Information and Agreement to Write a Release for You.

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

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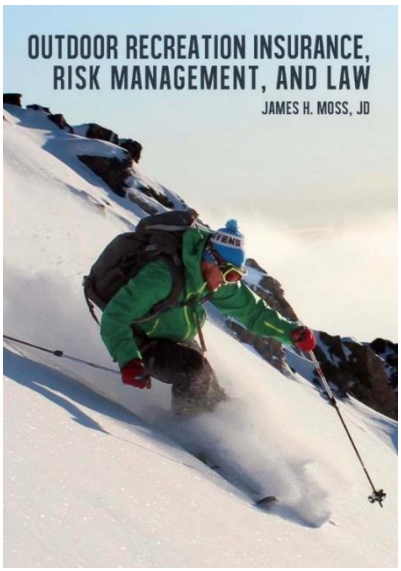
My Book

Outdoor Recreation Insurance, Risk Management, and Law



Free Shipping if Purchased with legal services.

Terms and Terminology

Not all of these terms may apply to your situation, program, or business

Agent: An agent is someone who is working on behalf of another person or business. Their authority comes from the principal and is defined by the principle.

Booking Agency/Agent: A booking agent is someone who arranges meals or activities for their guests. An example you run a commercial campground or resort, and you set up trips for your guests to go whitewater rafting or sailing; you are a booking agent. It does not matter if you are receiving money or a commission from third parties.

Commercial Campground: a location where you allow camping for a fee. You are responsible for the land or have a lease to operate the campground, including from the US Forest Service or National Park Service.

Commercial Use: All Federal Land managers (NPS, USFS, BLM, USFWS, etc.) require any user to have a commercial permit if they are operating on federal land (or water), and any person in the group is receiving any compensation for the activity or trip. Many State, Local, City, and/or County parks and open spaces require permits nowadays for commercial use. Commercial use is defined differently by each land manager; however, in most cases, the use is simply someone being paid to be on the land.

Concession: a permit, agreement, or contract to sell items at a fixed location to the public. This may also include a place in a campground or other location to sell food and sundries.

Concessionaire: Someone (or a business) who has been issued a Concession Contract to engage in commercial activities on National Park Service land.

Consumer: a person coming to you to buy your product or to hire you to perform a service. Consumers are protected by State and Federal Consumer protection laws. Elderly consumers, over age 65, in general have more laws providing them with protection.

Guests, Participants, and Minors are Consumers.

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Corporation: the older type of business entity. Corporations have shareholders and officers. Corporations are required to have an annual shareholder meeting and at least quarterly board meetings. Failure to follow all corporate formalities can result in piercing the corporate veil or the loss of the legal protection provided by the corporation.

EMS: Emergency Medical Services, the response system when you call 911.

Foreign Business: an operation based in another country that does enough business with US clients, has a business or office in the US, or has enough contacts in the US to be brought into a US court to be sued.

Foreign operation: Business based in the US doing business in other countries.

Guest: A guest is someone paying you to take them on a trip or to experience your activity.

Guide: a guide is a volunteer or an employee (including you) who will be leading or identified by the guest as a leader of the group.

International: Operating outside of the United States. You are international if you are based in Canada, Mexico, Europe, etc.

Land Owner: the person holding legal title to the land, whether an individual, couple, family, or corporate entity

Limited Liability Company (LLC): This type of entity is more effective in stopping lawsuits. LLCs are easier to set up and do not require all of the formalities of a regular corporation. LLCs do not have shareholders or officers. They have Members and Manager(s).

Manager: person(s) delegated with the responsibility to make decisions and run a limited liability company.

Member: is someone who is an investor in a limited liability company. They may or may not have the power to make decisions. Members are NOT shareholders and do not have the same rights as shareholders.

Minor: someone under the age of 18 or 19 if you are operating in Alabama or Nebraska, or 21 in Mississippi)

NPS: National Park Service

Non-Profit: In the US, a non-profit is an organization, corporation, LLC, trust, etc., which has a purpose other than to make money. To qualify for non-profit status with the IRS, the non-profit must have a charitable purpose. In most states, non-profits have some protection from lawsuits, but all should still use a release.

Non-Governmental Organization (NGO): Most other countries do not have non-profit organizations and are classified as NGOs. They differentiate themselves from the government and normally have a charitable function. The US does not have NGOs.

