Nye Manufacturing Ltd.
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Est. 1952 75 YEARS

Custom Attachments for Heavy Equipment, Welding Repairs and Alterations

Nye Manufacturing Ltd.
Liability Terms and Conditions of Sale

Acceptance of terms - By purchasing and/or accepting delivery of any product supplied by Nye Manufacturing Ltd. (Nye) the purchaser/owner indicates total agreement with and full, unreserved acceptance of the Nye Manufacturing Ltd. Liability Terms and Conditions of Sale. These terms and conditions must be accepted prior to any use of the product. Terms or conditions contained in any other form which are inconsistent with, or in addition to, these Terms and Conditions are rejected and shall be deemed void and of no force or effect.

Understanding the product - All new Nye products, repairs and modifications to existing equipment including arm and boom alterations, are custom / non-consumer products designed and manufactured to the customer's specifications. Many Nye products alter the weight and balance and could apply an increased tipping moment and other unusual forces to the base machine. Operator skill, techniques and other factors including jobsite conditions and properties of the material being processed may affect the nature and magnitude of these forces. Unusual moments and forces could cause adverse effects, and in some cases could result in damage to the product and/or the base machine's mechanical or hydraulic systems including catastrophic failure or machine upset, resulting in damage to property injury or death.

Owner's responsibility to test and approve - Nye does not engineer or test its products for safety or function or develop comprehensive operating procedures or capacity ratings. Nye products are not engineered, certified, or approved for overhead lifting. Owner's manuals and warning labels are provided only as a guide, and their use must be approved by the owner. It is the owner's sole responsibility to develop operating procedures, lifting charts, capacity ratings and any engineering approvals as may be required to ensure safety and compliance with O.H.S.A. and/or any other regulatory bodies prior to commencing work. The owner bears all responsibility for conducting engineering, testing, and other work necessary to identify and correct any hazards prior to using the product and to warn employees, bystanders, and auxiliary personnel of any risks. Prior to use, the owner shall assume sole responsibility and risk for testing the product and determining its capacity, fitness and suitability for the intended application. The owner shall determine the appropriate and safe method of use of the product and must evaluate and determine the need for extra counterweights, modifications and/or corrections that may be required. Neither the seller nor the manufacturer shall be liable for any injury, loss or damage, direct or consequential, arising out of the testing, use, misuse or inability to use any Nye product.

Remedy if not approved - Any owner who does not approve of or otherwise determines a new Nye product to be un-fit, not as advertised, not per their specifications or otherwise unsuitable shall immediately contact our office for resolution / rectification, exchange, or refund at Nye's sole discretion.

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