

# Express Limited Warranties for Leading Technology Composites NIJ-0101.06 Ballistic Plates; Disclaimer of Other Warranties; Limitation of Remedies; Warnings

## Express Warranties:

Leading Technology Composites warrants that its "NIJ-06" ballistic plate product complies with the National Institute of Justice's ("NIJ") Ballistic Resistance of Body Armor, NIJ Standard 0101.06 (July 2008), for the applicable NIJ threat level designated on each plate's label (when properly used as part of a system complying with that standard, (as may or may not be required).

For a period of sixty (60) months after the date of issue, (as indicated on the affixed product label), Leading Technology Composites warrants that the ballistic plates shall be free from defects in material and workmanship, as exclusively determined in accordance with the NIJ-06 ballistic performance levels and testing protocols defined below in "**Ballistic Performance Specifications**".

Ballistic plates shall in no event be worn or used after the expiration of this sixty (60) month warranty period, which is their maximum useful life. Other events and conditions may also shorten their useful life, and result in serious injury or death. The user must understand and follow all Product Warnings. The foregoing express warranty shall in all events be void as to any ballistic plate that has been subjected to misuse, abuse, accident, neglect, unauthorized alteration, breakage, interruption, damage, improper storage or handling, or unauthorized repair or service.

Ballistic plates shall always be used in accordance with Leading Technology Composites' current warnings, instructions, and safety guidelines, which may be found at [www.ltc-ltc.com/safety](http://www.ltc-ltc.com/safety).

## Disclaimer of Any Other Express Warranties and Implied Warranties:

The above warranties are the sole and exclusive warranties made by Leading Technology Composites with respect to its ballistic plates. They shall not be enlarged by any representations, descriptions, course of dealing, trade usage, technical advice, service, samples, models, or otherwise, nor shall they be altered or expanded by any acts, statements, or

agreements of any dealer, employee, or agent of Leading Technology Composites (other than in writing by a duly authorized officer of Leading Technology Composites).

LEADING TECHNOLOGY COMPOSITES MAKES NO OTHER WARRANTIES (EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE) INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY.

**Limited Remedies:** Buyer shall immediately cease all use of any ballistic plate upon discovery of any defect, and shall within 10 days after any defect is discovered, return the ballistic plate (at buyer's expense) to Leading Technology Composites' factory. All returns must include (1) proof of purchase and issuance, and (2) documentation specifying the claimed defect and all relevant supporting information. A Return Authorization Number (RA#) must be obtained from Leading Technology Composites prior to returning the product. To obtain an RA#, call 316.944.0011.

In the event that Leading Technology Composites determines that a ballistic plate is defective during the applicable warranty period in accordance with the "**Ballistic Performance Specifications**" set forth below, Leading Technology Composites agrees to (at its election, and as the sole and exclusive remedy for breach of any warranty) either replace, repair, or issue a pro-rated purchase price credit for the returned ballistic plate.

IN NO EVENT SHALL LEADING TECHNOLOGY COMPOSITES BE LIABLE FOR ANY PUNITIVE, EXEMPLARY, OR CONSEQUENTIAL DAMAGES, ANTICIPATED OR LOST PROFITS, INCIDENTAL DAMAGES, LOSS OF TIME, OR OTHER INDIRECT LOSSES OR EXPENSES THAT ARISE FROM ANY CAUSE RELATING TO ITS BALLISTIC PLATES, REGARDLESS OF THE FORM OF THE ACTION, WHETHER IN TORT (INCLUDING NEGLIGENCE), CONTRACT, STRICT LIABILITY OR OTHERWISE, AND REGARDLESS OF WHETHER THE COMPANY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH CONSEQUENTIAL DAMAGES. NOTWITHSTANDING ANY CONTRARY PROVISION, IN NO EVENT SHALL THE TOTAL LIABILITY OF LEADING TECHNOLOGY COMPOSITES (TOGETHER WITH THE LIABILITY OF ITS OFFICERS, DIRECTORS, EMPLOYEES, AND AGENTS) EXCEED THE PURCHASE PRICE ACTUALLY PAID FOR THE VEST THAT GIVES RISE TO SUCH LIABILITY.

**State Laws:** The laws of some states do not permit certain limitations on warranties or remedies. In the event such a law applies, the foregoing limitations are amended insofar, and only insofar, as required by said law.

## Ballistic Performance Specifications

**NEW BODY ARMOR SYSTEMS:** Each body armor system sold in connection herewith has been determined by Leading Technology Composites to meet the National Institute of Justice's ("NIJ") Ballistic Resistance of Body Armor, NIJ Standard-0101.06 (July 2008), for the applicable NIJ threat level designated on each plate's label. This certification by the Company is only valid as of the time of sale and is not applicable to any used body armor system.

