

AGREEMENT

THE TERMS OF THIS AGREEMENT ARE IMPORTANT AND BINDING ON ALL CUSTOMERS THAT PURCHASE ARTICLES PYROTECHNIC FROM NORTH CENTRAL INDUSTRIES, INC. THESE TERMS ARE INCORPORATED INTO ALL SALES OF PROFESSIONAL ARTICLES PYROTECHNIC.

PURCHASE: You, as the customer are purchasing articles pyrotechnic for professional use only. THESE ITEMS MAY NOT BE RESOLD TO ANY PERSON, FIRM OR ENTITY TO BE USED IN ANY MANNER OTHER THAN AS ARTICLES PYROTECHNIC. THESE ITEMS ARE FOR PROFESSIONALS AND NOT CONSUMERS OR THE GENERAL PUBLIC. BY PURCHASING THESE ITEMS, YOU, THE CUSTOMER, IDENTIFY YOURSELF AS BEING A PROFESSIONAL PYROTECHNICIAN AND AGREE THAT THESE ITEMS WILL BE FOR PROFESSIOAL USE ONLY.

Restrictions on *Professional Use Only* Items:

Professional Use Only items require compliance with various laws and regulations as well as special training and equipment (beyond that of Consumer Fireworks UN0336) to purchase, possess, store, setup and use. North Central Industries, Inc. must receive proof of training or competency in addition to a signed copy of the authorization form below before your account can be authorized to purchase these items.

USDOT - All items are classified as *Articles Pyrotechnic* UN0431 (1.4G) or UN0432 (1.4S) by the U.S. Department of Transportation (49 CFR 172.101). Regulations apply when transporting in commerce. Placards required & made available when picking up more than 1000lb gross weight 1.4g items.

ATF - Importation, storage, use, and distribution of *Articles Pyrotechnic* (UN0431 & UN0432) is generally exempt from federal ATF explosives laws and regulations. You do not need an ATF license to purchase.

State/Local - State and local laws or regulations may apply to the possession, storage, and use of these items. It is the responsibility of the buyer to be aware of and adhere to all laws and regulations of the destination.

All buyers should obtain and be familiar with NFPA 1123: Code for Fireworks Display-This code has been adopted by most states and is available from NFPA at www.nfpa.org or by calling 1-800-344-3555.

The American Pyrotechnic Association Display Operator Certification is recommended as additional training & accepted by us as proof of training. Information about the APA DOC can be found at www.americanpyro.com/apa-training

North Central Industries, Inc. reserves the right to withhold sales of *Professional Use Only* to any individuals for any reason.

Professional Use Only Authorization

Please return a signed a signed copy of this form along with a proof of training or competency to your sales rep. Both documents must be on file before we can authorize your account to purchase *Pro Use Only* Items.

Examples of acceptable proof of training or competency include:

- State issued Fireworks Display Operators License –e.g., public display license, shooter’s license
- Training certificate from training program accredited by State of Use or fireworks industry trade association
- APA training certificate
- PGI training certificate
- Fireworks Operator Training certificate from APA member company
- Permit to shoot from state or local fire Authority Having Jurisdiction (AHJ)

INDEMNIFICATION AND HOLD HARMELSS: BUYER AGREES TO HOLD SELLER HARMLESS AND INDEMNIFY AND DEFEND SELLER FROM ALL CLAIMS, LIABILITY, SUITS, AND OTHER COSTS ARISING FROM THE PURCHASE, POSSESSION, TRANSPORTATION, STORAGE, OR USE OF THE PROFESSIONAL USE ONLY PRODUCTS. BUYER FURTHER AGREES THAT IT IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS AND THAT NORTH CENTRAL INDUSTRIES, INC. DOES NOT ASSUME ANY RESPONSIBILITY FOR ANY INJURIES, DAMAGES RESULTING FROM THE USE OR RESALE OF THE PROFESSIONAL PYROTECHNICS.

All "Professional Use Only" (Articles Pyrotechnic UN0431) items are sold and shipped upon the presentation by the buyer that the product will be purchased, possessed, transported, stored, and used strictly in accordance with federal laws and regulations; the laws and regulations of the state of destination; local and regional laws, permits, and ordinances. It is the buyers' responsibility to be aware of applicable laws of the destination and to follow them. Buyer represents and warrants to **(Seller)** that he/she is authorized under the laws of the destination to purchase, possess, transport, store, and use Articles Pyrotechnic (UN0431 & UN0432). All products are sold upon the condition that the **Seller** shall not be responsible for any accident, claim, injury, civil action, any arrest during the possession, transportation, handling, storage, or use of said product. The buyer represents that he/she is aware of the dangers of fireworks and willing to assume full responsibility for the use of them. The Buyer specifically agrees that he/she will not hold the **Seller** liable for any claims that may arise from the possession, use, storage, or transportation, of the product purchased herein. **Furthermore, the buyer agrees that he/she/it will not sell or make any "Professional Use Only" items available for any type of resale.**

(Buyer) First Name _____ Last Name _____

Company Name _____

Signature: _____ Date: _____

Title: _____