

## HOT AIR BALLOON RELEASE OF LIABILITY & ASSUMPTION OF RISK

In consideration of being permitted to participate in hot air ballooning activities with HOT AIR MARKETING LLC, WRAL Freedom Balloon Fest, and for other good and valuable consideration, the receipt and sufficiency of which the **Participant and/or Passenger**, his/her heirs and assigns, his/her spouse, or legal representative (hereinafter referred to as "Participant") **hereby forever release, waive, and discharge** each of HOT AIR MARKETING LLC, Parks Aviation, Inc, Capitol Broadcasting Inc., Kenneth and Amanda Hoyle, their heirs and assigns, and each of their volunteers, employees, members, officers, partners, lenders, sponsors; event producers/production companies, businesses or brands displayed on the balloon and each of their volunteers, employees, members, officers, partners, lenders, sponsors (hereinafter referred to collectively as "EVENT & ORGANIZERS") from all liability to Participant, his/her heirs and assigns, for any and all loss or damage, and any claims or damages resulting therefrom, on account of injury to Participant's person or property, even injury resulting in death, whether caused by the active or passive negligence of EVENT & ORGANIZERS or otherwise, while Participant is participating in the hot air balloon flight, launch, landing, setup or takedown, and transportation to or from any said activity.

Participant acknowledges and understands that hot air ballooning is a hazardous activity involving risks including, but not limited to, **THE RISK OF SERIOUS INJURY OR DEATH**, loss or damage to personal property or legal actions and **Participant voluntarily assumes full responsibility for these and all other risks**. This release extends to all claims of every nature and kind whatsoever, known and unknown arising out of this activity. Participant acknowledge that the pilot-in-command is solely responsible for the safe operation of the aircraft and the final decision to fly or not fly is left solely and exclusively to the pilot-in-command.

Participant agrees to indemnify, defend and hold harmless EVENT & ORGANIZERS from any and all actions, causes of actions, claims, judgments, loss, liability, damage or cost (including attorney's fees) it may incur due to Participant's involvement in this activity.

Participant expressly agrees that this **Release of Liability and Assumption of Risk and this Indemnity Agreement** is intended to be as broad and inclusive as permitted by law and that if any portion thereof is held invalid, same shall not affect any other provision hereof, all of which other provisions shall remain in full force and effect. This agreement shall be governed by the laws of the State of North Carolina.

Participant certifies that I am eighteen (18) years of age or older and that I have no medical or mental condition that prevents me from participating in any part of this activity. I have carefully read this **Release of Liability & Assumption of Risk and this Indemnity Agreement and I fully understand it**.

**This release is provided additionally where applicable on behalf of a minor:** I hereby additionally certify that I am the parent or guardian of the child named herein. The child is under the age of eighteen years, to whom this release applies and that I have the legal authority to execute this release. I approve the foregoing and agree that I/we both shall be bound thereby.

**This the \_\_\_\_\_ day of \_\_\_\_\_, 2015.**

PARTICIPANT'S PRINTED NAME: \_\_\_\_\_ AGE: \_\_\_\_\_

PARTICIPANT'S SIGNATURE: \_\_\_\_\_ (SEAL) DATE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PARENT/GUARDIAN NAME (if passenger under 18) \_\_\_\_\_

PARENT/GUARDIAN SIGNATURE: \_\_\_\_\_

AUTHORIZED EMERGENCY CONTACT NAME: \_\_\_\_\_

RELATIONSHIP TO PASSENGER: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

## **PASSENGER/PARTICIPANT & BALLOON CREW SAFETY INFORMATION**

**IMPORTANT:** The following is general safety information about hot air balloon operations. Ask your pilot to brief you on specific safety features and procedures for the aircraft for your flight.

**CLOTHING:** Only flat-soled shoes may be worn. Work boots are preferred, as the landing field is often rough uneven ground where walking may be difficult. Long sleeves and long pants are highly recommended to protect from insects and weeds at the landing. Cotton or other non-synthetic clothing is recommended. Hair spray is not recommended, as it is very volatile, and in a hot air balloon there is a constant source of flame overhead. If hair spray is used, the head should be covered with a cap or helmet.

Balloons often land in unused fields, which may be home for weeds, poison ivy, many insects and small animals. If you are allergic to any plants or animals you should consider making your flight during the winter months, or in an area where flora and fauna won't trouble you.

**PRE-FLIGHT BRIEFING:** Your pilot should show you the control lines for venting and deflating the balloon. If not, ASK about them. Please do not pull these lines unless requested by the pilot. Please do not turn any handles on tanks, the burner, or instruments unless requested by the pilot.

**IN FLIGHT:** Do not lean out of the balloon basket. Do not touch controls (ropes and valves) unless requested by the pilot.

**SMOKING:** No smoking is permitted around the balloon or during the flight. Not only is there a risk of fire or explosion around LP gas, there is a risk of damage to the equipment and balloon fabric.