**USED BODY ARMOR SYSTEMS:** In order to confirm and/or measure the ballistic performance of used body armor systems, Leading Technology Composites may, at its discretion, conduct the following testing with respect to returned used body armor system(s) sold in connection herewith:

1. The Company uses a destructive  $V_{50}$  testing procedure to evaluate used body armor system performance. This  $V_{50}$  testing is conducted in accordance with MIL-STD-662 using NIJ 0101.06 velocities found in Table 4 for the NIJ threat level designated on the body armor system label. A  $V_{50}$  result that is less than the highest NIJ reference velocity for the specified NIJ threat level + 20 fps may be considered by Leading Technology Composites to be an unsatisfactory initial test result.
2. In the unlikely event of an unsatisfactory initial test result Leading Technology Composites will conduct a review of all test data and perform the same test procedure on up to four (4) additional used body armor systems that (i) are of similar age and wear characteristics as the first used body armor system that was tested, and (ii) were manufactured from the same lot of ballistic material as the first used body armor system that was tested. If any test results of these additional four (4) samples also are unsatisfactory, then Leading Technology Composites will either replace, repair, or issue a pro-rated purchase price credit for a returned ballistic plate manufactured using the same lot of ballistic material in accordance with the **Limited Remedies** section above.

Notwithstanding any contrary provision or representation, compliance with these Ballistic Performance Specifications for any used body armor system shall be determined exclusively by Leading Technology Composites. Any ballistic performance or other tests performed by a buyer, user, government agency, laboratory, or any other party not expressly authorized by Leading Technology Composites shall not be valid in any manner whatsoever for purposes of this warranty.

These Ballistic Performance Specifications are limited to only those threats specifically identified in the NIJ 0101.06 for the threat level designated on the ballistic plate label, and do not include any special or other threats.

## Warnings:

**WARNING:** Failure to follow all warnings and instructions can result in serious personal injury or death.

**WARNING: CHOOSE THE CORRECT PROTECTION!** Serious injury or death can otherwise occur!

**WARNING:** Law enforcement and military activities are inherently hazardous and unavoidably dangerous activities. This ballistic plate will NOT provide protection from all threats potentially faced in the line of duty. A ballistic plate is intended merely as a last resort measure to reduce these risks as a result of exposure to the threat described in the Threat Level and Standard, after all other actions and methods to preserve your safety have failed. Always carefully select the proper protection and utilize other actions and methods to protect your safety.

**WARNING:** Make certain the ballistic plate is positioned in the vest carrier so that the “WEAR FACE” is toward the body. Inserting the ballistic plate improperly will render it ineffective and expose the user to increased risk of serious injury or death.

**WARNING:** For maximum protection, this ballistic plate, along with any vest, carrier or jacket, must fit properly. Choose the correct size. Use only a vest, carrier or jacket provided for the ballistic plates by the manufacturer. Carefully inspect prior to each use. Replace damaged or worn ballistic plates, vests, carriers and jackets immediately.

**WARNING:** This ballistic plate does not protect against sharp-edged or pointed objects.

**WARNING:** This ballistic plate is designed to lessen, but not eliminate, the risk of injury or death ONLY from those threats described for the specific “Threat Level” indicated on the Certification Label as described in NIJ Standard 0101.06 (as in effect on the “Date of Manufacture” shown on the Certification Label). Each user should read and fully understand that Threat Level and Standard and the limitations on the protection afforded.

**WARNING:** This ballistic plate does not provide protection against bursting munition threats such as IED’s, mines, hand grenades or mortar fire. Serious injury or death can occur. Always carefully select the proper protection.

**WARNING:** This ballistic plate is NOT a “BULLET PROOF VEST” even for those specific projectiles included within the specified threat level. This ballistic plate provides limited protection to the areas of the body covered by the ballistic panel. Stopping such projectiles will nearly always result in some degree of injury such as severe bruising, broken bones, bleeding, internal injury, or even death. In addition, at some angles projectiles can ricochet or deflect off of this ballistic plate causing serious injury or death to the wearer or bystanders.

**WARNING:** This ballistic plate provides no protection to areas of the body that the ballistic plate does not cover.

**WARNING:** Do not intentionally get shot with any bullet or other projectile while wearing this device. **INTENTIONAL CONTACT WITH A BULLET OR OTHER PROJECTILE ALWAYS CARRIES THE RISK OF SERIOUS INJURY OR DEATH.**

**WARNING:** Do not store ballistic plate (or any carrier, vest or jacket into which the plate has been inserted) in a vehicle, including the trunk, or expose it to excess heat or cold. Do not expose the ballistic plate to direct sunlight. Improper storage or exposure to adverse conditions can reduce the protection properties and expose the user to increased risks.

**WARNING:** Do not use this ballistic plate if it (1) has been struck (by a bullet, projectile, or otherwise), hit or dropped, or (2) is chipped, cracked, delaminated or separated, or (3) shows any other physical change. Any of the foregoing may either cause the ballistic plate to be ineffective or indicate that it has become ineffective, exposing the user to increased risk of serious injury or death.

**WARNING:** Do not soak, submerge, wash, spray, or dry-clean the ballistic plate. Do not expose the ballistic plate to detergent, bleach, or cleaning solvents. Do not iron the ballistic plate (or vest, carrier or jacket with plate inserted). Doing any of the foregoing may cause the ballistic plate to be ineffective, exposing the user to increased risk of serious injury or death.

**WARNING:** Do not remove or obscure the Certification Label or these Warnings. Each provides important information for the user, the absence of which could cause increased risk of serious injury or death.