Officer: a person with the authority to make decisions concerning the corporation, business, LLC, etc.

Outfitter: a company in the business of taking guests out into the wilds, wilderness, backcountry, or down rivers, across lakes, etc. Taking guess places, they normally do not visit or are different from the area where they live. An Example of an outfitter is a rafting company taking guests down a river with whitewater, a mountaineering company guiding guests up to the tops of mountains, or a trekking company leading guests to areas they might never have been before.

Participant: A participant is someone paying you to take them on a trip or to experience your activity.

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Partner: someone who is a manager, boss, officer, and equally liable as all other partners for any liability of the business. You do NOT want to operate your outdoor industry business as a partnership.

Partnership: An organized group of people doing business as a partnership. Partners are equally liable for the debts and liabilities of other partners. A partnership is the worst form of entity for operating an outdoor recreation business. You do NOT want to operate your outdoor industry business as a partnership.

Permit: authorization by the US Forest Service, and/or some State and/or Local parks or open spaces to use the space commercially. Without the permit for use, you are trespassing.

Recreational Use Statute: A statute (law) enacted in all fifty states, to different degrees, prevents a landowner from paying for the injuries or losses of someone who comes upon their land and is injured on the land. To be effective, the landowner cannot charge for the recreational use of the land. The effectiveness of Recreational Use Statutes varies from state to state.

Renter: someone who is renting the gear, equipment, or transportation (that they control) from you. Similar to a Guest or Participant

Rep: independent contractor paid by commission to sell products of a manufacturer.

Retailer: A retailer establishment, licensed to do business in the city, state, and county where they are located, in the business of selling, renting, repairing, and/or servicing equipment, gear, or rental products.

Shareholder: is an investor with no responsibilities or duties in your business

Third Party: someone who is not you or your guest/client/customer. A third party is someone you send your guests to for entertainment or who provides services to your guests, such as transporting them somewhere. You need to make sure your guests always understand that you are not responsible for the third party.

Travel Agent: A specialized agent who sells travel to consumers. Their authority is defined by the airlines, hotels, resorts, etc.; they are selling and are very limited.

USFS: United States Forest Service

Volunteer: someone not being paid to work for you but provides volunteer time and work for something other than a paycheck. This might be a lift ticket, the ability to go along for the trip, etc. You have the same liability for a volunteer that you have for an employee. Volunteers have some protection from the State and Federal Volunteer Protection Acts.

Please review every section of this form and complete any section that the title may not apply to you, but that is a service, business, or program you may offer. Color blocks indicate sections that are part of the main section.

Complete the information for the services or programs you offer now or are planning to offer in the future, over the next three years.

Upon Receipt of your information, a draft release will be sent to you within 2 weeks. If you need your release faster, please let me know when you return this form. Normal processing from receipt of this form to a completed document is thirty (30) days or less.

The purpose of this form is to collect information, NOT to make a judgment on what you do or have. Don't worry about your answers; answer honestly, and if you have questions about an answer, please let me know. We want to find, identify, and protect you from the risks to your guests and you. This form is not meant to imply that you are doing anything right or wrong!

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Please Write Legibly

Business/Organization Information

Your Name: _____

Title: _____

Phone Number: _____ Email Address: _____

Legal Name of Business: _____

Name the Business does business as: _____

Address & County of the business: _____

The legal address of the business: _____

Address & County of other Locations: _____

_____

_____

How long has the business been operating (doing business)? : _____

Type of Business: ☐ Sole Proprietorship ☐ Partnership ☐ LLC ☐ Corporation

Are you a Non-Profit ☐ Yes ☐ No

If you are a non-profit, have you been recognized as such by the IRS? ☐ Yes ☐ No

Have you been recognized by your state tax entity as a non-profit? ☐ Yes ☐ No

State Entity/Business is registered in: _____

Countries you do Business in: _____

Website: _____

Do you plan to use this Release Online? _____

Will you need to use paper copies of the release? _____

Do you have a Deadline for this job? _____ ☐ Yes ☐ No

What is that deadline? _____

Why? _____

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This Questionnaire Does Not Cover the following:

