

City of Fresno Shared Mobility Device Release and Waiver of Liability for User

FOR AND IN CONSIDERATION OF RENTAL AND USE OF THE SHARED MOBILITY DEVICE AND TO THE FULLEST EXTENT PERMITTED BY LAW, RIDER, FOR HIMSELF OR HERSELF AND ON BEHALF OF RIDER'S HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOREVER RELEASES AND RELINQUISHES AND DISCHARGES (i) CITY AND CITY'S OFFICERS, OFFICIALS, EMPLOYEES, AGENTS AND VOLUNTEERS FROM ANY AND ALL CLAIMS, DEMANDS, DISPUTES, LOSSES, LIABILITIES, DEBTS, LIENS, CHARGES, PENALTIES, PROCEEDINGS, CAUSES OF ACTION AND DAMAGES INCLUDING BUT NOT LIMITED TO, FOR PERSONAL INJURY, WRONGFUL DEATH, PROPERTY DAMAGE, AND INJURY TO RIDER OR TO THIRD PARTIES (COLLECTIVELY, "CLAIMS"), INCLUDING UNKNOWN OR UNANTICIPATED CLAIMS, WHICH ARISE FROM OR ARE RELATED DIRECTLY OR INDIRECTLY TO: (A) THE MAINTENANCE, DESIGN, USE AND/OR OPERATION OF THE SHARED MOBILITY DEVICE; (B) ANY RISK, DANGER OR HAZARD DESCRIBED IN THIS RELEASE; (C) RIDER'S USE OF, OR INABILITY TO USE, ANY OF THE SHARED MOBILITY DEVICE EQUIPMENT; (D) RIDER'S BREACH OF THIS AGREEMENT OR RIDER'S VIOLATION OF ANY LAW; (E) ANY NEGLIGENCE, MISCONDUCT, OR OTHER ACTION OR INACTION BY RIDER OR A THIRD PARTY; OR (F) RIDER'S FAILURE TO WEAR PROTECTIVE GEAR SUCH AS A HELMET WHILE UTILIZING THE OPERATOR'S EQUIPMENT.

TO THE FULLEST EXTENT PERMITTED BY LAW, THIS RELEASE AND HOLD HARMLESS AGREEMENT INCLUDES ANY AND ALL CLAIMS RELATED TO OR ARISING FROM THE SOLE OR PARTIAL NEGLIGENCE OF CITY OR ANY OTHER PARTY. RIDER HEREBY EXPRESSLY WAIVES ANY CLAIMS AGAINST THE CITY WHICH RIDER DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF RENTING A SHARED MOBILITY DEVICE, AND EXPRESSLY WAIVES RIDER'S RIGHTS UNDER ANY STATUTES THAT PURPORT TO PRESERVE RIDER'S UNKNOWN CLAIMS.

RIDER UNDERSTANDS THAT USING ANY SHARED MOBILITY DEVICE INVOLVES RISK TO THE RIDER AND OTHERS INCLUDING DAMAGES, BODILY INJURY, PARTIAL OR TOTAL DISABILITY, PARALYSIS AND DEATH TO RIDER OR OTHERS, AND THAT RIDER HAS FULL KNOWLEDGE OF SAID RISKS AND DANGERS, INCLUDING SUCH RISKS, DAMAGES AND INJURIES THAT MAY ARISE FROM THE NEGLIGENCE OF OTHERS OR AS A RESULT OF ROADWAY CONDITIONS. CITY DOES NOT REPRESENT OR WARRANT THAT ANY OF THE SHARED MOBILITY DEVICES, OPERATOR EQUIPMENT OR RELATED INFORMATION WILL BE IN GOOD REPAIR OR ERROR-FREE, AND DELAYS, OMISSIONS, INTERRUPTIONS, OR INACCURACIES COULD EXIST WITH RESPECT TO ANY OF THE OPERATOR'S EQUIPMENT OR RELATED INFORMATION. RIDER ASSUMES FULL RESPONSIBILITY AND RISK OF LOSS FOR USING ANY OF SHARED MOBILITY DEVICE AND THE CITY IS NOT LIABLE FOR ANY CLAIM ATTRIBUTABLE TO ANY OF THE FOREGOING.