**ALCOHOLIC BEVERAGES:** Alcoholic beverages are not permitted during the flight. Please be sober for the flight and related activities. If you arrive for launch activities as a passenger or crew and appear intoxicated (as determined by the pilot), you will not be able to participate.

**LANDINGS:** The pilot will brief the passengers on the proper places to hold on for landings, what direction to face and how to flex the knees to absorb shock. Passenger(s) should pay close attention to this briefing, and make a practice "hold on" position before takeoff. **DO NOT hold on to any fuel hoses, ropes or burner frame.** Hold on tightly – even during calm landings – to prevent possible injury. Nearly all landings cause a bounce or jolt, which can cause the pilot and passengers to be off balance.

**DO NOT ALLOW ANY PART OF THE BODY TO EXTEND OUTSIDE OF THE BASKET DURING LANDINGS.**

**BASKET TIPPING OVER:** A normal landing in breezy conditions will often tip the basket onto the side and the envelope will pull the basket some distance across the ground either tilted or on its side. **Passengers should be aware that there is a great likelihood of this occurring, and you should not make the flight if you are not able to sustain a fall without probable injury.**

*Passenger Initials:* \_\_\_\_\_

**GENERAL HEALTH: Any previous injury to or weakness in the back, legs or arms should be mentioned to your pilot. *PREGNANT WOMEN SHOULD NOT FLY IN A HOT AIR BALLOON.***

**EMERGENCY PROCEDURES:** Complete Emergency Procedures for the balloon are located in the Aircraft Flight Manual on board the balloon. If you wish, you may read this manual. There are radios on-board, which communicate with our ground crew and other aircraft and may be used in the event of an emergency. You will need to state there is an emergency and the nature of the emergency clearly to those who respond.

**The single most serious emergency, which could occur, is for the pilot to become incapacitated during the flight or on a landing. Ask your pilot to explain how the balloon responds to the burner and deflation line before the flight commences.**

**DEFLATION LINE:** Hot air balloons come equipped with a deflation port at the top of the envelope operated by a deflation line (often a red) connected to the basket. **Do not pull the deflation line.** The deflation line will dump large quantities of hot air rapidly when it is pulled hand-over-hand 6 or 7 times.

However, in the unlikely event that the pilot for any reason becomes incapacitated during the flight or landing when the basket is within about 20 feet of the ground, pull the deflation line as hard and as quickly as possible. Even in the unlikely event the pilot becomes incapacitated, **DO NOT PULL THE DEFLATION LINE ABOVE 20 FEET OFF THE GROUND.** The balloon is designed to remain open in order to slow the descent of the aircraft.

**AFTER THE LANDING:** The burner remains hot after the landing. Do not touch.

**DO NOT EXIT FROM THE BASKET UNTIL TOLD TO DO SO BY THE PILOT.** When a person's weight is removed from the basket, the balloon may be light enough to rise again without adding more heat. Your premature exit from the balloon may cause the balloon to return airborne when the pilot is not prepared to continue the flight.

The field is often rough at landings. Do not walk away from the balloon unless equipped with the proper shoes.

There may be cattle or other livestock in the field. The balloon may excite the cattle. For security, remain with the balloon until the crew arrives.

The information hereinabove is provided to make your flight more enjoyable and secure. If you have any questions, ask your pilot before the flight.

*Passenger Initials:* \_\_\_\_\_

**PASSENGER WARNING:**

**The hot air balloon in which you will fly cannot protect passengers from injury or death if any part of the balloon or basket is in contact with power lines. Warn your pilot if power lines are in the vicinity of the balloon. Hot air ballooning can be a hazardous activity for persons riding in the balloon and hard landings may result in injuries to occupants of the balloon.**

Normal takeoff and landing procedures and emergency procedures are explained in the Aircraft Flight Manual, which is on board the aircraft.

I, the undersigned, certify to the EVENT & ORGANIZERS, that I am in good health and do not have **any condition** which may prove dangerous during balloon operations.

I, the undersigned, have read the above information about the sport of ballooning and recognize there is a risk of injury in making a balloon flight. I assume full responsibility for my own safety, and hold the pilot of the balloon, and the owner of the balloon, and the manufacturer of the balloon harmless in the event I am injured as a result of making a balloon flight.

**I have fully read and understand this document.** I acknowledge that I have been briefed by the EVENT & ORGANIZERS regarding the information contained herein and the safety concerns of this flight.

PARTICIPANT'S SIGNATURE: \_\_\_\_\_(SEAL)      DATE: \_\_\_\_\_

PARTICIPANT'S PRINTED NAME: \_\_\_\_\_

DAYTIME TELEPHONE NUMBER (*include area code*): \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

PARENT/GUARDIAN:  
(if under 18)

PARENT/GUARDIAN  
SIGNATURE:

In case of personal or medical emergency, who may we contact on your behalf?

Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Relationship to you: \_\_\_\_\_