Non-Profits, Clubs, or Social Groups

Operations under a USFS, NPS, BLM, or other Federal Concession or Permit

Outfitters and Guides

Whitewater Rafting and Paddlesports

Paddlesports Livery Operations

Scuba Diving Operations

Pools, Water Parks, Lakes & Streams

Sites with No Lifeguards

Ocean Events

Therapy or Counseling

Challenge Course, Ropes Courses, or Zip Lines

Climbing Gyms and Rock Climbing

Landowners

Commercial Campgrounds

Events

Retailers

Independent Sales Reps

Personal Training

Winter Sports

Cycling Tours

First Aid Instruction

Dealing with Disabled Guests

Hiking, Birding, or Exploring

Caving

Sports leagues

Summer or Day Camps

Working with youth (minors)

Yoga Instruction

Motorized Rentals

Motorized Trips or Tours

Resorts/Ranches or Lodges

Equine Activities

Fitness walking, running, hiking, etc.

Shooting or Hunting clubs

Landowners offering land to hunters

Shuttle Services

Winter Rentals

Other Rental Operations

Rental Operation Insurance

Travel Agency

If you offer these activities, events, or services, please let me know. I will update the questionnaire to cover what I have missed. We must review all of the risks of your operation. Depending upon the other activities or services, you may need more than one release. It is not possible to use a release for whitewater rafting and trail running because the risks are so different.

Identify all Shareholders, Partners, Members, or other Owners of the Business/Organization

Use Additional Sheets of Paper if Necessary. Please Print

Name	Title	Email	Phone	Authority to Work with me.

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Identify all Officers of the Business/Organization

Name	Title	Email	Phone	Authority to Work with me.

Identify all Managers, Vice Presidents, Officers, etc.

Name	Title	Email	Phone	Authority to Work with me.

How will the Release be Used?

Are you planning on using this release as an online release, never needing to print a copy?

☐ Yes ☐ No

Are you only planning on using this release on paper? ☐ Yes ☐ No

You will need both an online version and a paper copy of the release. ☐ Yes ☐ No

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: _____

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Professional Associations

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

_____

_____

Operations

International/Foreign-based Operations

Are you and your spouse U.S. 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 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 who speak the languages of all your guests fluently? _____

Types of Groups who are your guests

You're your clients operate individually: ☐ Yes ☐ No

As part of small groups (less than 12 people): ☐ Yes ☐ No

In Organized Groups such as Scouting America, Girl Scouts, and the Military: ☐ Yes ☐ No

Unorganized groups such as religious groups, travel agency groups, and tour groups: ☐ Yes ☐ No

Volunteers/Staff/Employees First Aid Training

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

Do you require any first aid training for your staff/volunteers/employees? _____

Is there a state law/regulation that requires your staff/volunteers/employees to have first aid training?

_____

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

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

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

How far is the nearest hospital from your location? _____

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

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

Concessionaires & Permittees General Activities

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

If so, please provide the name of the District, Park, or area where your permit is issued and the address of the agency issuing the permit:

_____

_____

☐ 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 know about? If so, please provide the name of the District, Park, or area where your permit is issued and the address of the agency issuing the permit: _____

_____

_____

Outfitters & Guides: 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

For each trip, please provide the following information?

Trip Name	# of Days	Total Trip Length	Longest Day of Trip	Highest Altitude Gain in 1 day

Use additional Sheets of Paper if Necessary

Please provide the following additional information for each trip.

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Trip Name	# Guests	# of Guides	Farthest Point from a Road/EMS	

Use additional Sheets of Paper if Necessary

Will you be crossing any rivers, streams, or waterways by hiking through the water? ☐ Yes ☐ No

Will you be preparing the menu or the guests? ☐ Me ☐ Guests

Will you require prior hiking or backpacking experience from a guest? ☐ Yes ☐ No

How will you find out about that experience? _____

Do you intend to verify that experience? ☐ Yes ☐ No

If so, how? _____

_____

Will you be carrying a Satellite Phone? ☐ Yes ☐ No

How do you intend to communicate if you have an emergency? _____

_____

_____

Whitewater Rafting/Duckies/Paddleboards/Hard Shell Kayaks/Pack rafts, etc.

What Rivers do you have permits for or offer trips on?

