLESS** Waterville Valley Ski Resort, Inc. (WVSRI) for all loss or damage I may cause to this equipment, except for reasonable wear and tear to the equipment.
2. I acknowledge and agree that I will be responsible for the repair or replacement, at full retail value, to the equipment listed on this form for any damage other than reasonable wear and tear.
3. I understand that biking and the use of passenger tramways are **HAZARDOUS ACTIVITIES**. I understand that biking involves risk of injury to any and all parts of my body. I understand that there are numerous risks and dangers inherent in the sport of biking, including but not limited to: the unevenness of the surface which contains rocks, tall and slippery grass, bumps, water bars, ruts and stumps, the steepness of the terrain, the possibility of becoming lost on the mountain and on the backroads, attacks by animals, collisions with other trail users, trees, poles or objects. I understand that having a WVSRI employee present does not lessen the amount or severity of the risks of biking or riding passenger tramways in an alpine setting. I understand that WVSRI is not responsible for my safety. I understand and accept that minor injuries may become life-threatening emergencies when alone or far away from others or convenient facilities.
4. I hereby certify that I am physically fit and have no medical conditions or allergies that affect my ability to participate in this activity. **Initials:** _____
5. I hereby freely and expressly assume and accept the responsibility for any and all risks of injury or death while participating in this activity or related activities, or while present on WVSRI premises, and I agree to **RELEASE, FOREVER DISCHARGE, INDEMNIFY, DEFEND** and **HOLD HARMLESS** Waterville Valley Ski Resort, Inc., its parent companies, owners, directors, officers, agents, employees, land owners, as well as the equipment manufacturers and distributors, hereafter **RELEASEES** from any and all losses, damages, costs and attorney's fees resulting from any and all claims or suits for personal injury, death and/or property damage that may in any way arise out of my participation in this activity, related activities, or my use of the WVSRI trail system, passenger tramways, its equipment, or any equipment, its maps and guides, or premises, regardless of how or by whom or by what the personal injury, death and/or property damage was caused.
6. **I AGREE TO RELEASE, FOREVER DISCHARGE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE RELEASEES FROM ANY AND ALL CLAIMS, SUITS, COSTS AND ATTORNEYS FEES FOR DAMAGE AND PERSONAL INJURY TO ME OR MY PROPERTY RESULTING FROM THE NEGLIGENT ACTS OR OMISSIONS OF THE RELEASEES. I UNDERSTAND THAT THE RELEASEES ARE NOT RESPONSIBLE FOR THE CONSEQUENCES OR THEIR OWN NEGLIGENCE, THAT IS, THEIR FAILURE TO USE REASONABLE CARE IN ANY WAY.**
7. I understand that this agreement shall be binding upon my heirs, executors, administrators, and assigns and shall be governed by the applicable law of New Hampshire. I also understand that if any part of this agreement is determined to be unenforceable, all other parts shall be given full force and effect. I agree that any claims that I may bring against the **RELEASEES** shall be submitted to the jurisdiction of the state or federal Courts in New Hampshire and that no claims against the **RELEASEES** shall be brought in any other jurisdiction. I agree that there have been no warranties, expressed or implied, which have been made to me, which extend beyond the description of the equipment listed on this form.
8. I acknowledge reading the Biker's Code of Conduct and the Instruction and Review section on the reverse side of this release. I agree to abide by all of the rules and regulations contained in these sections at all times. **Initials:** _____
9. I consent to the use by Releasees of any pictures (video and print) for commercial purposes, or otherwise, of me in connection with the activities of Releasees, without restriction as to frequency, duration or medium.
10. I understand that permission to use Releasees' equipment, trails and premises is being given to the undersigned participant in exchange for the execution of this Liability Release and Agreement Not to Sue.
11. I have read the above paragraphs and fully understand them. I understand that this is a Liability Release, which will legally prevent me or any other person from filing suit, or making any other claims for damages in the event of personal injury, death or property damage. I freely and voluntarily enter into this agreement. I have made no misrepresentations to Releasees regarding my name, age, or medical condition. I intend this document to be interpreted as broadly as permissible by law.

Signature (Participant): _____ **Date:** _____

As parent/guardian signing this agreement for the above named minor, I acknowledge and agree that I have read the above document, and that by signing this document on behalf of the minor, the minor and I agree to be bound by its terms. I hereby agree to **INDEMNIFY, DEFEND** and **HOLD HARMLESS** the **RELEASEES** for any claim or suit arising out of said minor's participation in the activity or said minor's presence on Releasees' premises.

Signature (Parent/Guardian): _____ **Date:** _____

FOR WVSRI USE ONLY

Bike I.D.#: _____ **Helmet I.D.#:** _____ **Time:** _____ **Date:** _____

Name of Attendant(s): _____

MOUNTAIN BIKER'S CODE OF CONDUCT

Mountain biking in all its forms, offers a range of challenges and adventures. Riders can choose gentle scenic routes or challenging single-track descents. Regardless of what type of terrain you select, remember there are elements of risk in mountain biking that common sense and personal awareness can help reduce. Observe the code listed below and help create a great trail experience for everyone.

1. Familiarize yourself with the trail system and select rides within your ability level.
2. Make sure that all bike components work properly.
3. Always wear a helmet when riding.
4. Ride with a buddy and be prepared for emergencies.
5. Always ride in control and be prepared to stop at any time.
6. Obey all trail signs and markings and ride only on designated trails.
7. Be courteous to other riders and pass only when it is safe.
8. Yield to other types of trail users including hikers, horses and vehicles.
9. Don't stop where you obstruct a trail or are not visible to others.
10. Respect the environment and wildlife.

Enjoy the freedom that mountain biking offers and please bike responsibly. This is a partial list. Be safety conscious.

FOR INSTRUCTION AND REVIEW

The following items should be reviewed prior to your ride. You should be familiar with each of these components or items. If you have any questions, please feel free to ask the Mountain Bike Center Staff.

- ✓ Helmet – Size, Selection and Adjustments
- ✓ Bike – Size, Selection and Adjustments
- ✓ Brakes, Gears and Wheel Quick Release Mechanisms
- ✓ Tire Pressure
- ✓ Laws and Ordinances

Bike # _____ Helmet # _____ Other ID# _____

Time Out _____ Time Due _____ Tech. Initials _____

Have a great time!
The Mountain Bike Staff