

# DISCLAIMER, WAIVER AND RELEASE

*BMW HP Parts / alphaRacing Parts / alphaPerformance Parts / ECU Tuning / Racing Parts / and other Related Parts*

\_\_\_\_\_ I have been informed and understand that the BMW HP Race Parts / alphaRacing / alphaPerformance USA / ECU Tuning / Racing Parts / and any other related parts I am purchasing are not approved for street use, may make my motorcycle non-street legal, and may invalidate the original manufacturer's warranty, if any, on my motorcycle. I represent and warrant to alpha Racing GmbH & Co. KG and their authorized distributor alphaPerformance USA LLC that I will not use the motorcycle equipped with these parts on any public street, road or highway, regardless of location and further that the motorcycle equipped with these parts will only be used lawfully on racing/off-road track when authorized to do so.

\_\_\_\_\_ I have been informed and understand that the BMW HP Race Parts / alphaRacing / alphaPerformance / ECU Tuning / Racing Parts / and any other related parts I have purchased and/or installed on my motorcycle are Non-Returnable once removed from their original packaging, and have no warranty whatsoever. I further understand that the installation of such parts on my motorcycle may invalidate the original manufacturer's warranty, if any that might otherwise cover my motorcycle.

\_\_\_\_\_ By activating the Unlock Code for the HP Race Kit engine control unit, the motorcycle is regarded as a high-performance product with a short service life due to its use in motorcycle racing. In regards to this condition, the motorcycle no longer meets the service life requirements expected from a motorcycle approved for public road use. The activation of the function for this control unit cannot be reversed. The control unit will be permanently programmed as a constituent part of the HP Race Kit ECU and linked to your motorcycle's VIN (Vehicle Identification Number).

\_\_\_\_\_ By activating or installing BMW HP Race Parts / alpha Racing / alphaPerformance / ECU Tuning / off-road parts / and other related parts, the motorcycle is regarded as a high-performance product with a short service life due to its use in motorcycle racing. In regards to this condition, the motorcycle no longer meets the service life requirements expected from a motorcycle approved for public road use. The warranty therefore limited to freedom from defects in materials supplied and to the motorcycles and/or parts condition at the time of delivery after being newly supplied from the factory. The activation or installation of these parts may in some cases not be reversed and may become a permanent constituent part of the motorcycle.

\_\_\_\_\_ I recognized and understand that racing, and the operation of a non-street legal motorcycle, is an inherently dangerous activity with a risk of loss of the motorcycle and injury, including loss of life, to myself and others. I understand that these risks include, but are not limited to, road surface conditions, debris on the road or track, other vehicles, and pedestrians.

\_\_\_\_\_ I HEREBY RELEASE, WAVE AND DISCHARGE ANY RIGHT I HAVE TO SUE ALPHA RACING GMBH & CO. KG, ALPHAPERFORMANCE USA LLC, BMW MOTORRAD USA, BMW AG, BMW MOTORSPORT GMBH, BMW (US) HOLDING CORP., BMW OF NORTH AMERICA, LLC AND EACH OF THEM INCLUDING, BUT NOT LIMITED TO THEIR RESPECTIVE DIRECTORS, OFFICERS, AGENTS, EMPLOYEES, PREDECESSORS, SUCCESSORS, PARENTS, SUBSIDIARIES AND AFFILIATED ENTITIES, PARTNERS, DEALERS/CENTERS, ATTORNEYS, SUCCESSORS AND ASSIGNS, PAST AND PRESENT, FROM ANY AND ALL LIABILITY, INCLUDING, WITHOUT LIMITATION, CLAIMS FOR PERSONAL INJURY AND/OR DEATH, EMOTIONAL DISTRESS, LOSS OF USE OF THE MOTORCYCLE, PROPERTY DAMAGE, MISRPRESENTATION, NEGLIGENCE, FRAUD, ATTORNEY FEES, COSTS AND EXPENSES AND ANY OTHER CLAIM THAT MAY ARISE HEREIN, WHETHER KNOWN OR UNKNOWN, SUSPECTED OR UNSUSPECTED WHICH THE UNDERSIGNED NOW OWNS OR HOLDS OR AT ANY TIME HERETOFORE HAS OWNED OR HELD.

I have read the above Disclaimer, Waiver and Release and I understand it and agree to all its terms and conditions. **I initialed each of the paragraphs above.**

Signature of Purchaser: \_\_\_\_\_

Name of Purchaser (Print): \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Make / Model of motorcycle for which BMW HP Race Parts / alpha Racing / alphaPerformance / ECU Tuning / Racing Parts / and any other related parts will be used: \_\_\_\_\_

17 digits VIN of Motorcycle for which racing parts will be used:

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Bill of sale or receipt attached (must show all parts  purchased)