River/Body of Water Name **Section** **Class**

_____

_____

_____

_____

_____

_____

Do any of these rivers have any dams or spillways on them? ☐ Yes ☐ No

Please describe: _____

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Are any of these rivers prone to having strainers on them? □ Yes □ No

Are you allowed to clear them out? _____

Do you? □ Yes □ No

Use additional sheets of Paper if Necessary

What size Boats do you use? _____

Do you offer Duckie trips? □ Yes □ No

Do you offer SUP trips? □ Yes □ No

Do you offer Hardshell kayak trips? □ Yes □ No

Describe the training you require guides to have. □ Yes □ No

First Aid? _____

CPR? _____

Advanced First Aid? _____

WFR? _____

EMT? _____

How do you train your guides? _____

_____

_____

How many river hours do your guides need before they are allowed to guide? _____

Do you offer guided raft trips where guides are **not** in every boat? □ Yes □ No

Do you allow guests to jump off rocks or heights into the river? □ Yes □ No

How high do you allow the guests to jump? _____

Is jumping covered by your insurance policy? □ Yes □ No

Do you carry a first aid kit on every trip? □ Yes □ No

Do you carry spare PFDs on every trip? □ Yes □ No

Do you carry a raft repair kit on every trip? □ Yes □ No

Do you carry a pump on every trip? □ Yes □ No

Have you ever been cited by any government agency? □ Yes □ No

Please explain what the citation was. _____

Please explain what the citation was based upon. _____

Please explain the outcome or disposition of the citation. _____

Please provide a copy of any brochure you use for your Raft Company

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Events

- ☐ Festivals
- ☐ Races
- ☐ Triathlons
- ☐ Races are sanctioned by some association
- ☐ Contests
- ☐ Paddlesports Demo Days
- ☐ Host cookouts serve food to guests
- ☐ Have in-house contests
- ☐ Have a guest loyalty program
- ☐ Sponsor a team
- ☐ Sponsor individuals
- ☐ Other, please list

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 the 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, do any volunteers/staff/employees carry communication equipment?_____

On these hikes, do 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? _____

_____

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

_____

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?

_____

Summer/Day or Kids 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 ☐ Day Camp ☐
Meals Prepared in Dining Hall ☐ Meals Prepared by Campers ☐ Combination of both
☐ Kids bring their own meals
Camp is how far from EMS _____

Camp is how far from the 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? _____

Do you practice “Hot Yoga”?_____

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Do you practice Yoga on surfaces other than floors, such as SUP, etc.? ☐ Yes ☐ No

Please Describe: _____

_____

Commercial Campgrounds Ownership or Operations

What type of Hook-Ups do you offer, and how many do you have?

☐ Tents Sites ____ ☐ Hookups with water ____ ☐ Hookups with Electric ____

☐ Hookups with electric & sewer _____

Do you offer Glamping? ☐ Yes ☐ No

How many Glamping units do you have? _____

How many cabins do you have for rent? _____

Do you have buildings/cabins for rent? ☐ Yes ☐ No

Do your structures (buildings, tents, etc.) have electricity? ☐ Yes ☐ No

Do your structures have a master on/off switch or circuit breaker? ☐ Yes ☐ No

Are the cabins heated? _____

Are the cabins air-conditioned? _____

Do the cabins require exit signs under state law? _____

Do you have exit signs in the cabins? _____

Does state law require:

☐ Fire/Smoke Alarms/Detectors ☐ Carbon Monoxide Detectors

☐ Other Safety Alarms/Warnings ☐ Exit Signs ☐ _____

Do your structures have smoke alarms? ☐ Yes ☐ No

Do your structures have fire extinguishers in your structures? ☐ Yes ☐ No

Do you have night lights or lighted exit signs (usually only needed if you have multiple rooms in your structure? ☐ Yes ☐ No

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Do you have management on site 24 hours a day? ☐ Yes ☐ No

How far is the closest Fire Department? _____

How far is the closet fire hydrant? _____

How far is EMS (ambulance service)? _____

Do you provide any of the following facilities?

