

Requirements for U.S. Masters Swimming Liability Release

The USMS Participant Waiver and Release, Assumption of Risk and Indemnity Agreement (“Liability Release”) is critical for informing participants and prospective participants about the risks they are undertaking and for providing a defense to USMS in claims and litigation. It is important that all membership applicants and all participants in USMS sanctioned events sign the Liability Release.

USMS Rules require that all membership application forms (including one-event registrations) and all entry forms for sanctioned events must contain the language of the Liability Release as stated in USMS policy. These forms must use the exact language of the Liability Release, which can be found in USMS policies and this link: <http://www.usms.org/admin/lmschb/waiver.docx>

General Requirements

The Liability Release is already built into the USMS on-line membership registration system, which is used by 97% of USMS registrants. When LMSC registrars prepare forms for the few members who complete membership registration by paper and when event directors create event registration forms, they must comply with the following requirements for incorporating the Liability Release:

- The USMS Liability Release must be *exactly* the same as it appears in USMS policy, including the words, punctuation, capitalizations, bold-face type and paragraph breaks.
- To ensure that the Liability Release is conspicuous to those who must sign it, the print must be 10-point size or larger. No fine print!
- The USMS Liability Release should not be combined with other parts of a membership application or event registration form. It should be set apart as a separate component of the form. It should not be combined with other things to be signed, such as photo or media releases, credit card approvals, or agreements to abide by rules.
- Signed Liability Releases, both paper and electronic, must be stored in a manner that allows them to be located and retrieved. They must be retained for a period that is at least as long as your state’s statute of limitations for personal injury claims.

Again, remember the requirements for the USMS Liability Release –

Use the exact language and format of the USMS Liability Release

Separate the release from other parts of the membership registration or event entry form

Make the print large enough – 10-point size or larger

Save the signed Liability Release so it can be retrieved

On-Line Event Forms

When using electronic or on-line event registration, the general requirements for the USMS Liability Release set forth above must be followed. In addition:

- The registration system must be designed so that it is impossible for a participant to register if he or she has not signed the Liability Release electronically by clicking an agreement check box or typing his or her initials in an indicated space.
- It is preferred that the entire Liability Release be viewable as a whole on one screen. If this is not possible, the scrolling or toggling system used to view the Liability Release must present the Liability

Release in such a fashion as to make it possible for the prospective participant to read it in coherent pieces (e.g. an entire paragraph).

- Just as with paper forms, electronically signed Liability Releases must be saved and stored in a manner that allows them to be located and retrieved if needed and must be retained for a sufficient period of time.

By ensuring that these requirements are met, LMSC Registrars, event directors, and LMSC Sanctions Chairs will help keep participants informed while protecting USMS so it can continue to promote health, wellness, fitness and competition to adults through swimming.