☐ Restrooms ☐ Showers ☐ Meeting Room(s) ☐ Game Rooms ☐ Swimming

☐ Swimming Pool ☐ Lifeguards ☐ Boating ☐ Playgrounds ☐ Water Parks

☐ Miniature Golf ☐ Zip Lines ☐ Ropes Courses ☐ Canoeing ☐ Whitewater Rafting

☐ Hot tub(s) ☐ Convenience Store ☐ Laundry ☐ Go-Karts ☐ Vehicle Tours

☐ Walking Tours ☐ Hiking Paths ☐ Water Slides ☐ Restaurant(s) ☐ Ponds/Lakes

☐ Fishing on a Pond ☐ Fishing on river ☐ River access ☐ Dog Park ☐ Boat Rentals

☐ Bike Rentals ☐ Inflatable Structures ☐ Fire Pits ☐ Propane barbeques

What did I miss in the above list? _____

_____

_____

Do you offer entertainment, shows, movies, etc.? ☐ Yes ☐ No

Do you offer these to people who are not guests? ☐ Yes ☐ No

Is your Campground part of a larger amusement park or resort? ☐ Yes ☐ No

Do you have a group camping site or offer group camping to youth groups? ☐ Yes ☐ No

Horseback rides or stables? ☐ Yes ☐ No If so, please complete the equestrian section above

What sets your Campground Apart from your competitors? _____

_____

_____

Do you book trips or make reservations for third-party tours, amusements, etc.? _____

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If so, who? _____

_____

_____

Do your guests come to your campground to see wildlife? ☐ Yes ☐ No

Is wildlife an issue for your campground? ☐ Yes ☐ No

Do you use third-party companies to book your guests? ☐ Yes ☐ No

Who do you use? _____

_____

Do you rent our all or part of your campground for weddings, reunions, events, festivals, retreats, etc.? ☐ Yes ☐ No

What restrictions or requirements to do you have when you rent your facility? _____

_____

_____

Do you require them to provide you with a Certificate of Insurance? ☐ Yes ☐ No

Does your insurance agent/broker know you offer your facility for rent to outside parties? ☐ Yes ☐ No

Pools/Aqua Parks/Water Parks/Non-Natural Water Areas

What is your average attendance per day? _____

How many lifeguards will you have on hand for these days? _____

What is your maximum attendance per day? _____

How many lifeguards will you have on hand for these days? _____

Are your pool or aquatic areas fenced? ☐ Yes ☐ No

Are the entrances such that a child could not open the gate? ☐ Yes ☐ No

Do your pool/aquatic areas have hours of operation? ☐ Yes ☐ No

Are these hours of operation posted? ☐ Yes ☐ No

Do you allow glass at your pool/aquatic areas? ☐ Yes ☐ No

Do you allow alcohol at your pool/aquatic area? ☐ Yes ☐ No

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Does your state of operation have specific requirements for pool/aquatic area operation? ☐ Yes ☐ No

What type of training do you require for your lifeguards?

☐ American Red Cross ☐ American Red Cross, WSI ☐ Scouting America ☐ YMCA

☐ Guard for Life ☐ American Lifeguard Association ☐ International Lifeguard Training

How long are the lifeguard shifts?_____

How long are the breaks for lifeguards between shifts? _____

Do your lifeguards carry floatation, rescue devices, etc. on them? _____

What? _____

Do lifeguards have a way to signal a problem? Whistles, radios, etc.?_____

What and how?_____

_____

Do you provide sun protection or sunscreen for your lifeguards? _____

How often do you rotate lifeguard positions? _____

Are throwables or other rescue devices available for guests to use if they see someone in trouble? __

_____

Do you have AEDs on-site? _____

Do ALL or some of your employees have training in using the AEDs? ☐ All ☐ Other # _____

Are AED's available for use by non-employees? _____

Do you advertise that you have AED/s onsite? _____

Do you have recitation masks on site? _____

Do you have airways on site? _____

Do you require PFD's (life jackets) to be worn by any group of people?_____

_____

Do you allow patrons to provide their own PFD's? _____

Does your facility include moving water? _____

Does your facility provide floatation devices/tubes/toys? _____

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Do you allow patrons to bring their own floatation devices/tubes/toys? _____

Do you have a wave/surf machine/pool? _____

Do you have restrictions on any of your pools/rides/areas? _____

Pool/Ride/Area	Restriction

Do you require infants to wear swim diapers?_____

Sites with No Lifeguards on Duty

Do your guests know there are no lifeguards on duty? ☐ Yes ☐ No

How are your guests informed that there are no lifeguards?

☐ At Check In ☐ With signs at the pools ☐ Other _____

Are there safety devices that guests can use to rescue people?

☐ Throw rings, ☐ Throw ropes ☐ Reach Poles

Are there ways for the guests to notify you that someone is in trouble?

☐ Whistles ☐ Alarm ☐ Phone

Is your phone number displayed so guests can call you for help?

Is the number for EMS displayed so they can call (if not 911)?

Is there anything that would prevent or intimidate the guests from calling 911? _____

Are there signs or information to tell guests to call 911 if there is an emergency ☐ Yes ☐ No

Are there signs telling parents they must be with their children if they are swimming? ☐ Yes ☐ No

Do you have age requirements (minimum or maximum) for some of your features

☐ Yes ☐ No

What are they? _____

Concession Stands

Do you sell food? _____

Do you prepare food or is all food sold pre-packaged?_____

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Do you heat food?_____

Playgrounds

Do you offer a playground area?_____

Does your playground meet current ASTM/ANSI playground requirements? _____

Is your playground inspected ☐ Daily ☐ Weekly ☐ Seasonally?

What is the ground or floor of your playground area? _____

If your playground floor or padding is granular, how often do you rake the area to maintain the proper depth?_____

Is your playground in a separate room or surrounded by a fence? _____

How high is the tallest structure on your playground?_____

Do separate access to the playground in any way? Age, Size, Etc. _____

_____

Shuttle Vehicles/Services

Do you provide shuttle or ride services as part of your program/business? Examples would be shuttling people back from a take-out, shuttling people from their cars to the entrance, etc.?

Are your shuttles on any city, county, state, or federal road or highway? _____

Are your shuttle vehicles licensed by the state? _____

Do your shuttle drivers have driver's licenses? _____

Do your shuttle drivers have commercial driver's licenses? _____

Do you provide access to your shuttles for disabled guests? _____

Do you charge for your shuttle services? _____

Resorts/Ranches/Lodges

How many rooms do you have available? _____

How many cabins do you have available? _____

Do you offer food service/meals? _____

Can/Do guests cook in their rooms/cabins? _____

Do you offer swimming? Pool _____ Lake _____ Do you have Lifeguards? _____

How many months a year do you have Guests on the property? _____

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Do you have International Guests? _____

Travel or Booking Agency

Have you been everywhere or experienced every activity you are booking your clients to do?

Yes ☐ No ☐

If you have not, why not? _____

_____

_____

Are you going to be creating your own marketing or advertising for destinations, activities, etc.

Yes ☐ No ☐

If so, please describe what you intend to do? _____

_____

_____

Use Additional Sheets of Paper if Necessary

Are you booking travel outside of North America	Yes ☐ No ☐
Are you going to be selling travel insurance?	Yes ☐ No ☐
Will travel insurance be offered to all of your clients?	Yes ☐ No ☐
Are you going to be charging a fee for your services?	Yes ☐ No ☐
Are you going to be booking airline flights?	Yes ☐ No ☐
Are you prepared to deal with issues caused by “stuck” travelers	Yes ☐ No ☐
Are you offering anything different than the average travel agency?	Yes ☐ No ☐

If so, please explain:

_____

_____

Outdoor Recreation Travel Agency

Have you researched all third parties you are sending clients too?	Yes ☐ No ☐
Have you researched their claims history?	Yes ☐ No ☐
Have they taken a trip, done an excursion, or used their services?	Yes ☐ No ☐
Have you talked to their customers about their business?	Yes ☐ No ☐
Have you sent in undercover testers to check their operations?	Yes ☐ No ☐
Do you have a written agreement outlining the responsibilities between you?	Yes ☐ No ☐
Does the agreement have a liability provision?	Yes ☐ No ☐
Does the agreement provide for you to receive a Certificate of Insurance?	Yes ☐ No ☐
Does the agreement hold you harmless or indemnify you?	Yes ☐ No ☐
Do you have a copy of their declaration page for their insurance policy?	Yes ☐ No ☐

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Does the agreement specify that you will be paid? Yes ☐ No ☐

Does the agreement set forth a time frame for payment? Yes ☐ No ☐

If you are collecting money from clients, have you established a trust fund for their payments? Yes ☐ No ☐

Are you a member of any Travel Agency Trade Associations? Yes ☐ No ☐

If so, please identify them:

_____

Do you provide any services that are other than commission or flat fee based? Yes ☐ No ☐

What have I missed?

If you have some unique feature or activity at your program/business that I have not covered or that is not found at any other facility like yours, please describe it here.

_____

_____

_____

_____

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.

Have you included all of the documents that need to be included requested above to write a release?

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Fee Agreement

1. 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 **$3450.00**. The work will include the following:

- Review of your present release (Please attach)
- Creation of a Release(s) or Assumption of the Risk Agreement for your business
- Information on using the release, including online
- Your questions answered concerning the release created
- Any updates needed for one year
- Review your website for conflicts or problems that may void your release.

Marketing Makes Promises that Risk Management Must Pay For

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

b. 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.

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

d. Email may not be a secure way to communicate and may cause a waiver of the Attorney-Client Privilege. If you wish not to communicate by email, please let me know. The attorney has a right to keep a copy of all information and documents I provide to him.

e. This is a flat fee agreement. The client will pay Firm $2950.00 for Firm's performance of the Services described above, plus costs as described below. Client understands that Client is NOT entering into an hourly fee arrangement. This means I will devote such time to the representation as is necessary, but my fee will NOT be increased or decreased based on the number of hours spent.

f. Once the first draft of the Release is forwarded to you, the fee will be earned. This fee includes communications between you and the attorneys in advance of this agreement, work to stay current with the laws concerning this area of law, updating and keeping drafts of your documents current, and educational information supplied to you with this agreement.

g. Client shall pay Firm in advance. Fees paid in advance shall be placed in the Lawyer's or Firm's trust account and shall remain the property of the Client until they are earned. When the fee or part of the fee is earned pursuant to this Agreement, it becomes the property of the Firm.

h. Client has the right to terminate the representation at any time and for any reason, and Firm may terminate the representation in accordance with Rule 1.16 of the Colorado Rules of Professional Conduct. If Client terminates the representation without wrongful conduct by Firm that would cause Firm to forfeit any fee, or Firm justifiably withdraws in accordance with Rule 1.16 from representing Client, Client shall pay, and Firm shall be entitled to, the fee or part of

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the fee earned by Firm as described above, up to the time of termination. However, such fees shall not exceed the amount that would have been earned had the representation continued until the completion of the increment, and in any event, all fees shall be reasonable. The firm normally charges $415.00 per hour in 1/10th of an hour increments for work.

2. The total price for legal services to be provided under this agreement cannot be precisely determined at this time due to the variable nature of legal work. Time spent by our lawyers, paralegals, and (where applicable) other staff and reimbursement of expenses incurred in your representation will be the basis for the total price. The hourly rates for our lawyers, paralegals, and (where applicable) other staff are set forth elsewhere in this engagement letter. The time spent and expenses incurred will be set forth on invoices that will be sent to you on a monthly basis. The total price of our legal services and the amount of our expenses incurred on your behalf will vary and may increase or decrease on a month-to-month depending on the needs and progress of your matter.

3. The client is liable to the Firm for reasonable expenses and disbursements. Examples of such expenses and disbursements are fees payable to the Court and expenses involved in preparing exhibits. Such expenses and disbursements are estimated to be zero in this matter

I understand the legal work being done will be based on the information I have supplied above. The attorney has a right to keep a copy of all information and documents I provide to him.

Work will commence on receipt of the payment.

☐ Include a copy of *Outdoor Recreation Insurance, Risk Management, and Law* for $99.00

Date: _____ Company: _____

_____
Signature

_____ _____
Title Printed Name

I hereby give Jim Moss, James H. Moss, PC., permission to use statements I have made for marketing purposes after the conclusion of this work.

_____
Signature

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Payment Options

Incoming Wires: **Chase Bank**

Swift Code: **CHASUS33**
Routing Number: **021000021**

Receiving Branch Address: 1125 17th. Street
Denver, CO 80202

My Bank Account Number: **372290087**

Beneficiary Information

Name: **James H. Moss PC Coltaf Trust Account**
Address: PO Box 621088
Littleton, CO 80162-1088
Phone: 720 334 8529

Make Check Payable to: James H. Moss
Mailing Address PO Box 621088
Littleton, CO 80162-1088

PayPal or PayPal QR Code jhmoss@gmail.com



Venmo

jhmoss@gmail.com

@RecreationLaw

www.venmo.com/u/RecreationLaw

Thank You

4/1/2026 5:24:00 PM

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